



Ministry
of Justice

Private Law Pathfinder Pilot

Process Evaluation and Exploratory Financial Analysis

**Dr Charlotte Barlow, Dr Helen Richardson Foster,
Dr Clare Scollay, Professor Christine Barter and
Professor Nicky Stanley**

Connect Centre, University of Central Lancashire

Agata Miskowiec and William Carruthers

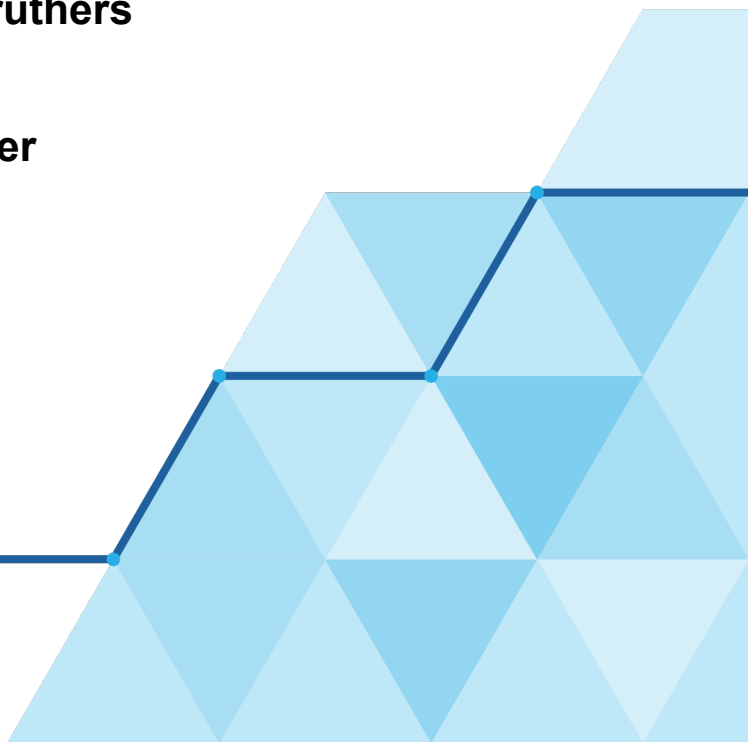
Mutual Ventures

With Vicki Morris and Sophie Carter

Centre for Justice Innovation

Ministry of Justice Analytical Series

2025



Data and Analysis exists to improve policy making, decision taking and practice by the Ministry of Justice. It does this by providing robust, timely and relevant data and advice drawn from research and analysis undertaken by the department's analysts and by the wider research community.

Disclaimer

The views expressed are those of the authors and are not necessarily shared by the Ministry of Justice (nor do they represent Government policy).

First published 2025



© Crown copyright 2025

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at researchsupport@justice.gov.uk

This publication is available for download at <http://www.justice.gov.uk/publications/research-and-analysis/moj>

ISBN 978 1 911691 63 1

Acknowledgements

The authors would like to extend their sincerest thanks to all participants who gave their valuable time amongst their busy schedules to speak with us as part of this project. We would also like to thank the Ministry of Justice for giving us the opportunity to lead on the evaluation of this important work. We would particularly like to extend our sincerest thanks to the family justice research team at the Ministry of Justice for their valued support throughout the evaluation as well as to external peer reviewers for their contributions. Note that the opinions expressed in this report are from the individuals working within the pilot and do not necessarily represent the organisation's views.

The authors

Dr Charlotte Barlow, Reader in Criminal Justice and Policing, University of Central Lancashire (UCLan)

Dr Helen Richardson Foster, Senior Research Fellow at the Connect Centre, UCLan

Dr Clare Scollay, Research Fellow at the Connect Centre, UCLan

Professor Christine Barter, Professor of Interpersonal Violence Prevention, UCLan

Professor Nicky Stanley, Professor of Social Work, UCLan

Agata Miskowiec, Principal Consultant at Mutual Ventures

William Carruthers, Associate at Mutual Ventures

Vicki Morris, Deputy Director of the Centre for Justice Innovation

Sophie Carter, Head of Family Justice Practice at the Centre for Justice Innovation

Contents

List of tables

List of figures

Glossary

1. Executive Summary	3
1.1 Research Context	3
1.2 Methodology	4
1.3 Key Findings	5
2. Background	11
2.1 Evaluation	13
3. Methods	15
3.1 Overview	15
3.2 Data Collection Sites: Pilot DFJ Courts and Comparator DFJ Courts	15
3.1 Objectives 1 and 2	16
3.2 Objective 3	18
4. Project Findings	22
4.1 Benefits of Pathfinder	22
4.2 Challenges of Pathfinder	32
4.3 Exploratory Financial Analysis	42
5. Summary and Insights for Rollout	48
5.1 Summary	48
5.2 Insights and Learning for Rollout	49
References	53
Appendix A	58
Process Models	58
Appendix B	74
Research Technical Annex	74
Appendix C	79
Methodological Note on Cost Modelling Approaches	79

List of tables

Table 1. Direct unit cost comparison between Pathfinder and CAP site in England (£)	43
Table 2. Direct unit cost comparison between Pathfinder and CAP site in Wales (£)	43
Table 3. Average direct cost per case broken down between different organisations in the family justice system for English comparator sites (£)	44
Table 4. Average direct cost per case broken down between different organisations in the family justice system for Welsh comparator sites (£)	44
Table 5. Total number of interviews and interviewees across all sites	76
Table 6. Overview of stakeholder engagement for the financial analysis (Objective 3)	80
Table 7. Overview of data sources used for the financial analysis (Objective 3)	80
Table 8. Average number of in scope cases per month per area	85
Table 9. Average number of hearings per case per area	86
Table 10. Comparison of average direct judicial costs for Pathfinder and CAP sites (England) (£)	86
Table 11. Comparison of average direct judicial costs for Pathfinder and CAP sites (Wales) (£)	87
Table 12. Average number of hearings and sitting days per case in each area	87
Table 13. Judiciary costs – detailed data	88
Table 14. Hearing types used in the Pathfinder and CAP models to support financial analysis	89
Table 15. Frequency of hearings, by hearing type (judicial time only) Pathfinder	89
Table 16. Presiding judge, by hearing type (judicial time only) Dorset	89
Table 17. Presiding judge, by hearing type (judicial time only) North Wales	90
Table 18. Frequency of hearings, by hearing type (judicial time only) CAP	91
Table 19. Presiding judge, by hearing type (judicial time only) CAP	91
Table 20. Comparison of average costs of cases for Cafcass for Pathfinder and CAP sites (England) (£)	92
Table 21. Comparison of average costs of cases for Cafcass Cymru for Pathfinder and CAP sites (Wales) (£)	92
Table 22. Cafcass/Cafcass Cymru resource requirements and costs for all areas	93
Table 23. Cafcass/ Cafcass Cymru activities considered	93

Table 24. Cafcass/Cafcass Cymru detailed activity analysis of report types (safeguarding letters, Section 7 reports and Child Impact Reports)	95
Table 25. Cafcass/Cafcass Cymru detailed activity analysis of report types (additional report types)	96
Table 26. Cafcass/Cafcass Cymru detailed activity analysis of hearing attendance	96
Table 27. Cafcass/Cafcass Cymru detailed activity analysis summary of FTE requirements and case allocations	97
Table 28. Comparison of average direct HMCTS costs for Pathfinder and CAP sites (England) (£)	98
Table 29. Comparison of average direct HMCTS costs for Pathfinder and CAP sites (Wales) (£)	98
Table 30. Comparison of FTE estimates for HMCTS administrative roles Pathfinder and CAP sites	99
Table 31. Comparison of FTE estimates for HMCTS legal adviser roles Pathfinder and CAP sites	100
Table 32. Comparison of average direct domestic abuse support organisations costs for Pathfinder and CAP sites (£)	101
Table 33. DA organisations resource requirements and costs – detailed assumptions	102
Table 34. Comparison of average direct local authorities costs for Pathfinder and CAP sites (England) (£)	103
Table 35. Comparison of average direct local authorities costs for Pathfinder and CAP sites (Wales) (£)	103
Table 36. Local authority resource requirements and costs – detailed assumptions for Pathfinder and CAP model	104
Table 37. Local authority resource requirements and costs – overview of time taken per event per case	105
Table 38. Sensitivity analysis based on the average number of hearings per case under CAP model in England	106
Table 39. Sensitivity analysis based on the average number of hearings per case under CAP model in Wales	106
Table 40. Sensitivity analysis based on Cafcass time taken to deliver CIR 1 under the Pathfinder model	108
Table 41. Sensitivity analysis based on Cafcass time taken to deliver Section 7 reports	108
Table 42. Sensitivity analysis based on Cafcass time taken to deliver Safeguarding Letters	109

Table 43. Sensitivity analysis based on Cafcass Cymru time taken to deliver CIR 1 under the Pathfinder model	109
Table 44. Sensitivity analysis based on Cafcass Cymru time taken to deliver Section 7 reports	110
Table 45. Sensitivity analysis based on Cafcass Cymru time taken to deliver Safeguarding Letters	110
Table 46. Examples of cases of differing complexity – case context	111
Table 47. Case complexity definition based on resource intensiveness of cases	112
Table 48. Distribution of case complexity types in average caseloads per DFJ area	114

List of figures

Figure 1. Application and Initial Gatekeeping	59
Figure 2. Safeguarding and First Hearing Dispute Resolution Appointment (FHDRA)	61
Figure 3. Case Management	63
Figure 4. Final decision	65
Figure 5. Application and initial gatekeeping	67
Figure 6. Information gathering and assessment	69
Figure 7. Interventions and decision hearing	71
Figure 8. Decision hearing and review	73
Figure 9. Chart comparing the average cost of a typical ‘more straightforward’ and a ‘more complex’ case by DFJ court area (£)	113

Glossary

Acronym/term	Definition
Cafcass	Children and Family Court Advisory and Support Service
Cafcass Cymru	Provides the same service as Cafcass in relation to children who live in Wales.
CAP	Child Arrangements Programme
CIR	Child Impact Report
Contribution analysis	A methodology used to identify the contribution an intervention has made to a change or set of changes.
CPO	Case Progression Officer
DASH	Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment
DFJ	Designated Family Judge
Directions	Steps that a court orders must be taken for a case to progress, such as preparing a witness statement or providing a report to the court.
FAO	Family Assistance Order
FCA	Family Court Adviser
FHDRA	First Hearing Dispute Resolution Appointment
Gatekeeping	The stage when a judge and/or Justices' Legal Adviser first considers an application and decides matters such as which level of judge should deal with the case going forwards and whether any directions should be made to enable the case to progress. This stage takes place without the parties being present.
HMCTS	HM Courts and Tribunals Service
IDVA	Independent Domestic Violence Adviser
Legacy (cases)	Child Arrangements Proceeding cases that had not been resolved prior to Pathfinder implementation.
MoJ	Ministry of Justice
Participant recruitment coordinator	Key contact person at each site, identified by the Ministry of Justice.

Acronym/term	Definition
Practice Direction	A document which supplements rules of court, setting out more detail about the practice and procedure which has to be followed in court cases – including family, civil and criminal court cases.
Section 8 order	<p>Section 8 of the Children Act 1989 sets out the court’s powers to make:</p> <ul style="list-style-type: none"> • child arrangements orders (dealing with questions about with whom a child should live and/or with whom they should spend time) • prohibited steps orders (stating that certain steps cannot be taken in relation to a child, for example changing their religion) • specific issue orders (dealing with a specific question about a child, for example where a child should go to school or whether they should have particular medical treatment).
Special measures	Provisions to assist vulnerable parties during court proceedings, such as screens, separate entrances/exits and waiting areas, participation by video link, or assistance from an intermediary.
Thematic analysis	A methodology that involves reading through a qualitative dataset to identify patterns and uncover meaning.

1. Executive Summary

1.1 Research Context

In response to the publication of ‘Assessing Risk of Harm to Children and Parents in Private Law Children Cases’ (The Harm Panel Report, 2020), two Investigative Approach Private Law Pathfinder Pilot Courts (Pathfinder) were established in Dorset and North Wales from February 2022 onwards. The aims of Pathfinder were to improve the experiences of families in child arrangements proceedings, reduce the re-traumatisation of victim-survivors of domestic abuse, reduce the amount of time families spent in court and to improve coordination between agencies.

Pathfinder replaced the previous court process – known as the Child Arrangements Programme (CAP) – with a new model, incorporating three phases: (1) information gathering and assessment, (2) interventions and/or decision hearing, and (3) a review stage. In particular, the Pathfinder model introduced:

- a dedicated Case Progression Officer¹ in the court administrative team who would focus on case coordination and provide a point of contact and support for families,
- direct funding for domestic abuse support agencies to conduct Domestic Abuse Stalking and Honour-Based Violence (DASH)² risk assessments and to provide support to victim-survivors in appropriate Pathfinder cases,
- ‘frontloading’ case management with information gathering focused at the beginning of the court process, and
- a focus on enhancing the voice of the child by centring information gathering on the views and experiences of the child from the beginning of proceedings.

This research aimed to understand how Pathfinder has been implemented and is operating in the two pilot sites, making comparisons to two sites still using the CAP

¹ Although ‘Case Progression Officer’ roles have existed in family courts previously, the role in Pathfinder entails different responsibilities and is therefore considered a new role in this report.

² The Domestic Abuse, Stalking and Honour Based Violence Risk Identification, Assessment and Management Model is a simple tool for practitioners who work with adult victims of domestic abuse in order to help them identify those who are at high risk of harm.

process. The research also sought to investigate costs and to explore the critical and flexible elements of the Pathfinder model which could inform any future rollout. The research incorporated a process and implementation evaluation and exploratory financial analysis. It aimed to address the following objectives:

1. To understand how the Pathfinder model has been implemented in each Pathfinder area, mapping the differences both between the two Pathfinder sites and between the Pathfinder and the CAP sites.
2. To explore experiences of operating the pilot from the perspectives of the system delivery partners.
3. To estimate the cost per case, under the Pathfinder model and under the existing CAP model.

It is important to note that this evaluation did not examine the impact of Pathfinder on court outcomes. It focussed on engaging with frontline professionals involved in delivering and implementing the Pathfinder model. This first phase of evaluation did not involve direct research with children or families but a second evaluation strand, currently being conducted for this pilot, will explore their experiences.

1.2 Methodology

For the process evaluation (objectives 1 and 2), semi-structured, qualitative interviews were conducted with 67 participants between September 2023 and January 2024. This included frontline professionals who were delivering the Pathfinder or CAP processes as well as those involved with delivery oversight in each site. Interviewees included representatives from HM Court and Tribunal Service (HMCTS), the judiciary, magistrates, Children and Family Court Advisory and Support Service (Cafcass) and Cafcass Cymru, domestic abuse support services and local authorities. To minimise disruption to staff, interviews took place online via Microsoft Teams and over the phone.

The financial analysis (objective 3) included in-depth collection of quantitative data, where available. To supplement the quantitative data, and where there were no existing quantitative data sets which could be used, further qualitative research was undertaken with frontline professionals.

1.3 Key Findings

Key findings from this research focus on the benefits of Pathfinder, its challenges, the financial analysis and lessons for rollout of the model to other areas.

Benefits of Pathfinder

- Compared to CAP, participants felt that the Pathfinder model brought about substantial improvements both in terms of the experiences of children and families as well as to system efficiencies. Centring ‘the voice of the child’³ in proceedings was recognised as a key aspect of the delivery of Pathfinder. This included hearing and respecting children’s views much earlier in the process in comparison to CAP.
- Participants suggested that improving information gathering – and completing the assessment earlier in the process – were critical to the success of the Pathfinder model. The Child Impact Report, which included contributions from domestic abuse support services where requested, was felt to be key to this ‘frontloading’ of information gathering and assessment.
- Pathfinder was perceived to be a more efficient court process in comparison to CAP. Participants suggested that improved communication and earlier information gathering led to a swifter conclusion of cases and a substantial reduction in the number of hearings in each case. Spending less time in court was seen as a key benefit of Pathfinder both for families and for the system.
- The work of the Case Progression Officer, a new role established for Pathfinder, was seen as key to delivery of the model. Case Progression Officers ensured that timeframes were maintained, cases were managed efficiently, communications were coordinated and support was provided to families.
- Participants also suggested that Pathfinder reduced re-traumatisation for both adult and child victim-survivors of domestic abuse during proceedings.

³ A child’s right to participate and have their voice heard in proceedings is acknowledged in both guidance and legislation as a way of informing welfare-based decisions and upholding children’s rights. This is often referred to as hearing the ‘voice of the child’. Children can participate in relevant proceedings in a number of ways including through engagement with a Family Court Adviser or local authority social worker during development of a report, through the court’s appointment of a Children’s Guardian, through the child meeting or writing a letter to the judge or, in rare cases, through the child giving evidence the court.

Participants largely attributed this to a more supportive process and a better court environment. The direct involvement of domestic abuse support services, who, in the Pathfinder model, provided specialist support, was also valued as a significant benefit.

- Participants reported that collaboration across agencies and multi-agency working have been improved under the Pathfinder model. This included both improved information sharing and better inter-agency engagement.

Challenges

Although participants reflected positively on the benefits of the new model, they also identified some challenges. Most of the challenges related to the implementation of a new process, rather than the Pathfinder model itself:

- Although participants felt that Pathfinder has led to extensive benefits for children, it was recognised that more could be done to understand what putting the voice of the child at the centre of the court process means in practice and what children want from proceedings.
- Effective change management was also seen as a challenge. This included the importance of having key people, and agencies, involved in implementation from the outset. Participants felt this would help to maximise staff engagement with the new approach and to drive forward cultural change within organisations.
- Participants felt implementation of Pathfinder was complicated by concurrent management of legacy cases (CAP cases that had not been resolved prior to Pathfinder implementation). They suggested a longer lead-in time to reduce the number of existing CAP cases would have been beneficial.
- The most significant issue raised at both pilot sites was around resourcing and staff capacity. Wider recruitment challenges meant that sites did not have full staff capacity when the pilot began.
- The capacity of domestic abuse support services to manage the number of cases being referred to them – especially given the number of cases involving counter-allegations of domestic abuse – was also raised as a challenge.

- Participants highlighted the limited availability of wider support for families (such as parenting courses and contact centres) and lack of interventions for domestic abuse perpetrators.
- Some participants identified insufficient clarity in some areas of the Pathfinder process, and, in particular, confusion over the remit of roles. For example, the lack of definition and boundaries of the Case Progression Officer role was highlighted.
- Within the Pathfinder process itself, the only challenge identified was the 'review stage'. There was confusion about its purpose as well as when it should be used. Participants felt that, although having a 'check in' after the case had concluded in court was beneficial in some cases, particularly those involving domestic abuse, this was not necessary in all cases.

Exploratory Financial Analysis

The financial analysis suggests that, on a business-as-usual basis, the direct costs of delivering the Pathfinder model in Dorset and North Wales is broadly equivalent to the direct costs of the current CAP model in Swindon and in Cardiff and South East Wales:

- On a case-by-case basis, the two Pathfinder sites had a slightly lower cost per case than the two CAP sites. In England, Pathfinder cost five per cent less than CAP (Dorset compared to Swindon) and in Wales Pathfinder cost one per cent less than CAP (North Wales compared to Cardiff and Southeast Wales).
- However, the analysis also found that the costs of the two models were sensitive to small changes in inputs. For example, if the average number of hearings under CAP were one lower than estimated, the analysis suggests that Pathfinder costs more to deliver in Dorset and North Wales than CAP in the comparator courts.
- Analysis of the 'complexity' of cases suggests that more 'complex' cases are lower cost under Pathfinder, whereas 'more straightforward' cases are higher cost under Pathfinder in comparison to the two CAP courts.⁴ This could impact the

⁴ For the purpose of this analysis, resource intensiveness of the case was used as a proxy to define case complexity.

cost effectiveness of Pathfinder in areas with different case complexity profiles in their caseloads.

The analysis found that the financial impact of Pathfinder varied significantly across different parts of the system:

- The Pathfinder model includes additional costs for the provision of domestic abuse support services. These services are not funded by the family justice system under CAP.
- There were other areas of the system where costs per case were significantly lower in the Pathfinder courts compared to the CAP courts. In particular, the lower number of hearings in the Pathfinder courts meant that the cost of judicial time was substantially lower in the Pathfinder courts.
- Whilst the analysis suggests that the overall cost for each case was slightly lower in the Pathfinder courts, the requirement for Cafcass/Cafcass Cymru Family Court Advisers to complete most of their work in the first six to eight weeks of a case created a resourcing challenge. Family-facing work was compressed into a much shorter period. Whilst the overall cost for each case was similar, the cadence of activity required from social workers created resourcing pressure for Cafcass/Cafcass Cymru.

Since Pathfinder changes the profile of costs incurred in a case, further rollout of the model requires careful consideration of resource allocation across the family justice system on an organisation-by-organisation basis.

The findings are affected by limitations in the quality, availability and comparability of data within the family justice system. In addition, regional variation in court practice and case complexity means these findings may not be representative of the whole system. As a result, the differences in cost between court areas and between Pathfinder and CAP may reflect data limitations or differences in local court practice rather than actual differences in cost between the two models.

This analysis was not able to consider all of the wider costs and benefits of the Pathfinder model. For example, participants expressed views on additional benefits of Pathfinder, such as their experiences of fewer cases returning to court and fewer appeals. These

potential benefits were not directly captured in the financial analysis but could lead to significant long-term cost efficiencies.

Lessons for Rollout

Based on participants' reflections on the implementation of Pathfinder in Dorset and North Wales, the research team have identified key policy, practice and further research considerations to inform the implementation of Pathfinder in other geographical areas:

- **Maintaining the focus on the child:** This is central to the Pathfinder model and the findings suggest that practices aimed at eliciting the voice of the child should be kept under review, including considering what 'child-centred' looks like on a case-by-case basis.
- **Gathering information:** Early and more investigative information gathering using the Child Impact Report was felt to be a key component of the Pathfinder model. Consideration should be given to how this is maintained and balanced against timely case progression in any future rollout.
- **Reconsidering the review stage:** The intended aims for this stage may need to be revisited, with further consideration given to how this stage might be implemented and communicated more effectively.
- **Building effective partnerships:** When rolling out to a new area, consideration should be given to how best to gain 'buy in' and investment from all agencies at an early stage of the implementation process.
- **Engaging key staff/agencies:** The inclusion of domestic abuse support services, the Case Progression Officer role and the core team involved in Gatekeeping phases of the model were felt to be fundamental from the perspective of participants. Efforts should be made to maintain this multi-agency approach in future rollout.
- **Considering organisational resourcing:** Pathfinder changes the cost profile of a case, with higher costs for some organisations at different stages within a case. Effective rollout may require consideration of how organisations are resourced to manage this different cost profile.
- **Ensuring appropriate staffing and capacity:** Participants reported challenges delivering the model where sites were operating below required staffing levels. To

deliver Pathfinder effectively, it will be important that all roles are filled before the new process begins.

- **Considering capacity of domestic abuse support services:** Domestic abuse support services were identified as integral to the success of Pathfinder. The inclusion of domestic abuse support services in Pathfinder should take into account their capacity, staffing, and available resources.
- **Understanding the landscape of wider support services:** Although outside the remit of the Pathfinder model, consideration should be given to the availability of wider support for children and families – for example, access to contact centres, parenting advice for families and interventions for perpetrators of domestic abuse.
- **Managing transition to the Pathfinder model:** Consideration should be given to how to manage the transition process where Pathfinder and legacy CAP cases are, at first, running in parallel.
- **Continuing to invest in joint training:** Continuing to invest in joint training and role-relevant domestic abuse training will be key to supporting the successful rollout of Pathfinder in other areas.

2. Background

The harms caused by an adversarial family court process are well documented, in particular for adult and child victim-survivors of domestic abuse. Issues include false accusations of parental alienation (Clemente & Padilla-Racero, 2015; Domestic Abuse Commissioner Report, 2023; Birchall & Choudhry, 2022); the court process enabling systems abuse by perpetrators (Douglas & Fell, 2020); perpetrators using the family court as a site of coercive control (Douglas & Fell, 2020; Harwin & Barlow, 2022; Macdonald, 2016; Gutowski & Goodman, 2023); and a broader lack of understanding of domestic abuse and coercive control (Domestic Abuse Commissioner Report, 2023; Barnett, 2014, 2020, Hunter et al., 2020; Coy et al., 2015).

In 2020, the Ministry of Justice (MoJ) published 'Assessing Risk of Harm to Children and Parents in Private Law Children Cases' (the Harm Panel Report). This report provided an understanding of how effectively the family courts identify and respond to allegations of domestic abuse and other harms in private law proceedings. Most of the evidence collated for the Harm Panel Report focussed on domestic abuse, in particular identifying how victim-survivors are often traumatised by the adversarial court system. Responses to the Harm Panel Report's call for evidence included assertions that private law proceedings often failed to centralise the voice of the child, there were instances where child arrangements had been unsafe, allegations of abuse were ignored or disbelieved and abusers exercised continued control through litigation or threats of litigation. The Harm Panel Report also criticised the length of proceedings, with court resources not being used to their full effect to help families, particularly those with complex needs and safeguarding issues.

In response to the Harm Panel Report, the government committed to pilot a reformed approach to child arrangements proceedings. The design of the Pathfinder approach involved collaboration among interested groups from across the family justice system and related stakeholders. These included representatives of the judiciary, the Children and Family Court Advisory Support Service (Cafcass) and Cafcass Cymru, HM Courts and Tribunals Service (HMCTS) and the MoJ. Other stakeholders included academics, the

Domestic Abuse Commissioner, domestic abuse support services, the Centre for Justice Innovation and the Nuffield Family Justice Observatory. From this, a new Practice Direction, 36Z,⁵ was developed to underpin the Pathfinder pilot.

The two Pathfinder pilots were launched in February 2022 in Dorset (Bournemouth and Weymouth) and North Wales (Caernarfon, Mold, Prestatyn and Wrexham). The pilot sites were identified by the judiciary and agreed by cross-system Advisory Group partners who oversaw design and early delivery of the pilots. One site area in England and one site area in Wales were chosen to test the model in both regions, with the areas able to flex elements of the model to best meet the needs of local children and families. In these courts, the usual Child Arrangements Programme (CAP) was suspended and replaced with the revised three stage Pathfinder process. This revised process applies to all child arrangements cases that involve an application for a Section 8 order or an application for an enforcement order within the pilot courts.

The main aims of the Pathfinder pilots are as follows:

Pathfinder Pilot Aims

1. Improving the family court experience for all parties, particularly parent victim-survivors of domestic abuse and their children; improving children's experience of and (appropriate) participation in the court process.
2. Delivering a more efficient court process which reduces delays whilst ensuring that all orders are safe and appropriate to the case.
3. Reducing the re-traumatisation of domestic abuse victim-survivors, including children, that may be experienced during proceedings.
4. Reducing the number of returning cases through more sustainable court orders.
5. Adopting a multi-agency approach to improve coordination between the family court and agencies, such as local authorities and the police, and the way allegations of domestic abuse and other risks of harm are dealt with.

Ministry of Justice (2023)

⁵ [Practice Direction 36Z – Pilot Scheme: Private Law Reform: Investigative Approach – Justice UK](#)

Although a key aim of the pilot was to improve the experiences of victim-survivors of domestic abuse, the Pathfinder model aimed to adopt an investigative approach more broadly to improve child arrangements proceedings. This included improving children's experience of and (appropriate) participation in the court process. An overview of the Pathfinder and CAP end-to-end processes that highlights the differences between the two models is provided in Annex A.

2.1 Evaluation

Looking at the broader picture, there has been limited research exploring previous innovative responses to domestic abuse in the family court in England and Wales. A recent review of evidence by the Nuffield Family Justice Observatory found that children with experience of private law proceedings often felt uninformed and unheard and that they had little say when decisions were made about them (Roe et al., 2021). A further recent study has explored the perspectives of children in the early implementation period of the Pathfinder model in North Wales. It highlighted that, although children did feel listened to by Family Court Advisers, they rarely described having been given choices about how to engage in the court process (Jones, 2023).

The central aims of this evaluation were, therefore, to understand how the Pathfinder model had been implemented and operated in the two pilot areas in comparison to the two CAP sites, to investigate costs and to explore the considerations and lessons learned from the Pathfinder pilots to inform any future rollout.

The evaluation was not an impact evaluation. Rather, it focussed on engaging with key stakeholders involved in delivering and implementing the Pathfinder process to understand their experiences and perceptions of how the pilot had been implemented.

The potential for wider socio-economic benefits of the Pathfinder model, such as impact on other services (e.g. Police, health services) or wellbeing and mental health benefits to children and families, were outside the parameters of this study, given that the pilot implementation was still at an early stage.

A second evaluation strand for this pilot explores the direct experiences of children and families. This work is currently under way and is expected to be published later in 2025.

Objectives

This evaluation has addressed three objectives:

1. To understand how the Pathfinder model has been implemented in each Pathfinder site, mapping in detail how it has been delivered on the ground, what worked at an operational level and identifying the differences both between the two Pathfinder sites and with the CAP.
2. To explore experiences of operating the pilots from the perspectives of its system delivery partners, identifying the perceived benefits, critical components for successful delivery, lessons learned and good practice.
3. To estimate the unit cost (in £), per case, under the Pathfinder model and under the existing CAP to inform an exploratory value for money assessment of the Pathfinder model and provide an understanding of which parts of the system drive costs or benefits.

3. Methods

3.1 Overview

For the process evaluation (objectives 1 and 2), semi-structured, qualitative interviews were conducted with frontline professionals who were delivering the Pathfinder or CAP processes as well as those with delivery oversight at each site. Interviewees included representatives from HMCTS, the judiciary, magistrates, Cafcass and Cafcass Cymru, domestic abuse support services and local authorities.

The financial analysis (objective 3) included in-depth collection of quantitative data, where available. To supplement the quantitative data, and where there were no existing quantitative data sets which could be used, further qualitative research with frontline professionals was crucial in filling these gaps.

3.2 Data Collection Sites: Pilot DFJ Courts and Comparator DFJ Courts

The evaluation aimed to understand the implementation, operation, and financial cost of the Pathfinder model in comparison to the CAP model. The two pilot court areas, Dorset and North Wales, formed the data collection sites for the Pathfinder model. One court in England and one court in Wales – Swindon and Cardiff/South East Wales – were chosen as comparators and formed the data collection sites for the CAP model. These areas were selected based on their similarities to Dorset and North Wales using a number of characteristics. For more details on how comparator courts were selected, see Annex B.

Although the comparator courts were matched to the pilot courts as closely as possible, they were not identical on all characteristics. As a result, it is possible that there were some differences between the pilot and comparator courts that might have impacted on the findings. Moreover, the CAP model operates differently across courts, given that the Practice Direction 36ZE allows for some flexibility in implementation. This means that the operation of the CAP at the comparator courts might not be representative of all CAP courts.

3.1 Objectives 1 and 2

Participant Recruitment and Data Collection

Qualitative data to address objectives 1 and 2 were collected through audio-recorded semi-structured interviews conducted with 67 frontline professionals across the pilot and comparator courts between September 2023 and January 2024. To minimise disruption to staff, interviews took place online via Microsoft Teams and over the phone. Annex B provides further details on the participants recruited.

Participants were asked about their own roles, the paths which cases followed under their respective models, the operation of their model in practice (including barriers and facilitators to implementation), and the perceived benefits and drawbacks of their model. In addition, participants at the Pathfinder courts were asked about the potential to rollout the model in the future, whilst those at the CAP courts were queried about their awareness and perceptions of Pathfinder.

Qualitative Data Analysis

Interviews were transcribed using Microsoft Teams with transcripts then checked and verified against the audio recordings. To address objective 1, a small number of data-rich transcripts were used to develop draft process maps for the Pathfinder and CAP models. These drafts were then refined by closely reading the remaining transcripts and resolving discrepancies with key participants.

To address objectives 1 and 2, thematic analysis⁶ was used to identify, analyse, and report on patterns (themes) in the interview data. Deductive coding (coding based on predefined categories) and inductive coding (coding based on additional interview content) were used to apply labels to the statements in the transcripts. This enabled the research team to determine to what extent, for example, the benefits and challenges described were unique to the Pathfinder model or to what extent these were common across the Pathfinder and CAP models. To address objective 2, a contribution analysis⁷ was conducted to determine

⁶ Thematic analysis is a method used to identify patterns and uncover meaning in qualitative datasets (Braun & Clarke, 2006).

⁷ Contribution analysis is a method used to identify the contribution an intervention has made to a change or set of changes.

the extent to which the benefits identified in the thematic analysis were perceived to be attributable to the Pathfinder model. Further detail on the analytical approach is provided in Annex B.

To maintain anonymity, role-level identifiers have been provided for illustrative quotations from the interviewees. However, the quotations may refer to specific practice from an individual court area or organisation rather than common practice across the role. The identifiers are: Cafcass/Cafcass Cymru, domestic abuse support services, HMCTS (including Implementation Managers, Case Progression Officers, Legal Advisers, and other managers and staff), judges (including judges and magistrates), and local authority representatives.

Data Limitations: Interviews

Qualitative data was collected from a sample of stakeholders. As such, it is possible that the findings reflect a selection bias, as people with more positive opinions about the Pathfinder model might have been more likely to take part in the study. In addition, some individuals were unable to participate due to the short timeframe for the evaluation. This meant that some groups were not represented in the data as, for example, there were no respondents from domestic abuse support service providers at one court. As a result, important perspectives may be missing from the data. Moreover, towards the end of the data collection period, the Cardiff/South-East Wales court had begun preparations for implementing Pathfinder in 2024, which might have influenced the opinions of individuals at this site. Finally, differences between court areas make it challenging to determine the exact extent to which the benefits, challenges, and lessons learned at the two pilot courts would translate across to other sites if the Pathfinder model were to be scaled up or rolled out more widely.

3.2 Objective 3

Scope of Exploratory Financial Analysis

The financial analysis (objective 3) aimed to compare direct unit costs for cases in the Pathfinder pilot courts to direct unit costs for cases in the comparator CAP courts. It included a sensitivity analysis to explore how the results would differ, depending on changes in the key variables, and a case complexity analysis, investigating costs of various complexity profiles of cases.

The financial analysis focussed on core resourcing differences between the Pathfinder and CAP processes. This included the staffing costs of all agencies involved in core delivery of each model, including the judiciary, Cafcass/Cafcass Cymru, HMCTS (including Legal Advisers) and local authorities. For Pathfinder, this also included domestic abuse support organisations which were funded directly under this model. Only direct staff costs (including on-costs such as pension contributions, National Insurance and tax) were considered. It did not include any additional staffing costs such as training, travel, subsistence, or overheads (such as court room capacity), which may not be directly linked to a particular process (Pathfinder or CAP) and can be highly area specific. The unit costs presented in this report should, therefore, not be treated as full costs to the involved organisations, which will be considerably higher.

Analysis of the cost of Pathfinder was performed on a 'business as usual' basis to provide the most meaningful comparison with the cost of the CAP model. 'Business as usual' was defined as the estimated resource required to deliver Pathfinder on an ongoing basis, rather than the resource which was in place during the implementation phase. As such, the costs of implementing the Pathfinder model in a new area, such as the cost of Implementation Managers (recruited for a fixed term to oversee the set-up and introduction of Pathfinder at the pilot courts) as well as staff training and administrative preparation, were not captured in this modelling.

The unit cost for each organisation was calculated by dividing the direct costs incurred by that organisation by the estimated total number of cases. Cases were those in scope for the relevant court area (rather than the specific caseload of individual organisations, which may be lower than the total number of cases). By using a common denominator (the total

number of cases), the cost analysis was standardised across organisations, ensuring a clear and comparable view of the total average costs per case across all system partners. It is important to note that this approach differs from calculating the direct intervention cost incurred by individual organisations for only those cases in which they are directly involved. The unit costs do not try to account for differences in caseload composition between areas, although the cost impact of case complexity is explored through sensitivity analysis.

Data Collection and Modelling Approach

To minimise the demand on frontline services, the evidence gathering process for objective 3 built on the qualitative interviews completed for objectives 1 and 2. In addition, it involved further qualitative interviews and workshops with all stakeholder organisations and an extensive secondary data collection (including monitoring data provided by Pathfinder areas to MoJ, data from case management systems, financial data and other data sets available locally).

A combination of top-down and bottom-up modelling techniques were used for this analysis. The top-down approach looked at the total cost of all staff (full time equivalents) delivering the service and derived a cost per case by dividing this figure by the number of cases per month. This was the primary method used to calculate an average direct cost per case where detailed quantitative data was not available. The bottom-up approach estimated the cost of individual events, such as time taken to attend hearings or complete reports. The total full time equivalent (FTE) staffing requirement was calculated by estimating the frequency of events and multiplying by the volume of cases per month. Salary costs for each staff type were applied to produce a total cost. This approach was used to provide more insight on the key drivers of direct cost per case where detailed quantitative data was available (in the case of Domestic Abuse Support Services and Cafcass/Cafcass Cymru). It was also used to perform the sensitivity and case complexity analysis.

A more detailed description of the methodological approach and participants engaged in data collection from each site is provided in Appendix C of this report.

Data Limitations: Financial Analysis

The data landscape across the family justice system, both in public and private law, has well documented challenges in terms of data availability and reliability (Family Justice Review Panel, 2011; Nuffield Family Justice Observatory, 2019; Johnson et al., 2020). There is no unified data set which enables straightforward resourcing and cost analysis to be undertaken. As such, the challenges presented below are in no way unique to the Pathfinder model, the local areas involved in the evaluation or the evaluation itself. Indeed, the Pathfinder sites have collected more complete data than CAP courts have traditionally collected – although this discrepancy in the completeness and availability of data does create some challenges in comparison between the different sites.

The availability of data required to model the financial impact was limited and differed between organisations and local areas. Often there was no consistent agreement on key data points – for example, the status of a ‘closed’ case differs between organisations. The involvement of a single agency, for instance, may not have ended although the case is no longer in ongoing court proceedings.

Where there were gaps or discrepancies in data sets, data inputs were developed and validated through workshops and discussions with staff at the Pathfinder and CAP sites. The evaluation team worked closely with frontline teams to understand the most reasonable and accurate data sources to use for financial modelling. The data limitations and differences in recording practices might mean that some of the findings are impacted by data quality. This means that differences in cost between Pathfinder and CAP or between the different areas may be attributable to differences in data rather than inherent cost differences in the models.

The analysis did not include data on numbers of cases returning to court.⁸ Participants’ experiences, however, suggested that fewer cases were returning to court under Pathfinder, which could have a significant impact on the relative affordability of the Pathfinder model over a longer period of time. Additionally, due to the same data

⁸ It was not possible to secure robust data on returning cases during the research. One dataset on returning cases was provided for North Wales but was judged by participants to be inaccurate and not reflective of their experience of fewer returning cases.

limitations, the financial analysis did not capture the implications of the perceived reduction of appeals that was also reported by participants in Pathfinder cases.

Finally, there were differences in how the areas operate the Pathfinder or CAP models. It is widely acknowledged that there are considerable variations (national, regional and local) in family courts' practices (Munby, 2021). The choice of the comparator areas (detailed in Appendix B) attempted to account for this variation as much as possible by identifying 'similar' court areas. However, given the level of variation, such comparison between sites was imperfect. As a result, any cost differences between Pathfinder and CAP may be impacted by local factors and variance in judicial practice rather than the intrinsic cost differences between the models.

4. Project Findings

4.1 Benefits of Pathfinder

Participants at both the CAP and Pathfinder courts discussed the relative benefits of the models implemented at their respective sites. Participants felt that the Pathfinder model built on positive aspects of CAP by prioritising early and comprehensive information gathering and by integrating support for parties, especially for victims of domestic abuse, into proceedings. In participants' views, the Pathfinder model overall delivers a better experience for children and families and a more efficient court process.

Hearing the Voice of the Child

Participants felt that the 'child-focussed' nature of Pathfinder was a central aspect of delivery and implementation. This centred on hearing and respecting the voice of the child much earlier in the court process when compared to CAP:

“It involves the children much more often, and much earlier, and it makes the parents focus on the right issues.” (Pathfinder, judge).

In addition to the value of engaging the child earlier and throughout the process, participants emphasised that the Pathfinder courts were making decisions which included the child rather than making decisions on their behalf. Participants felt that this is a key difference from the CAP approach, where children are often not engaged with or heard at all, or, if they are, this occurs much later in the process.

Means of engaging with children in Pathfinder varied. This included via phone or video calls, meetings held at home, office or school for Family Court Advisers to talk with children, more targeted conversations with children by Cafcass/Cafcass Cymru, and signposting of children to other services (such as Child and Adolescent Mental Health Services) where needed. Early engagement in the process meant that the child's voice was centred from the outset and also meant that their needs and safety were prioritised throughout the case. This was viewed as a key contribution of the Pathfinder model. For example, a judge noted:

“I want to hear their voice and I want them to be seen. We’re seeing them in about 70 per cent of cases.” (Pathfinder, judge).

Participants reported that children engaging directly with judges was common at both Pathfinder sites, but rarely happened under the CAP model. The extent of the benefits of Pathfinder’s child-centred focus will be better understood when the research strand engaging directly with children themselves has been completed. From the perspectives of participants, however, the voice of the child was heard to a much greater extent in Pathfinder compared to CAP. Participants considered that this contributed to cases being closed earlier, outcomes being agreed, and a less adversarial approach in court:

“It’s about really focusing on the voice of the child at the earliest possible opportunity. Sometimes a child may do what they feel is right to please both of their parents, which is quite a common thing. If we can involve a child appropriately at an early stage, the advantage of that is that the child can then freely express themselves and the impact on the parents can sometimes be quite profound. I’ve seen cases where the child has been spoken to, the child has given their view, now free from any potential outside influence and said X, and the parents have seen that and they’ve reached agreement.” (Pathfinder, HMCTS).

Information Gathering

A further key benefit of the Pathfinder approach discussed by participants across both pilot sites was the improved information gathering earlier in the process and more effective sharing of information across agencies. Difficulties with information gathering were raised by participants across both CAP sites, with participants suggesting that Pathfinder may be a way to address this issue. One CAP site participant stated:

“With Pathfinder, I see this as an opportunity for better and earlier gathering of information from a range of organisations.” (CAP site, judge).

Many participants at the Pathfinder sites emphasised the value of this early and more investigative information gathering. Referred to as ‘frontloading’, this entailed collecting information from all parties and key agencies (for example, police and local authorities in all cases, and schools, GPs, and other parties where appropriate) earlier in the process.

Participants suggested that the investigative information gathering approach adopted in Pathfinder provided more context to decision-making and allowed the court to gather more in-depth information from a wider range of sources. The key benefits of this included better safety planning and a reduction in the number of hearings (in particular, fact-finding hearings) required in each case. Participants felt that this led to better and more enduring outcomes for families:

“[Frontloading] and a more investigative approach seems to be connected with more lasting arrangements. Better outcomes are one thing, but lasting arrangements that stick are key.” (Pathfinder, Cafcass/Cafcass Cymru).

The contribution of the Child Impact Report to the ‘frontloading’ approach was viewed as an intrinsic and positive change in Pathfinder. It was seen as being a more effective and detailed information gathering tool, whilst also putting the needs and interest of the child at the centre of the case.

The change in language to ‘Child Impact Report’ in Pathfinder from ‘Safeguarding Letter’ (Dorset) or ‘Safeguarding Enquiries Report’ (North Wales) under CAP was seen to reflect the child-centred emphasis of the Pathfinder approach. Furthermore, in Dorset, a child also features on the cover of the Child Impact Report, visually emphasising the child focus.

Participants described how the Child Impact Report template had been adapted and improved during the pilot period. Changes addressed how DASH risk assessment information was presented and how the template could better place the voice of the child at the forefront. One participant stated:

“...one of the big things that came out of the [multi agency] meetings was the Child Impact Report template and revisions that we needed. This was so that it would accurately reflect the voice of the child and the recommendations from the Family Court Advisers or the social workers to give the judiciary the fullest information that it could, so that they could properly make decisions.” (Pathfinder, HMCTS).

Collectively, this ‘frontloading’ approach meant that the focus became narrowed to a small set of issues and the position of all parties on those issues was clear to the court. This

investigative approach to information gathering also enabled more regular communication from the Case Progression Officer with families throughout the process, informing them about the process and signposting to services as required.

Gatekeeping and Case Progression

Participants from the judiciary, HMCTS and Cafcass/Cafcass Cymru all identified the critical role that Gatekeeping played in effective case management within Pathfinder. Gatekeeping was conducted by a core team, including judges and legal advisers, with regular sessions allocated for this task. Participants felt that this approach resulted in clearer instructions about next steps and more consistent management of cases. Effective Gatekeeping also prevented people from coming to court until all relevant information was available. This judge describes best practice for conducting Gatekeeping 2 (in which the Child Impact Report is reviewed and subsequent steps are decided):

“I think that Gatekeeping 2 is the most important. We now run Gatekeeping 2 one or two days a week, and a District Judge is part of that team. So, we’re not doing it an hour here or an hour there, we’re doing a block of it, and I think that is really good practice.” (Pathfinder, judge).

Effective case management was facilitated by the Case Progression Officers, a new role under the Pathfinder model. The Case Progression Officers were felt to play a key role across both Pathfinder sites in liaising with stakeholders and providing a single point of contact for families (particularly litigants in person), Cafcass/Cafcass Cymru and local authority staff/social workers. Participants suggested that Case Progression Officers were particularly beneficial in supporting parties who were unrepresented, such as signposting them to free legal advice. The Case Progression Officer role also included checking that cases were filed and progressed correctly and ensuring any special measures⁹ were in place (see Appendix A, process map for further detail):

⁹ ‘Special measures’ are provisions to assist vulnerable parties during court proceedings, such as screens, separate entrances/exits and waiting areas, participation by video link, or assistance from an intermediary.

“So I think the role of the Case Progression Officer [in] keeping people up to date, keeping cases on track, doing some work for the judges to make sure everything is ready, was crucial in making sure we didn’t have what we call ineffective cases or ineffective hearings, and people are then much more likely to turn up at court.” (Pathfinder, HMCTS).

Timeliness and Earlier Resolution of Cases

Participants suggested that improved communication between organisations and earlier information gathering led to cases concluding more efficiently. Most participants commented that, in comparison to CAP, Pathfinder cases resolved more quickly, had fewer hearings and, therefore, spent less time in court. This was seen as a key benefit of Pathfinder for both service providers and families. One of the main criticisms of the CAP process, shared by almost all participants, was the duration of cases and the significant delays that many families faced to get their cases resolved:

“You reflect on what has happened in the past, and you reflect on how much of a negative impact delays could have on families. Delays of 40, 50 or 60 weeks plus to deal with a children’s matter.” (Pathfinder, HMCTS)

Across both Pathfinder sites, judges and HMCTS staff, in particular, saw improved timeliness as a key benefit. The reduced number of hearings in Pathfinder was considered to be particularly beneficial for victim-survivors of domestic abuse. Having fewer hearings was felt to reduce the re-traumatisation and stress associated with having to re-live difficult experiences in court and consequently reduced the opportunity for perpetrators to engage in systems abuse (see Coy et al., 2015):

“And under the old system, you could have a case going on for 60 weeks and there could be 6, 7 or 8 hearings. If you were a survivor of domestic abuse and you have to see that person multiple times, it’s that build up and that concern. So Pathfinder is trying to reduce the number of hearings and deal with the cases as quickly as possible, so it doesn’t traumatise the children more than it needs to.” (Pathfinder, Cafcass/Cafcass Cymru).

The improved timeliness of cases also limited the number of hearings that Family Court Advisers needed to attend.

Some participants reflected that the culture of the Pathfinder approach permeated the ongoing management of legacy cases (cases still following the CAP process because they were started before the Pathfinder model was introduced). For example, more direct engagement with support agencies enhanced participants' understanding of domestic abuse and they also adopted Pathfinder's greater child-focus. This helped to deliver the benefits of the Pathfinder approach to cases in the courts' backlog.

The perceived earlier conclusion of Pathfinder cases also meant that court time was freed up for those complex Pathfinder cases that did require further hearings and these cases were moved through the system faster. Similarly, freeing up court time provided greater opportunities for court staff to engage in progressing cases that had been held in the family justice system for some time, which helped to reduce the backlog of existing cases:

“We’ve been able to do an awful lot of housekeeping of cases that have been sat there for a while. What has really been successful on Pathfinder is that file progression, because file progression means those children and families aren’t languishing in court proceedings for any longer than necessary.” (Pathfinder, HMCTS).

Some participants also reflected that they were seeing reductions in the number of cases returning to court:

“I do think in terms of return applications as well. [In CAP] we’d get a lot of people coming back to court after a very short period of time because things had broken down and it’s not working. But I think it’s really limited from what I am seeing so far in Pathfinder, because it’s so much more in depth than the normal process.” (Pathfinder, HMCTS).

Improved Experiences for Victim-Survivors of Domestic Abuse

Participants considered that the Pathfinder approach was particularly beneficial for victim-survivors of domestic abuse, primarily due to the more supportive environment created by the Pathfinder court process. For example, one participant suggested:

“I think that the victims of domestic abuse have felt safer. I think that they felt more supported and less alone.” (Pathfinder, Cafcass/Cafcass Cymru).

Participants suggested that the CAP process often required victim-survivors to re-tell their story multiple times to different professionals, which was seen as particularly frustrating and traumatising. This contrasted with the Pathfinder model, where families were usually provided with a single point of contact throughout their case:

“We are often a single point of contact for families, having one Family Court Adviser doing that piece of work. This avoids the family having to be swapping between Family Court Advisers, it saves the family in terms of delays, and it saves them from having to meet more than one person.” (Pathfinder, Cafcass/Cafcass Cymru).

In Pathfinder, where there is a risk of domestic abuse, Cafcass/Cafcass Cymru or the local authority identifies whether a family should be referred to a domestic abuse support service. The domestic abuse support service will then conduct a DASH risk assessment, where possible, and contribute a summary to the Child Impact Report. Where needed, they also develop and implement support plans that are tailored to the needs of each client. These plans might include applying for legal aid, arranging special measures, attending court, empowering and educating, and providing emotional and practical support (see Appendix A, process maps for further detail). Although DASH risk assessments may have been completed under CAP, they are not embedded into the process in the same way as in Pathfinder, with their use in CAP more discretionary.

Participants reported that the involvement of domestic abuse support services and the use of DASH risk assessments was providing better risk assessment in cases involving domestic abuse. For example, a Pathfinder judge commented on the contribution the DASH made to their decision making:

“We now also have the DASH, which we will have appended to the Child Impact Report. We know what the issues are and we are able to assess risk much better than we would have been able to do under the CAP.” (Pathfinder, judge).

DASH risk assessments were seen by participants as a better way of understanding the risks present in cases. Although the limitations of the DASH risk assessment tool in fully capturing the domestic abuse risks, particularly coercive and controlling behaviour, are well documented (Barlow & Walklate, 2021), using this tool for information gathering and assessing risk was viewed by participants as an important part of the Pathfinder process. Participants felt that including risk assessment as part of Pathfinder, when domestic abuse was present, shifted the emphasis to implementing safer orders, with the key beneficiaries being adult and child victim-survivors.

The autonomy of domestic abuse support services was seen as important in the completion of DASH risk assessments. Participants from local authorities and Cafcass/Cafcass Cymru reflected on their independence as key to the success of their involvement.

Alongside the use of DASH risk assessments, early identification of domestic abuse and response and management embedded in the Pathfinder process were also identified as valuable. Interviewees at the CAP sites reflected on this gap in their process:

“I would like there to be much better support provided to victims of domestic abuse, which I believe happens under Pathfinder but we don’t have embedded into the [CAP] process at the moment.” (CAP, Cafcass/Cafcass Cymru).

In the CAP process, participants generally self-refer to domestic abuse support services (if at all), whilst, in Pathfinder, they were referred directly and there was thought to be much more domestic abuse support embedded into the process:

“It’s had a massive impact on how we manage those cases where domestic abuse is a factor. This is right from the start, from when the application is received and the Directions that are given within Gatekeeping orders, for special measures, for example. But also how the court processes these cases. And it’s increased the

number of people who have access to continued support once proceedings are concluded.” (Pathfinder, HMCTS).

The involvement of domestic abuse support services in Pathfinder (in marked contrast to the CAP model) was identified by most participants as key to improving the support provided to adult and child victim-survivors. One participant reflected:

“Having the domestic abuse organisations involved at an early stage and throughout was beneficial to all parties, but also to the courts and staff as well, to help to make a more informed decision in a safe way.” (Pathfinder, local authority worker).

Participants also considered that the involvement of domestic abuse support services had led to increased numbers of referrals to those organisations with more victim-survivors receiving support:

“We might have people who have been coming into the service that have been referred via Cafcass through Pathfinder and they end up getting support. It’s brilliant, isn’t it? You know, they possibly have moved into the area, and they didn’t know that we existed. You know, that’s a huge improvement in itself, isn’t it?” (Pathfinder, domestic abuse support services).

Participants estimated that approximately 60 per cent of Pathfinder cases feature domestic abuse. However, a recent study analysing applications for post-separation parenting arrangements in England and Wales identified that 71 per cent featured domestic abuse, so the demand and resource may be higher at a national level (Walsh, 2024). There are clear implications for the funding of this additional resource provided under the Pathfinder model; this is further discussed in the ‘Challenges’ section.

It was also suggested that there was an increased knowledge of domestic abuse across all agencies involved in Pathfinder, which participants stated was mostly due to the direct involvement of domestic abuse support services and the Pathfinder training. Taken together, this increased knowledge of domestic abuse, the frontloading of information

gathering and the child-centred ethos led to a reduced use of court proceedings as another means of abuse:

“The big impact that it’s had is on our what I call Frequent Flyers, when they’ve had application after application after application. These people are now seeing that, ‘Actually, I’ve either got to prove my allegations [or] I’ve got to go to mediation. I can’t just use the court as a weapon.’” (Pathfinder, HMCTS).

The direct views of adult and child victim-survivors are essential for understanding the extent to which systems abuse has been reduced under Pathfinder (see forthcoming research). However, improvements in the reduction of the use of court as a weapon perceived by participants in this research are a positive development and a key contribution of Pathfinder.

Benefits for Service Providers

An additional benefit noted for service providers was the significantly improved approach to multi-agency working and collaboration through closer working arrangements, such as the production of the Child Impact Report:

“One of the real critical elements of success has been that collaborative working, which has really allowed for the model to shine and enabled us to do what it is that we fundamentally want to do. I think that has been so critical and important for Pathfinder to be able to succeed.” (Pathfinder Cafcass/Cafcass Cymru).

Having agencies involved earlier in the process and maintaining information sharing throughout was seen as a key difference to the CAP approach. The differences in agencies working together are also visually evidenced in the process maps (see Appendix A). Participants felt agencies, such as Cafcass/Cafcass Cymru and HMCTS, engaged much more regularly and easily with each other under the Pathfinder process in comparison to CAP. In particular, domestic abuse support services were described as a central ‘pillar’ of the process.

Good communication between the participating agencies was identified as another critical factor. This was facilitated by protocols for multi-agency working and ensuring clarity

regarding roles. The value of shared training sessions was also highlighted by participants. Agencies across both sites recognised the importance of shared messaging and training to maximise the success of Pathfinder. Reflecting on the training, one participant suggested:

“Everyone had the same message and there was less confusion or lack of understanding across the different agencies involved in Pathfinder.”

(Pathfinder, HMCTS).

Participants also suggested that having regular meetings, attended by all agencies, was key to breaking down siloed practices and enhancing multi-agency working.

Summary of Benefits

In summary, evaluation participants suggested that Pathfinder appears to have contributed to a more trauma-informed process with victim-survivors of domestic abuse better supported throughout the court process. In addition, participants suggested that the process is more child-centred in comparison to CAP and children’s voices are more prominent throughout the process. Capturing the views of victim-survivors and children is required to understand the full extent of these benefits. Participants also felt that Pathfinder was helping to reduce the amount of time people spent in court and was supporting more collaborative working relationships across agencies.

4.2 Challenges of Pathfinder

The challenges raised by participants predominantly related to those that might be faced during the implementation of any new process rather than those that relate to the Pathfinder model specifically.

Challenges of Centring the Voice of the Child

Firstly, although they felt Pathfinder has led to extensive benefits for children and families, participants believed there was still more to be done to understand what the voice of the child looks like in practice and what children want from proceedings.

Participants described challenges in determining when it was appropriate to see children. Some participants from Cafcass/Cafcass Cymru felt that children did not need to be seen for all Child Impact Reports, for example, in cases that involved babies or were low risk.

Others suggested that, in complex cases, efforts to obtain the voice of a child may unintentionally cause further harm or trauma to that child. As a result, participants highlighted the importance of being able to use professional judgement in determining when it was appropriate to speak to children. One participant also suggested that the Pathfinder process would benefit from the presence of a trauma-informed support worker for children, who was independent from Cafcass/Cafcass Cymru:

“Give that child the opportunity to have an independent child trauma-informed worker to work with them at the beginning, middle and end point of court, even if it’s just to ensure their voice is heard, because the point of the outcome is about making sure that the child is OK because they’re affected in this too.” (Pathfinder, domestic abuse support services).

Furthermore, although the speed of the process was raised as a key benefit of the Pathfinder model, some participants felt the tight timescale could limit the ability of children to engage with the process. In particular, they suggested that it did not always allow for children to change their minds or have space to consider their options in depth. One participant stated:

“Sometimes, things take time. If you arranged to introduce a child to an absent parent and you go back in four weeks with what the child wants, you’ll get a different answer than if [that] child has been seeing this parent for six months and then you go and ask the child what they want. So quicker doesn’t always mean better.” (Pathfinder, local authority worker).

The second phase of the evaluation, incorporating the perspective of children and families, will hopefully shed further light on these potential challenges for children.

Change Management

The second challenge discussed by participants relates to effective change management. Overall, most participants considered that the change management process had been successfully implemented at both pilot sites. However, participants also discussed the challenges of effective change management, and the importance of having key roles and agencies involved in the implementation from the outset:

“I think it’s so crucial to get every agency involved, and everyone has got to have that understanding, that buy-in, and the aspiration and the readiness to be part of this change. So, if one of those fundamental functions is not there, it isn’t going to work. This is a family justice change, so we all have to be there.” (Pathfinder, Cafcass/Cafcass Cymru).

The challenge of getting all stakeholders involved in the process was raised by some participants, with one participant (Pathfinder, Cafcass/Cafcass Cymru) suggesting that there was “passive resistance” among some staff. Participants at both Pathfinder sites suggested that local authorities were not brought into the Pathfinder process early enough:

“We should have done a lot better and much earlier in engaging with our local authorities.” (Pathfinder, HMCTS).

The incorporation of domestic abuse support services into routine practice was similarly raised as a challenge, as some referrals from local authorities had been missed.

Participants also highlighted that new staff who were brought into Pathfinder were not always appropriately trained in the Pathfinder process, which reduced potential for shared understandings across all professionals involved in the process. This was highlighted as a challenge for local authorities in particular, with some respondents suggesting this was due to a lack of knowledge or awareness of the process, a high staff turnover in some areas, and the low proportion of cases that were referred to local authorities. One participant stated:

“The numbers were quite low with the local authorities and referrals...I expected a higher percentage of the cases managed by the local authority to have referrals, and that wasn’t the case. I think one of the actions going forward is that we will get people in a virtual room to deliver some training on the Pathfinder model to our local authorities.” (Pathfinder, HMCTS).

Other participants reflected on the short run-in time to implement the process, which hindered preparation. Participants also identified a lack of transparency at the outset in respect of how the model should be implemented and how it would be funded:

“The biggest problem was only being given six to eight weeks from confirming the model to getting started. There was a little core of us, kind of working 55-hour weeks to try and get something ready to deliver.” (Pathfinder, Cafcass/Cafcass Cymru).

Some interviewees commented on the need for strong project management, including regular meetings to clarify implementation action points and establish protocols between agencies such as Cafcass/Cafcass Cymru and domestic abuse support services.

Managing Transition to the Pathfinder Model

Alongside challenging change management, the implementation process was further complicated by the management of legacy cases – cases that started before the Pathfinder model was introduced and so still followed the CAP process. Participants from both Pathfinder sites described the number of these cases as ‘extensive’. Although participants felt it was important to clear the backlog of existing cases before implementing Pathfinder, at both pilot sites this had not actually happened, largely due to resourcing issues:

“We had an enormous backlog of legacy cases. So we had legacy cases that had been adjourned three or four times for a Final Hearing and I’m not talking ten cases. I’m talking hundreds that have been going on for four to five years and it was a true disaster.” (Pathfinder, judge).

Initially, Cafcass/Cafcass Cymru tried to have separate roles for Pathfinder and CAP cases, but the reality was that staff were working on both types of cases at the same time:

“When we started the pilot, we still had our old CAP cases running. So, when you’re looking at timeliness, you’ve also got to take into consideration, if we’re running the older process, you’ve then got two systems in place, and it’s very hard sometimes.” (Pathfinder, Cafcass/Cafcass Cymru).

Participants suggested that a longer lead-in implementation time for Pathfinder of, say, approximately six months would be beneficial to help clear the backlog of existing legacy cases.

Timescales

A key benefit of the Pathfinder model identified by participants was the perception of improved timeliness of cases, which was resulting in cases being resolved earlier than they had been under the CAP. However, participants reported that the focus on timeliness, and tight timescales that were built into the Pathfinder model, could be challenging. Social workers and Family Court Advisers, for instance, highlighted the six-to-eight-week timescale for producing the Child Impact Report. They reported that it could be difficult to deliver every report within this tight timeframe particularly when there were difficulties in arranging meetings with all children and family members, or when there had been delays in allocation between Cafcass/Cafcass Cymru and the local authority.

Although this report was seen by participants as a central component of the model, and the tight timeframes for delivery of this report were recognised as important, participants did feel that greater flexibility in the timelines of the Child Impact Report would be beneficial in some cases. This was particularly emphasised as relevant in judicial consideration of extension requests, for example, when there had been delays in allocating a case or in receiving a response to information requests. At the same time, participants reflected on the importance of timely resolution of cases and the potential negative implications of delay for children and families, with concerns raised that this could make them lose faith in the system.

Resourcing and Capacity

The most significant issue raised at both pilot sites was around resourcing and staff capacity. Wider recruitment challenges meant that sites did not have the full staff capacity when the pilot began in early 2022. This was a particular issue for one Pathfinder site, with both Cafcass and the judiciary at times operating with staffing levels below what was required. This had implications for staff workloads and the ability to deliver to expected pilot timelines, leading to some delays in case progression:

“Resourcing is the biggest issue we’ve had. It slowed us down in the process...Some things have gone by the wayside because of a lack of resources. Deadlines have been missed and I think that is the biggest challenge.”

(Pathfinder, HMCTS).

The resourcing challenges meant teams had to develop flexible solutions to deliver the pilot safely. For example, at one Pathfinder site, there were significant difficulties recruiting Family Court Advisers, so agency staff were used during earlier stages of implementation. Later on, Cafcass/Cafcass Cymru established an 'Advance Screening Team' in a Pathfinder court. This team consisted of two Family Court Advisers, who did an initial review of the case. The aim of introducing the 'Advance Screening Team' was to deal with urgent cases quickly, to triage cases and manage safeguarding checks:

"This experienced team screens a case, helps to make recommendations and helps with local authority and safeguarding checks." (Pathfinder, Cafcass/Cafcass Cymru).

Participants from this court felt that this change was positive with one participant reporting that it reduced the pressure on Family Court Advisers and allowed them to focus on work with families and children.

A further area where resourcing posed a challenge was in the funding and capacity of the domestic abuse services involved in delivering the Pathfinder Pilot:

"[Funding is] absolutely critical, particularly for the domestic abuse organisations, and it's about making sure that funding is in place right from the beginning." (Pathfinder, Cafcass/Cafcass Cymru).

One issue raised by participants was the capacity of the domestic abuse support services to manage the number of cases being referred to them. In one court area, although one of the domestic abuse support services had a dedicated Pathfinder lead, the other smaller service did not have a dedicated post and Pathfinder work was being completed alongside other work. In one court, participants suggested that Cafcass/Cafcass Cymru staff had to complete some DASH risk assessments because the domestic abuse support service did not have sufficient resource to complete them at the required time.

The challenges around capacity in the domestic abuse services were heightened due to the number of cases where counter-allegations of domestic abuse were being made – cases where both parties allege the other has perpetrated domestic abuse against them.

Managing risk assessments in these cases posed challenges for domestic abuse services as additional staff were required to conduct risk assessments in each of these cases. This is because independent assessments of all family members have to be conducted by separate Independent Domestic Violence Advisers in these cases. In addition, the Pathfinder courts in North Wales used a different assessment for male victims (the Safer Wales 'Dyn checklist'). Participants noted that this could be challenging as the Dyn checklist is a complex and lengthy risk assessment, with 106 questions compared to 24 for the DASH. Domestic Abuse Services felt there were issues with the Dyn checklist, including this not being a trauma-informed tool, but they suggested it was policy in North Wales for this to be used.

Participants reported an increase in victim-survivors receiving onward support from the domestic abuse organisations. Whilst this was seen as a benefit, as more victim-survivors are receiving vital support, it also had implications for the capacity of the domestic abuse organisations:

“It’s not just the increase in people accessing it but actually the increase in people who have continued support once proceedings are concluded.” (Pathfinder, Cafcass/Cafcass Cymru).

A final issue flagged by participants in relation to resourcing was the limited availability of wider support for families (for example, through legal aid, provision of parenting courses, contact centres and local authority services). Participants suggested the lack of onward services was due to a lack of funding in the family support sector more generally. A particular area where a lack of support was felt was the lack of availability of perpetrator programs:

“There is no support for perpetrators. I know that there are probably seven out of ten perpetrators who are never going to change and are violent and coercive and will use the court system to hurt the people around them. However, probably about three out of ten do want to have a relationship with their children and can’t.” (CAP, Cafcass/Cafcass Cymru).

This was reported across both Pathfinder and CAP and reflects a wider issue about the lack of support available for perpetrators. The challenges of engaging with perpetrators is noted as a reoccurring barrier in domestic abuse cases (Renehan & Gadd, 2024).

Roles and Remit

Participants reported that there was a lack of clarity in some aspects of Pathfinder implementation, particularly around the scope and remit of new roles. For example, some of the domestic abuse support service representatives working in the Pathfinder courts suggested that they “didn’t know what their boundaries were” in relation to their role:

“I often questioned ‘Could I interrupt a hearing if I felt the perpetrator was intimidating my victim but the judge wasn’t aware?’ Things like that. So, I didn’t know what my parameters were.” (Pathfinder, domestic abuse support service).

Participants also suggested there were differences in the interpretations of roles between Dorset and North Wales. The remit of the Case Progression Officer role was described as quite broad, with participants feeling that there was a lack of steer or guidance on the key expectations, especially from the MoJ. This resulted in variance, for example, between the sites regarding the level and type of telephone contact they had with families:

“I wouldn’t say that the telephone calls comprise case progression. That’s being informative and making them aware of the court process, so that’s more customer service, whereas file progression, training the admin team on process changes, liaising with the judiciary and Cafcass and the local authorities, that’s more progression, and making sure that the case is progressed properly and keeps moving.” (Pathfinder, HMCTS).

This lack of clarity could mean that participants felt that they were juggling roles. HMCTS staff in particular found it a challenge to balance the increased focus on private law in Pathfinder with public law and civil cases.

Challenges within the Pathfinder Model

The only challenge identified within the Pathfinder model itself was the ‘review stage’. This is the final stage of Pathfinder that is intended to take place three to twelve months from

the point at which the final order was made. It is usually the judge who determines whether or not the review stage is needed. The inclusion of this stage followed the Harm Panel Report's (2020: 176) recommendation for "a proactive follow up three to six months after orders are made to see how they are working." The purpose of this stage is to contact the parties, particularly children where appropriate, to determine how the order is working for them and to focus on their safety:

"The intent of the review was to check in with the children, checking in to see if things were working or not." (Pathfinder, HMCTS).

However, participants suggested that the review stage was not regularly utilised. In North Wales, participants suggested that Family Assistance Orders¹⁰ were an option being used in place of the review stage. This was not the case in Dorset. The use of such orders was noted by local authority and Cafcass Cymru staff to require additional resources. Furthermore, some local authority staff expressed the view that orders felt unnecessary when they were providing support as part of a statutory child protection or care and support plan. Participants felt that the timescales for Family Assistance Orders meant that families often remained within the social care system for longer than necessary.

Participants suggested that reviews were not ordered due to confusion about their purpose, a lack of clarity on when they should be used and uncertainty about whether they should be completed in court or via a telephone call:

"There were very mixed feelings about what the review stage was supposed to do. I thought it was a bit naïve, the idea that you chuck in a review and you chat to people and check in and it will be OK. I think it was vague. It wasn't specific enough as to (a) who was doing it – was it [the] court, Case Progression Officer, Cafcass? And (b) what the purpose of that discussion was, what's the plan, why?" (Pathfinder, Cafcass/Cafcass Cymru).

¹⁰ Family Assistance Orders: Children Act 1989 (1989 c 41) allow the court to order a Cafcass/Cafcass Cymru officer or local authority officer to 'advise, assist and befriend' any person named in the order.

Both pilot sites used court reviews and telephone calls, but participants in North Wales suggested that they used telephone calls more regularly as this was seen as the most straight forward and less formal approach.

The term 'review' was also felt to be misleading, as parties/families had on occasion expressed the view that they were expecting their whole case to be reviewed again:

"We didn't like how it was called review, because I think it gives people the idea that, if things aren't working, don't worry, in three or six-months' time the court will just have another look at it and it will be fine. This could then lead to non-compliance or complacency about how this order is enforced."
(Pathfinder, HMCTS).

To address this concern, North Wales began to use the terminology of 'follow up' or a 'check in', rather than 'review'. This was felt to be more in line with what the courts were actually doing.

A major challenge of the review process was the limited scope for action following a review. Participants discussed a lack of clarity about who was responsible for safeguarding concerns or risks in the period between when the review was ordered and when it happened:

"Once a final order is made, the case is closed. If at the review stage, the author of the report came back to the court and said, 'I'm really concerned about this case. This order isn't working', then the court has no power to reopen it. So the parties would have to issue a new application to start again." (Pathfinder, HMCTS).

Furthermore, it was noted that, although the Pathfinder Practice Direction allows for children to be spoken to as part of this review, this was not necessarily routine and happened at the discretion of local sites:

".... we haven't been ordered to speak to any children. But even if I wasn't ordered to speak to a child, I could make a referral to the local authority if I thought they were at risk of harm." (Pathfinder Cafcass/Cafcass Cymru).

However, in spite of these challenges with the review stage, some participants did feel the review stage was valuable. As one domestic abuse worker suggested:

“This doesn’t mean a review shouldn’t exist, because we need to know how that person’s life now sits, particularly when there is domestic abuse there.”

(Pathfinder, Domestic abuse support services).

Furthermore, some participants reflected on the value of the review stage when there were minor concerns which did not prevent an order from being made but were significant enough to require further oversight of the case.

Generally, it was felt that, although in some cases having a ‘check in’ after the case had concluded in court was beneficial, particularly for domestic abuse cases, this was not seen as necessary for all cases. Conditions specifying when the review stage is to be used and adaptations to the terminology/naming need to be considered for future rollout of the Pathfinder approach. The future development of the review stage will also be able to be informed by findings from the forthcoming research with children and families.

Summary of Challenges

Except for concerns about the review stage, most of the identified challenges concerned implementation of a new process rather than challenges with the Pathfinder model itself. There was a recognition from participants that implementing Pathfinder was challenging given the wider funding and resourcing difficulties across the family justice system. There were also challenges identified in centring the voice of the child in some cases. These are important messages for future rollout of the approach.

4.3 Exploratory Financial Analysis

The financial analysis focussed on comparing the resources and costs of delivering Pathfinder in the two pilot courts to the resources and costs of delivering CAP in two comparator courts. More detailed analysis and findings are provided in Appendix C of the report, including detailed costing data, sensitivity analysis, and case complexity analysis.

Cost Impact

The exploratory financial analysis suggests that on a 'business as usual' basis, the average direct unit cost per case in Pathfinder was slightly lower than in CAP. In England, the analysis suggests that Pathfinder cases in Dorset cost five per cent less than CAP cases in Swindon. In Wales, the analysis suggests that Pathfinder cases in North Wales cost one per cent less than CAP cases in Cardiff and Southeast Wales. This is outlined in tables 1 and 2.

Table 1. Direct unit cost comparison between Pathfinder and CAP site in England (£)

Comparison Pathfinder vs CAP	
Dorset (Pathfinder)	£1,890
Swindon (CAP)	£1,980
<i>Percentage change</i>	-5%

Table 2. Direct unit cost comparison between Pathfinder and CAP site in Wales (£)

Comparison Pathfinder vs CAP	
North Wales (Pathfinder)	£1,969
Cardiff (CAP)	£1,980
<i>Percentage change</i>	-1%

Cost Profile and Organisational Impacts

Whilst the analysis suggests that, overall, Pathfinder cases cost less than CAP cases, the analysis also found that the financial impact of Pathfinder varied significantly across different parts of the system. Tables 3 and 4 show that the cost and resource implications for individual organisations differ under Pathfinder compared to CAP.

Table 3. Average direct cost per case broken down between different organisations in the family justice system for English comparator sites (£)**Dorset (Pathfinder) & Swindon (CAP)**

Organisation	Cafcass	Judiciary	Domestic Abuse Support Services	HMCTS	Local authority	TOTAL
Dorset average cost per case	£1,029	£193	£151	£365	£151	£1,890
Swindon average cost per case	£1,104	£419	-	£396	£61	£1,980
<i>Percentage change</i>	<i>-7%</i>	<i>-54%</i>	<i>n/a</i>	<i>-8%</i>	<i>146%</i>	<i>-5%</i>

Note: i. Domestic abuse support services have not been costed under the CAP model as they are not routinely involved in CAP cases. ii. Figures may not sum to the correct figure in the 'Total' columns due to rounding.

Table 4. Average direct cost per case broken down between different organisations in the family justice system for Welsh comparator sites (£)**North Wales (Pathfinder) & Cardiff (CAP)**

Organisation	Cafcass Cymru	Judiciary	Domestic Abuse Support Services	HMCTS	Local authority	TOTAL
North Wales average cost per case	£1,119	£143	£200	£354	£153	£1,969
Cardiff average cost per case	£1,166	£417	-	£328	£68	£1,980
<i>Percentage change</i>	<i>-4%</i>	<i>-66%</i>	<i>n/a</i>	<i>8%</i>	<i>125%</i>	<i>-1%</i>

Note: i. Domestic abuse support services have not been costed under the CAP model as they are not routinely involved in CAP cases. ii. Figures may not sum to the correct figure in the 'Total' columns due to rounding.

The Pathfinder model incurred additional costs that are not routinely seen, or directly funded by the family justice system, in CAP. For example, domestic abuse support services are an additional cost in Pathfinder and are not funded in the comparable CAP courts. Across all cases, this resulted in an additional cost of £151 per case in Dorset and £200 per case in North Wales.

There were other areas of the system where costs per case were significantly lower in the Pathfinder courts compared to the CAP courts. The financial analysis found that Pathfinder cases in Dorset and North Wales had fewer hearings than equivalent cases in the comparator CAP courts. The primary financial benefit of this reduction is the decreased cost per case for the judiciary. As shown in tables 3 and 4, the judicial cost of Pathfinder cases was 54 per cent lower in Dorset compared to Swindon (CAP) and 66 per cent lower in North Wales compared to Cardiff and South East Wales (CAP). However, this reduction in cost per case does not necessarily result in direct savings, rather it allows judicial time to be reallocated to other activities, such as reducing backlogs or hearing public law cases.

The costs per case to Cafcass/Cafcass Cymru were also lower in Pathfinder compared to CAP. As shown in tables 3 and 4, the cost of a Pathfinder case in Dorset was seven per cent lower for Cafcass than the cost of a CAP case in Swindon, and the cost of a Pathfinder case in North Wales was four per cent lower for Cafcass Cymru than the cost of a CAP case in Cardiff and South East Wales.

Whilst the analysis suggests the overall cost for each case was slightly lower in the Pathfinder courts for Cafcass/Cafcass Cymru, the requirement for Family Court Advisers to complete most of their casework in the first six to eight weeks of a case created a resourcing challenge. Child Impact Reports, delivered at an earlier stage of a case, required more time and interaction with families (on average 19 hours to complete Child Impact Report 1) than the first of stage of engagement under the CAP model, the Safeguarding Letter (nine hours to complete in England). This upfront time was offset by fewer time-intensive follow-up reports being required (such as a Section 7, requiring 25 hours of Family Court Adviser time) and fewer court hearings. Annex B provides more details on the costs for Cafcass/Cafcass Cymru.

Sensitivity and Case Complexity Analysis

To support the primary analysis, additional sensitivity analysis was carried out to understand how the overall cost of Pathfinder and CAP were affected by changes in key variables. This helps to understand the potential range in cost outcomes, given the uncertainty with key data inputs. This analysis found that some key resource estimates are sensitive to minor change.

The financial analysis assumes five hearings per case for CAP sites. This figure was based on qualitative research with members of the judiciary and was confirmed to be the most common and widely accepted value. However, various participants indicated that, depending on local factors, the average number of hearings per case under the CAP model could range from three to seven. The sensitivity analysis suggests that if the average number of hearings under CAP were one lower than estimated, cases would cost more to deliver under Pathfinder in Dorset and North Wales than CAP in the comparator courts. Similar analysis was completed on other variables, but these were found to be less sensitive to change, suggesting the number of hearings per case is a key driver of the costs of Pathfinder compared to CAP. Further details of the sensitivity analysis can be found in Annex C.

Additionally, analysis was undertaken to understand the relative cost implications of implementing Pathfinder on cases of varying complexity.¹¹ This is presented in Appendix C. The analysis found that the cost impact of Pathfinder varies depending on how complex a case is. For a 'more complex' case, the findings suggest that the cost of a case under Pathfinder is consistently lower than the cost of an equivalent case under CAP. This is primarily driven by the higher number of hearings required for a complex case under the CAP model and greater judicial involvement in these cases. For a 'more straightforward' case, the findings suggest that the cost of a case under Pathfinder is consistently more expensive than an equivalent case under CAP. As a result, whilst Pathfinder cases were found on average to have a lower cost per case, the Pathfinder model may be less cost efficient for more straightforward cases.

Summary of Exploratory Financial Analysis

Overall, the financial analysis found that the average cost of a Pathfinder case in Dorset and North Wales costs less than a CAP case in Swindon and in Cardiff and South East Wales. However, given the sensitivity of the costings and the variable cost effectiveness of cases of different complexities, the overall direct costs of Pathfinder at the pilot sites compared to the direct costs of CAP in these two areas is likely to be broadly cost neutral. Given the potential differences in case complexity across different court areas – driven by

¹¹ For the purpose of this analysis, resource intensiveness of the case was used to define case complexity.

demographics and socioeconomic factors, as well as differences in court practices – the findings suggest that the financial implications of a wider Pathfinder rollout could vary significantly across regions.

The findings of the financial analysis presented in this section are affected by limitations in the quality, availability, and comparability of data within the family justice system. In addition, regional variation in court practice and case complexity means these findings may not be representative of the whole system. As a result, the differences in cost between court areas and between Pathfinder and CAP may reflect data limitations, as well as differences in practice and cost, rather than inherent cost differences between the models. The financial analysis did not capture the significant resourcing implications for organisations during the initial implementation of Pathfinder.

Finally, this analysis was not able to consider all of the wider costs and benefits of the Pathfinder model. For example, participants expressed views on additional benefits of Pathfinder, such as their experiences of fewer cases returning to court and fewer appeals. Similarly, as the model becomes more embedded into practice, the costs of a case for each organisation may further change, with more organisations directly benefiting from the more efficient court process. Although these potential benefits were not directly captured in the financial analysis, they could lead to significant long-term cost efficiencies.

5. Summary and Insights for Rollout

5.1 Summary

The aims of the Pathfinder model are to reduce the adversarial nature and trauma of the court process for families, centralise the voice of the child, improve the way allegations of domestic abuse and other risks of harm are dealt with, and ensure better coordinated working across agencies. This process and implementation evaluation highlights that, from the perspective of family court professionals, these aims were largely met at the two pilot sites participating in this evaluation. The benefits of Pathfinder identified by participants in comparison to CAP were extensive and included perceptions of substantially improved experiences and outcomes for children and families, fewer hearings and reduced time spent in court and better information gathering to inform safety planning.

Implementing a new process on this scale is not without its challenges. Participants discussed issues arising from staffing and capacity, barriers to effective change management and issues with the purpose and use of the review stage. However, most of these challenges related to broader system-wide pressures and the implementation of a new approach rather than being integral to the model itself. Participants also suggested that there were both critical components of the Pathfinder approach (such as the Case Progression Officer role, Child Impact Report and involvement of domestic abuse support services) but also components of the model that should be more flexible (such as the need to see all children and the timescales for the Child Impact Report). Collectively, these should be viewed as important learning points to inform rollout of the Pathfinder model.

The exploratory financial analysis found that the average cost of a Pathfinder case in Dorset and North Wales is less than for an average CAP case in Swindon and in Cardiff and South East Wales. This impact, however, varied significantly across the system. Some parts of the system saw a large increase in cost under Pathfinder (such as the domestic abuse support agencies which are not routinely part of the CAP system). Other parts of the system saw a large decrease in cost under Pathfinder compared to CAP (such as the judicial time per case). For other parts of the system, the overall cost of Pathfinder was

lower compared to CAP, but the cadence of activity within a case shifted, with much more resource required earlier within a case (such as for Cafcass/Cafcass Cymru).

Whilst on a case-by-case basis the analysis found that Pathfinder cases in Dorset and North Wales cost less than CAP cases in Swindon and in Cardiff and South East Wales, it appears that, overall, the cost of delivering Pathfinder in these areas is broadly equivalent to the cost of delivering CAP. The analysis was found to be very sensitive to changes in key inputs, particularly in judicial time. In addition, case complexity (defined by resource intensiveness) was found to impact the comparative cost of cases, with 'more complex cases' costing less in Pathfinder, but 'more straightforward' cases costing more under Pathfinder in comparison to CAP. This suggests a broadly cost neutral impact overall for the two areas. As both case complexity, and local court practice, vary substantially across different court regions, the overall cost of Pathfinder is likely to cost more than CAP to deliver in some areas and less than CAP to deliver in others.

5.2 Insights and Learning for Rollout

Based on participants' reflections on the implementation of Pathfinder in Dorset and North Wales, the research team have identified key policy, practice and further research considerations to inform the implementation of Pathfinder in other areas.

The Pathfinder Model

- **Maintaining the focus on the child:** This is central to the Pathfinder model and the findings suggest that practices aimed at eliciting the voice of the child should be kept under review, including considering what child-centred looks like on a case-by-case basis. A focus on the child requires not only hearing the child's voice, but also monitoring how this is implemented and acted upon in decision-making. The perceptions of children and parents should help inform any planned rollout of the Pathfinder model, and these will be explored in the second evaluation strand for this pilot which is currently under way.
- **Gathering information:** Early frontloading of information gathering and adopting an investigative approach is a key component of the Pathfinder process. Findings suggest this approach should be maintained in any future rollout, with the Child Impact Report being a central tool in this. However, participant feedback

highlights the importance of balancing timely case progression with ensuring important information is not missed, particularly as the Child Impact Report is the main source of information gathering for Pathfinder.

- **Reconsidering the review stage:** The intended aims for this stage may need to be revisited with consideration given to how this stage can be implemented and communicated more effectively. Adopting the approach taken in North Wales and positioning this stage as a 'follow up' or 'check in' may be more appropriate. More detailed and clearer guidance on this stage of the model would be needed prior to any further rollout.

Multi-Agency Partnerships

- **Building effective partnerships:** To establish and maintain effective partnership arrangements, 'buy in' and investment from all agencies at an early stage is needed. At both Pathfinder pilot sites, the Implementation Manager has been effective in leading the implementation process, and this role offers an example of best practice for other sites.
- **Engaging key staff/agencies:** The multi-agency approach of Pathfinder is a key component: the suggested 'blueprint' for other areas is that the model includes domestic abuse support services, the Case Progression Officer role, and the core team involved in Gatekeeping 1 and 2. Coordination can be facilitated by regular multi-agency meetings, shared training events, and protocols on new working relationships, including that between domestic abuse support services and Cafcass/Cafcass Cymru.

Resources

- **Considering organisational resourcing:** The financial analysis found that Pathfinder changes the cost profile of a case with higher costs for some organisations at different stages within a case. To effectively roll the model out further, consideration may need to be given to how organisations are resourced to manage this different cost profile.
- **Ensuring appropriate staffing and capacity:** Participants reported challenges in delivering the model where sites were operating below required staffing levels. To

deliver Pathfinder effectively, it will be important that all roles are filled before the new process begins.

- **Considering capacity of domestic abuse support services:** Domestic abuse support services were identified as integral to the success of Pathfinder. However, participants reported challenges delivering Pathfinder where the capacity of domestic abuse services did not meet demand – especially with the higher-than-expected number of cases with counter allegations. The inclusion of domestic abuse support services in Pathfinder should take into account their capacity, staffing, and available resources. Resourcing requirements more broadly will vary across other court areas in England and Wales, particularly those which are larger and more urban or rural.
- **Understanding the landscape of wider support services:** The limited availability of onward support for families (such as contact centres and parenting support) and the lack of targeted domestic abuse intervention (such as programs for perpetrators) were highlighted by stakeholders. Although outside the formal remit of the Pathfinder model, understanding the support landscape in different court areas is important context in supporting Pathfinder to achieve its goals.

Organisational

- **Managing transition to the Pathfinder model:** Consideration should be given to how to manage the transition process where Pathfinder and CAP cases are, at first, running in parallel. Prior to implementation of the new model, it may be helpful to allocate time and resource to reduce the backlog of existing cases so that old and new processes are running in parallel for as short a time as possible. Participants suggested that a lead-in time of approximately six months would be beneficial.
- **Continuing to invest in joint training:** Participants reported the value of shared training in supporting Pathfinder delivery and improving understanding of domestic abuse across the system. Challenges were reported where staff new to Pathfinder – such as local authority staff who may work on very few Pathfinder cases – did not have this training. Continuing to invest in joint training and role-relevant domestic abuse training will be key to supporting the successful rollout of

Pathfinder in other areas. Consideration should also be given to ensuring that new staff, and staff who have limited involvement in Pathfinder, can be appropriately trained.

Considerations for Future Research

- Participants' views about the improvements to the experiences of children and families which Pathfinder had brought about were positive. They talked about the perceived benefits which the pilot model has delivered in reducing re-traumatisation for adult and child victim-survivors of domestic abuse as well as, more broadly, providing a more supportive process and a better court environment. The second stage evaluation – directly capturing the experiences of children and families – will, however, be vital in validating these views and in ensuring children's and families' own perspectives inform any rollout of Pathfinder.
- Robust financial analysis requires accurate and systematic collection of activity and data across the system. Improving collection and reporting of pilot monitoring data, and wider family justice system data, would facilitate a more detailed investigation of the financial impact of the Pathfinder model in the future. Ideally, evaluation partners should be involved in designing monitoring data requirements for new pilot sites to ensure that the data needed for evaluation purposes is captured consistently from the outset.
- If data is improved, a comprehensive economic cost-benefit analysis should be conducted over an extended timeframe and involving a larger sample of geographic areas. Such an analysis would provide a more nuanced understanding of the financial implications associated with implementing the Pathfinder model compared to the CAP model. By extending the scope of economic analysis, it would be possible to capture the long-term impacts and cost savings attributable to the broader benefits of the Pathfinder model, including the potential impact of change in the number of returning cases.

References

- Barlow, C. & Walklate, S. (2021) *Gender, risk assessment and coercive control: Contradictions in terms?* *The British Journal of Criminology*, 61(4), Pages 887–904.
<https://psycnet.apa.org/doi/10.1093/bjc/azaa104> (viewed on 1st December 2023)
- Barnett, A. (2014). *Contact at all costs? Domestic violence and children’s welfare.* *Child and Family Law Quarterly*, 6(4), Pages 439–462.
<https://heinonline.org/HOL/P?h=hein.journals/chilflq26&i=445> (viewed on 1st December 2023)
- Birchall, J. & Choudhry, S. (2022) *‘I was punished for telling the truth’: how allegations of parental alienation are used to silence, sideline and disempower survivors of DA in family law proceedings.* *Journal of Gender-Based Violence*, 6(1), Pages 115–131.
https://hubble-live-assets.s3.eu-west-1.amazonaws.com/respect/file_asset/file/1853/I_was_punished_for_telling_the_truth_ho.pdf (viewed on 1st December 2023)
- Braun, V. & Clarke, V. (2006) *Using Thematic Analysis in Psychology.* *Qualitative Research in Psychology*, 3(2), Pages 77–101.
<http://dx.doi.org/10.1191/1478088706qp063oa> (viewed on 1st December 2023)
- Clemente, M. & Padilla-Racero, D. (2015) *‘Are children susceptible to manipulation?’ The best interest of children and their testimony.* *Children and Youth Services Review*, 51, Pages 101–107.
<https://www.sciencedirect.com/science/article/abs/pii/S0190740915000614> (viewed on 1st December 2023)
- Coy, M., Scott, E., Tweedale, R., & Perks, K. (2015) *‘It’s like going through the abuse again’: domestic violence and women and children’s (un)safety in private law contact proceedings.* *Journal of Social Welfare & Family Law*, 37(1), Pages 53–69.
<https://doi.org/10.1080/09649069.2015.1004863> (viewed on 1st December 2023)

Department for Environment, Food and Rural Affairs. (2013, September) *Official Statistics: 2011 Rural Urban Classification*. <https://www.gov.uk/government/statistics/2011-rural-urban-classification> (viewed on 1st December 2023)

Domestic Abuse Commissioner (2023) *The Family Court and domestic abuse: achieving cultural change*. https://domesticabusecommissioner.uk/wp-content/uploads/2023/10/DAC_Family-Court-Report_Oct-2023.pdf (viewed on 1st December 2023)

Douglas, H. & Fell, E. (2020) *Malicious Reports of Child Maltreatment as Coercive Control: Mothers and Domestic and Family Violence*. *Journal of Family Violence*, 35(8), Pages 827–837. <https://doi.org/10.1007/s10896-019-00128-1> (viewed on 1st December 2023)

Family Justice Review Panel (2011) *Family Justice Review*. Ministry of Justice, the Department for Education and the Welsh Government
<https://assets.publishing.service.gov.uk/media/5a7c4b3ae5274a1b00422c9e/family-justice-review-final-report.pdf> (viewed on 1st December 2023)

Gutowski, E. R. & Goodman, L. A. (2023) *Coercive Control in the Courtroom: The Legal Abuse Scale (LAS)*. *Journal of Family Violence*, 38(5), Pages 527–542.
<https://doi.org/10.1007/s10896-022-00408-3> (viewed on 1st December 2023)

Hargreaves, C., Cusworth, L., Alrouh, B., Broadhurst, K., Cowley, L., Abouelenin, M., & North, L. (2022) *Uncovering private family law: What can the data tell us about children's participation?* <https://www.nuffieldfjo.org.uk/resource/uncovering-private-family-law-what-can-the-data-tell-us-about-childrens-participation> (viewed on 1st December 2023)

Harwin, J. & Barlow, C. (2022) *The co-occurrence of substance misuse, domestic abuse, and child maltreatment: Can Family Drug and Alcohol Courts play a part?* *Frontiers in Psychiatry*, 13 (989813). <https://doi.org/10.3389/fpsy.2022.989813> (viewed on 1st December 2023)

Hester, M., Pearce, J. & Westmarland, N. (2008) *Early evaluation of the Integrated Domestic Violence Court, Croydon*. (Ministry of Justice Research Series 18/08).

<http://www.justice.gov.uk/docs/evaluation-court-croydon.pdf> (viewed on 1st December 2023)

Hunter, R., Burton, M. & Trinder, L. (2020) *Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Final Report*. Ministry of Justice.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/895173/assessing-risk-harm-children-parents-pl-childrens-cases-report_.pdf

(viewed on 1st December 2023)

Johnson, R., Ford, D., Broadhurst, K., Cusworth, L., Jones, K., Akbari A., Bedston, A., Alrouh, A., Doebler, S., Lee, A., Smart, J., Thompson, S., Trinder, L. & Griffiths L. (2020) *Data Resource: population level family justice administrative data with opportunities for data linkage*. International Journal of Population Data Science, 5(1):1339

<https://ijpds.org/article/view/1339> (viewed on 1st December 2023)

Jones, R. (2023) *Children and young people's experiences of participation in private proceedings in the family courts*. (Social Research Number: 114/2023). Welsh

Government. <https://www.gov.wales/sites/default/files/statistics-and-research/2023-12/children-and-young-peoples-experiences-of-participation-in-private-proceedings-in-the-family-courts-report.pdf> (viewed on 1st December 2023)

Macdonald, G. S. (2016) *Domestic Violence and Private Family Court Proceedings: Promoting Child Welfare or Promoting Contact?* Violence Against Women, 22(7), Pages

832–852. <https://dx.doi.org/10.1177/1077801215612600> (viewed on 1st December 2023)

Mayne, J. (2008) *Contribution analysis: An approach to exploring cause and effect*.

Institutional Learning and Change Initiative. <https://www.betterevaluation.org/methods-approaches/approaches/contribution-analysis> (viewed on 1st December 2023)

Mayne, J. (2019) *Revisiting Contribution Analysis*. Canadian Journal of Program

Evaluation, 34(2). <https://doi.org/10.3138/cjpe.68004> (viewed on 1st December 2023)

Mennerich, A., Rempel, M., Farole, D. J. & Kralstein, D. (2005) *The potential cost-effectiveness of trial court restructuring in New York State*. Center for Court Innovation.

https://www.innovatingjustice.org/sites/default/files/documents/Nine_IDV.pdf (viewed on 1st December 2023)

Ministry of Justice (2011) *Family Justice Review Final Report*.

<https://assets.publishing.service.gov.uk/media/5a7c4b3ae5274a1b00422c9e/family-justice-review-final-report.pdf> (viewed on 1st December 2023)

Ministry of Justice (2023) *Assessing Risk of Harm to Children and Parents in Private Law Children Cases: Annex – Integrated Domestic Abuse Courts*.

<https://assets.publishing.service.gov.uk/media/646e0e7eab40bf00101969b4/annex-integrated-domestic-abuse-courts.pdf> (viewed on 1st December 2023)

Munby, J. (2021) *Our Treatment of the Vulnerable – Challenges for the family justice system*. Transparency Project. <https://transparencyproject.org.uk/our-treatment-of-the-vulnerable-challenges-for-the-family-justice-system/> (viewed on 1st December 2023)

Naderifar, M., Goli, H. & Ghaljaie, F. (2017) *Snowball Sampling: A Purposeful Method of Sampling in Qualitative Research*. *Strides in Development of Medical Education*, 14(3), e67670. <https://doi.org/10.5812/sdme.67670> (viewed on 1st December 2023)

Nuffield Family Justice Observatory (2019) *Supporting Better Outcomes for Children Through Research*. <https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/05/NUFJ7481-Family-Justice-Leaflet-190912-WEB.pdf> (viewed on 1st December 2023)

Renahan, N. & Gadd, D. (2024) *For Better or Worse? Improving the Response to Domestic Abuse Offenders on Probation*. *The British Journal of Criminology: An International Review of Crime and Society*, 64(5), Pages 1171–1188.

<https://doi.org/10.1093/bjc/azae003> (viewed on 26th September 2024)

Roe, A. (2021) *Children's experience of private law proceedings: Six key messages from research*. Spotlight series. London: Nuffield Family Justice Observatory

<https://www.nuffieldfjo.org.uk/wp-content/uploads/2021/10/Childrens-experience-of-private-law-proceedings.pdf> (viewed on 1st December 2023)

Safer Wales. *Support for Male victims of Domestic Abuse or domestic violence in Wales.*

<https://www.saferwales.com/domestic-abuse> (viewed on 1st December 2023)

Office for National Statistics (2021, November) *Domestic abuse in England and Wales – Data tool.*

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domesticabuseinenglandandwalesdatatool> (viewed on 1st December 2023)

Serra, M., Psarra, S., & O'Brien, J. (2018) *Social and Physical Characterization of Urban Contexts: Techniques and Methods for Quantification, Classification and Purposive Sampling.* *Urban Planning*, 3(1), Pages 58–74.

<https://www.cogitatiopress.com/urbanplanning/article/view/1269> (viewed on 1st December 2023)

Ventura, L. A. & Davis, G. (2005) *Domestic violence: Court case conviction and recidivism.* *Violence Against Women*, 11(2), Pages 255–277.

<https://journals.sagepub.com/doi/abs/10.1177/1077801204271722> (viewed on 1st December 2023)

Walsh, K. (2024). *The Failure to Recognize Continuing Harm: Post-Separation Domestic Abuse in Child Contact Cases.* *Violence Against Women*, 0(0).

<https://journals.sagepub.com/doi/10.1177/10778012241243049> (viewed on 26th September 2024)

Appendix A

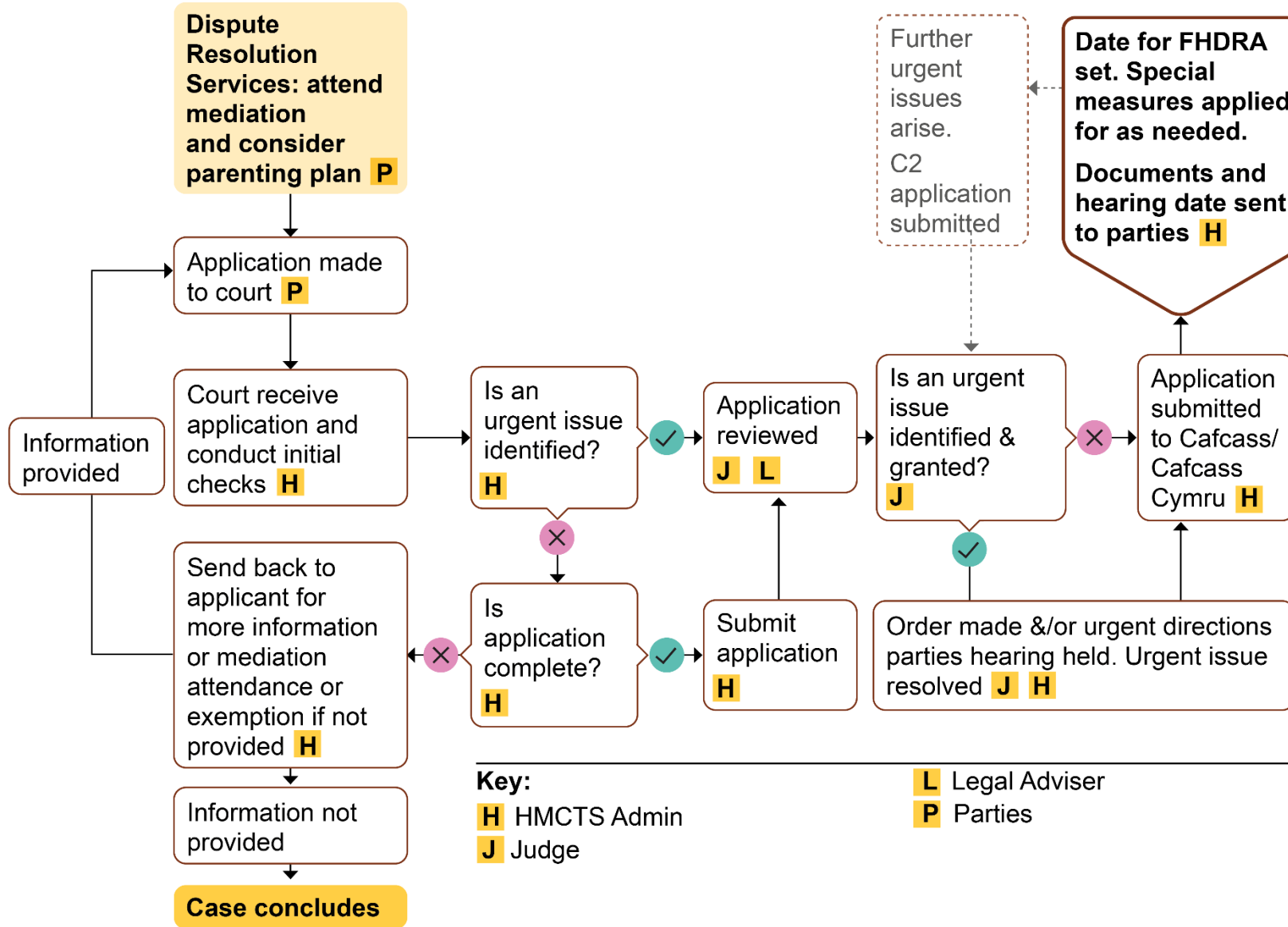
Process Models

The Child Arrangements Programme (CAP) Model

The 'Child Arrangements Programme' is set out in Practice Direction 12B.¹² It applies where a dispute arises between parents and/or families about arrangements concerning children, such as where they will live and with whom they will spend time. Before applying to the family court, parties are expected to try and resolve their issues by non-court dispute resolution, where this is safe and appropriate. Where families are unable to reach agreement outside of the court setting, a court application is made.

¹² [Practice Direction 12B – Child Arrangements Programme – Justice UK](#)

Figure 1. Application and Initial Gatekeeping
Application and Initial Gatekeeping



An application is made to the court by filing a C100 form which confirms that parties have completed mediation or have a reason for not doing so. Applicants may be legally represented during private family proceedings.

Legal aid may be available to help cover the costs of representation and to prepare an individual for court for child arrangements proceedings. It is only available if a party can provide evidence that they have experienced, or are at risk of, domestic abuse or that their child(ren) have experienced, or are at risk of child abuse.¹³ They also have to pass the legal aid means and merits tests. Means-free legal aid is available to children who meet the merits test in relation to child arrangements proceedings. This is in scope where the child is made a party to proceedings by the court or the child is granted leave to apply. Children are not automatically part of private law proceedings (unlike public law proceedings).

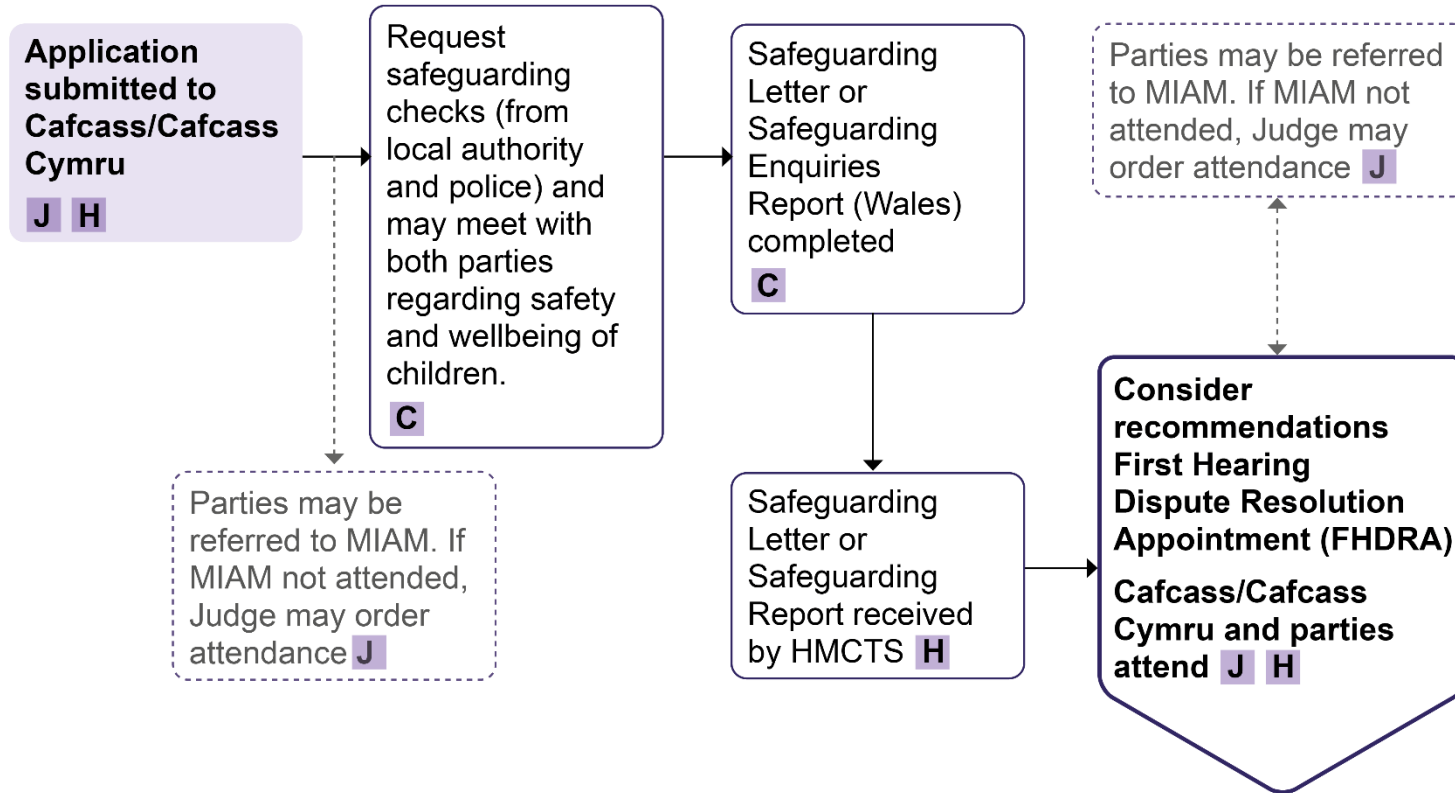
Many adult parties are not legally represented during proceedings if they are not eligible for legal aid or cannot fund their own legal representation and so engage directly with the court. They are known as 'litigants in person'.

The court acknowledges receipt of the C100 application and issues the applicant (e.g. parent) and respondent (e.g. other parent) with a Notice of Hearing. The court sends the C100 application to Cafcass/Cafcass Cymru to complete initial safeguarding enquiries and checks. For all child arrangements orders, this will include seeking information from local authorities and carrying out police checks on the parties. For all other applications, Cafcass/Cafcass Cymru will carry out a screening process and will undertake those checks, if deemed necessary. Cafcass/Cafcass Cymru will, if possible, undertake telephone risk identification interviews with the parties. If risks of harm are identified, they may invite parties to meet separately before the First Hearing Dispute Resolution Appointment (FHDR) to clarify any safety issues. Cafcass/Cafcass Cymru then outline any safety issues for the court in the form of a Safeguarding Letter.

¹³ Legal aid is available for mediation on a means and merits tested basis. Funding is available to cover the costs of Mediation Information and Assessment Meetings (MIAM) and can also be granted for mediation sessions after the MIAM as well as to enable a consent order to be secured from the court. If only one party is able to pass the means test, legal aid will cover the costs of the MIAM and the first mediation session for both parties. After this, legal aid will only cover costs of the party who passed the means test.

Figure 2. Safeguarding and First Hearing Dispute Resolution Appointment (FHDRA)

Safeguarding and First Hearing Dispute Resolution Appointment (2 to 6 months to FHDRA)



Key:

- C** Cafcass/Cafcass Cymru or Local Authority
- H** HMCTS Admin
- J** Judge

An initial appraisal is undertaken by a nominated Legal Adviser and/or nominated District Judge. The FHDRA hearing then usually takes place within two to six months of the application. This hearing aims to provide an opportunity for the parties to gain an understanding of the issues which divide them, and to reach agreement. If agreement is reached, the court will make a final order.

Figure 3. Case Management

Safeguarding and First Hearing Dispute Resolution Appointment

First Hearing Dispute Resolution Appointment (FHDRA).
Cafcass/Cafcass Cymru and parties attend

J H

Final agreement can be reached/order made in some cases

J H

**Case Management
(Length may vary up to 3 years)**

**Additional Activities Might Include
(Dependent on Individual Cases):**

Additional intervention
C

Additional reports (e.g., S7, S37)
Child Impact Analysis (Wales) **C**

Expert evidence **H**

Fact Finding Hearing
H J

Filing of Statements
H

Interim orders
H J

Children might be given the opportunity to share their views in additional reports and fact findings, but this is very limited and not stated in the practice direction **P**

Proceed to mediation or decision/final hearing
J

Additional activities/information needed **J**

Dispute resolution appointments **J**

Key:

C Cafcass/Cafcass Cymru or Local Authority

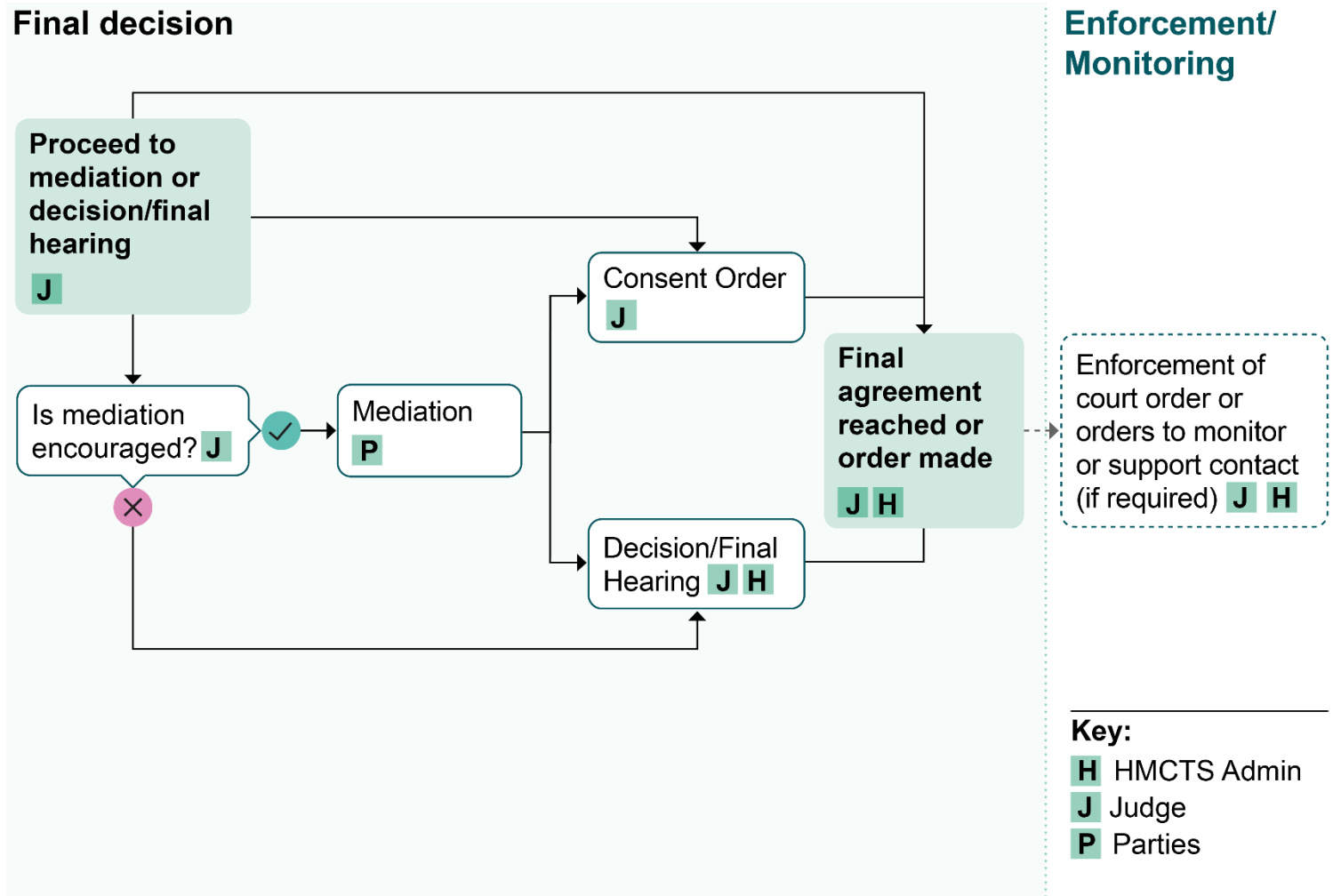
H HMCTS Admin

J Judge

P Parties

If an agreement isn't reached, the court often decides at this stage that further information or activities are required. This might include for example, holding a fact-finding hearing(s) or the completion of a welfare (Section 7) report by Cafcass/Cafcass Cymru or the local authority (if the family has recent involvement with children's social care). Parties may also be encouraged to attend further mediation and to resolve issues themselves, where they can.

Figure 4. Final decision



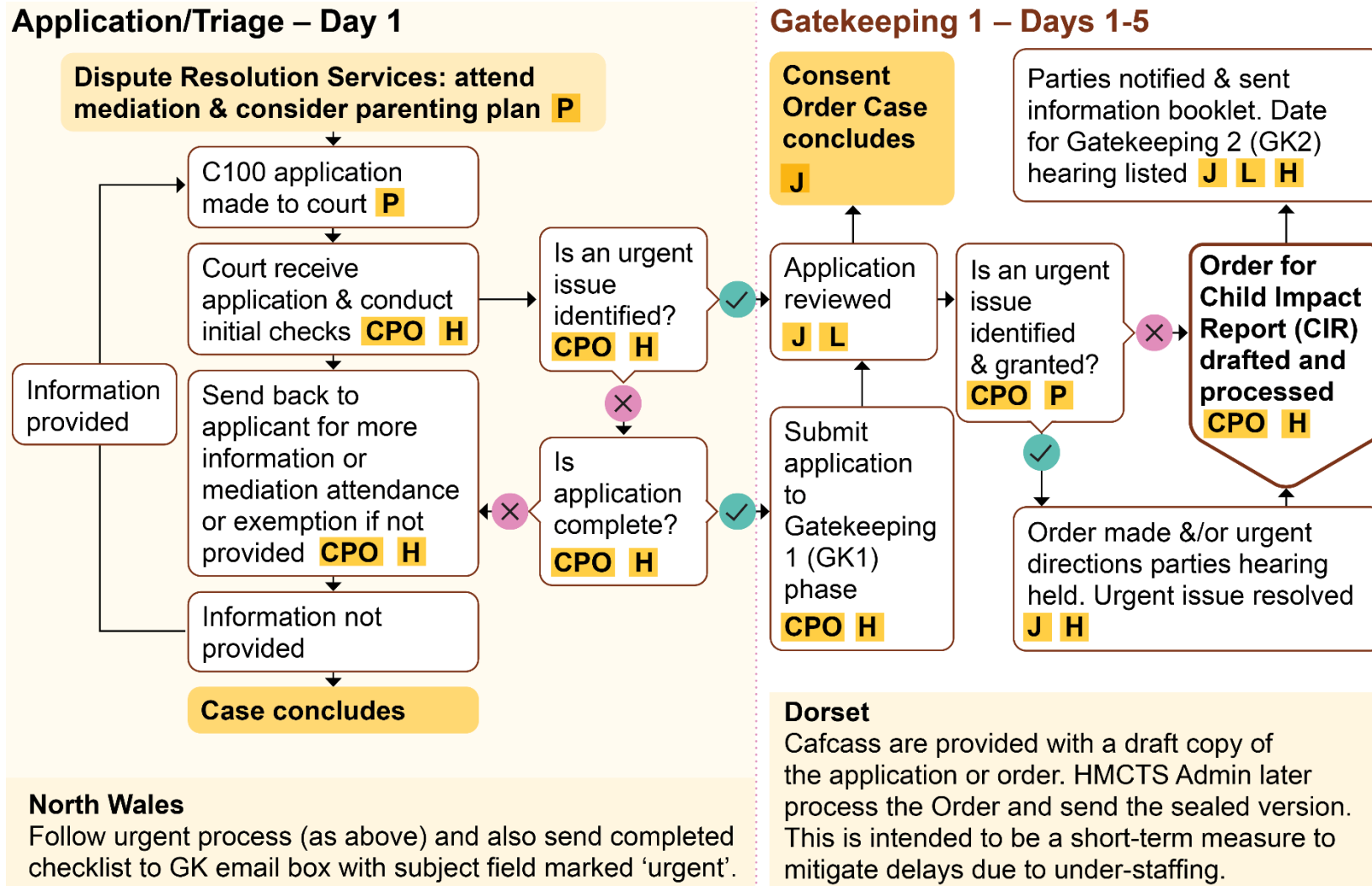
Once the court has all of the information required to make a decision, where deemed appropriate by the court, a final order will be made in line with the child's best interests. This process can take a considerable amount of time and involve multiple hearings or multiple different reports and investigations by the court. In addition, research has suggested that children are rarely spoken to when reports are being compiled or at other stages in the process (Harm Panel Report, 2020; Roe et al., 2021).

The Pathfinder Pilot Model

The Pathfinder process, like CAP, applies where a dispute arises between separated parents and/or families about arrangements concerning children. Before applying to the family court, parties are again expected to try and resolve their issues by non-court dispute resolution, where this is safe and appropriate.

An application is made to the court by filing a C100 form which confirms that parties have completed mediation or have a reason for not doing so. As with CAP, applicants may be legally represented or engage directly with the court as 'litigants in person'.

Figure 5. Application and initial gatekeeping



North Wales

Follow urgent process (as above) and also send completed checklist to GK email box with subject field marked 'urgent'.

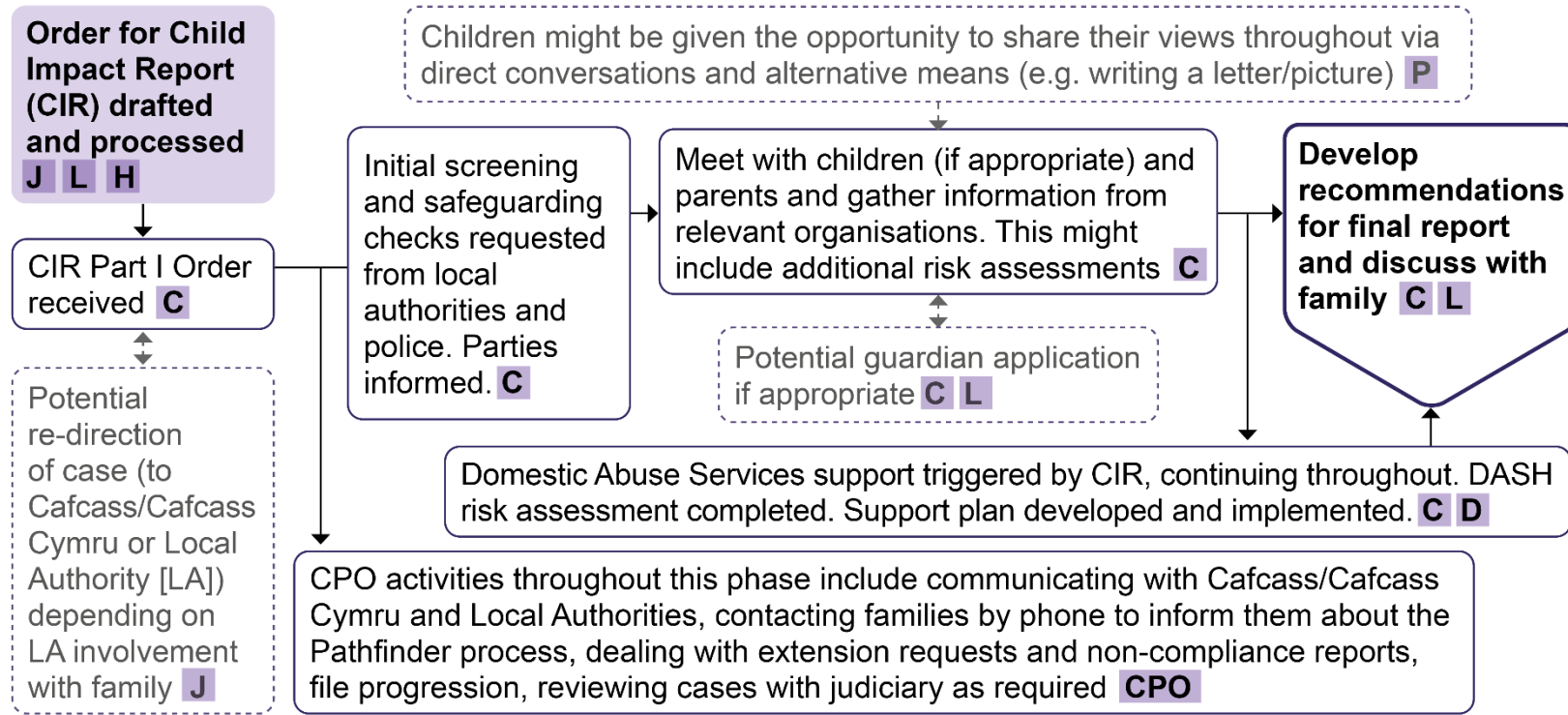
- Key:**
- CPO** Case Progression Officer
 - D** Domestic Abuse Services
 - H** HMCTS Admin
 - J** Judge
 - L** Legal Adviser
 - P** Parties

A child-focussed approach is taken to investigating the impact of issues presented in the application on all parties, and in particular on child(ren). For the court, this stage (referred to as Gatekeeping 1) involves identifying, and resolving, any urgent safeguarding needs. Depending on the nature of the case, Cafcass/Cafcass Cymru or the local authority may be ordered to complete a Child Impact Report (in place of the Safeguarding Letter under CAP). This report summarises the issues for the court gathered by engaging with parties, children, and relevant agencies. Where there are allegations of domestic abuse, support services are also part of the core team contributing to this stage of the model. Dedicated support for victim-survivors of domestic abuse at this stage includes referral to Independent Domestic Violence Advisers, where necessary, and completion of DASH risk assessments, where appropriate; these can be added to the Child Impact Report.

The Child Impact Report is then shared with both parties and the court.

Figure 6. Information gathering and assessment

Child Impact Report Part 1 – Day 5 to week 6/8 (site variation)



North Wales

c. 6-7 weeks for completion of CIR 1
 CPOs aim to contact families within 10-20 days of the application being filed through a dedicated phone line. Only litigants in person are contacted (not those with solicitors). DA services use an additional risk assessment tool for male victims (Dyn)

Dorset

c. 8 weeks for completion of CIR 1
 CPOs aim to contact families within 5 days of documents being sent. 3 attempts are made via phone and if unsuccessful a letter is sent. Only litigants in person are contacted (not those with solicitors).

Key:

C Cafcass/Cafcass Cymru or Local Authority

CPO Case Progression Officer

D Domestic Abuse Services

H HMCTS Admin

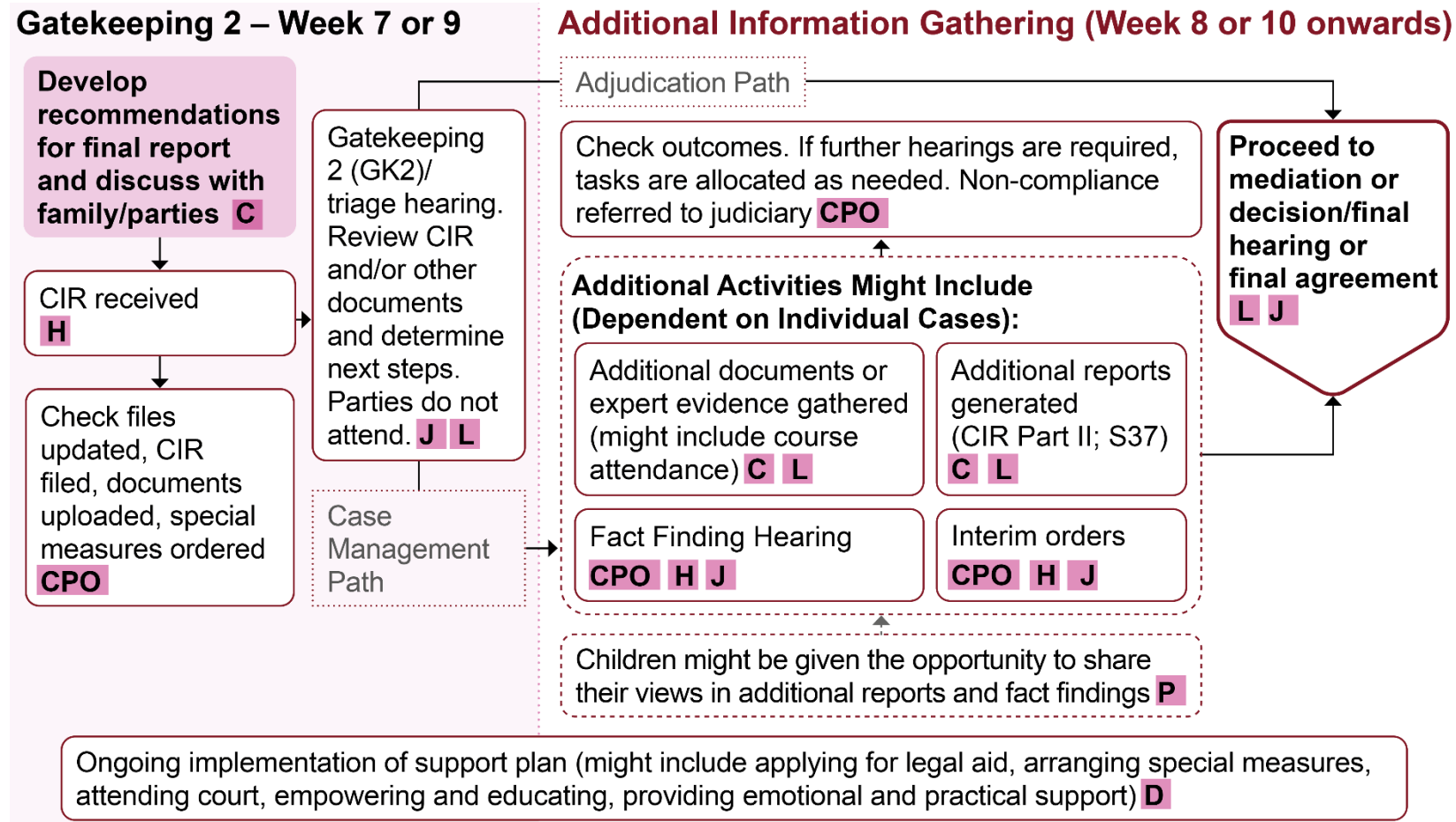
J Judge

L Legal Adviser

P Parties

Once the court has received the Child Impact Report, a judge will review the report and decide how the application should proceed and the case continues through the court system. Next steps could include recommendations for parties to attend non-court dispute resolution, a request for additional information (including additional reports/documents or a fact-finding hearing) or ordering family interventions (such as interim orders or supervised contact).

Figure 7. Interventions and decision hearing



North Wales
GK2 process happens in week 7, following CIR being submitted the week prior (week 6)

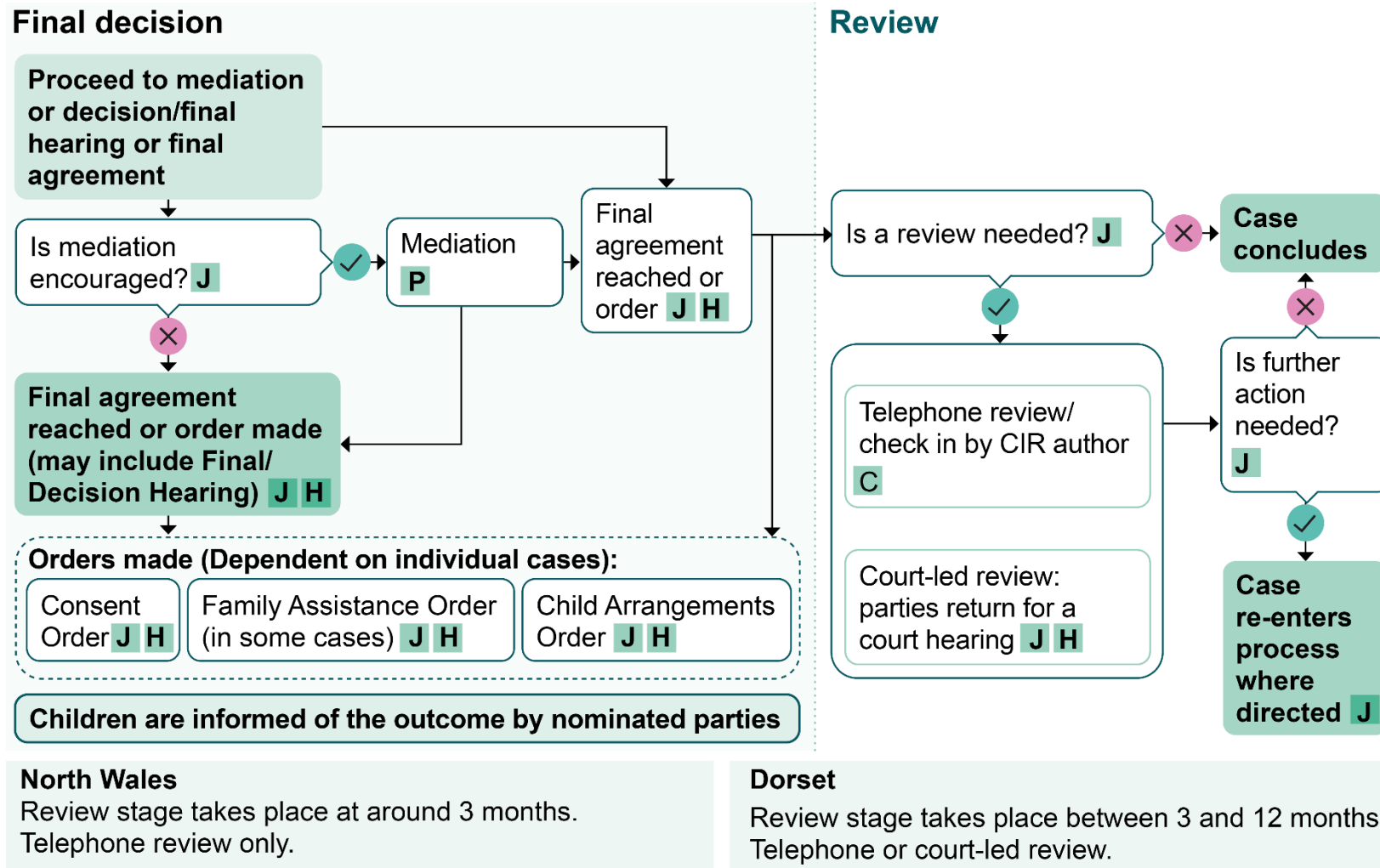
Dorset
GK2 happens in week 9, following CIR being submitted the week prior (week 8)
The 'Adjudication Path' and 'Case Management Path' terminology is not used in Dorset.

- Key:**
- C** Cafcass/Cafcass Cymru or Local Authority
 - CPO** Case Progression Officer
 - D** Domestic Abuse Services
 - H** HMCTS Admin
 - J** Judge
 - L** Legal Adviser
 - P** Parties

Once the court has all of the information required to make a decision, where deemed appropriate by the court, a final order will be made in line with the child's best interests.

This final stage of the Pathfinder model takes place between 3 to 12 months from the time at which a final order was made. Parties are contacted to determine how the order is working for them – but not to check adherence to court orders or facilitate complaints about the court process.

Figure 8. Decision hearing and review



Key:

C Cafcass/Cafcass Cymru or Local Authority

H HMCTS Admin

J Judge

P Parties

Appendix B

Research Technical Annex

Introduction

This research technical annex provides detail on:

- Selection of comparator courts;
- Participant sampling and qualitative interviewing;
- Qualitative data analysis and
- Ethical considerations.

Selection of Comparator Courts

The two pilot court areas, Dorset and North Wales, comprised the data collection sites for the Pathfinder model. One court area in England (Swindon) and one court area in Wales (Cardiff/South East Wales) were chosen as comparators and formed the data collection sites for the CAP model. Given the devolution between England and Wales, and the different agencies acting within these jurisdictions, it was determined that a separate comparator court was required for each pilot court. The comparator courts were selected based on their similarities to Dorset and North Wales using a number of characteristics.

For England, a list of comparator courts was generated based on case-related factors such as number of children, number of receipts and disposals per 100,000 children, and average case length. This list was then refined to focus on courts with similar profiles in terms of urban and rural categorisation (Department for Environment, Food and Rural Affairs, 2013), ethnic diversity, household deprivation, and overall population (Office for National Statistics, 2021). Courts were excluded if they were engaged in any current or imminent initiatives or were experiencing any issues specific to their local areas that might impact on the findings or preclude their participation. Following this refinement process, Swindon was identified as the most appropriate comparator court for England and was selected for the evaluation.

For Wales, of the three court areas, one (North Wales) had acted as the pilot site, whilst a second (Swansea) was currently piloting a different intervention. As a result, there was only one possible comparator court area, Cardiff/South East Wales, which was therefore selected. Pathfinder was rolled out to Cardiff/South East Wales in 2024 and during the later stages of fieldwork, the area was preparing for implementation of the new approach. Although it is recognised that there is a difference in caseload between the two Welsh court areas, for the above reasons, Cardiff/South East Wales was identified as the most appropriate comparison site.

Participant Sampling and Qualitative Interviewing

Qualitative data to address objectives 1 and 2 were collected through audio-recorded semi-structured interviews conducted with 67 frontline professionals across the pilot and comparator courts. All participants were interviewed over Microsoft Teams or the telephone and provided verbal or written consent prior to participation.

Participants were individuals involved in the delivery and operation of the Pathfinder or CAP model at the pilot and comparator courts. This included people working for Cafcass and Cafcass Cymru, domestic abuse support services, HMCTS, and local authorities, as well as magistrates and judges. Recruitment occurred through purposive sampling¹⁴ wherein a key participant recruitment coordinator at each court identified the individuals with the most direct involvement in implementation. These people were then contacted by either the participant recruitment coordinator or research team and invited to interview. Recruitment was also assisted by snowball sampling,¹⁵ with interviewed individuals identifying other potential participants who were similarly invited to take part. The final sample consisted of 67 participants from across the pilot and comparator courts (see Table 5). Participants had an average age of 47.1 and tended to be female (76.1 per cent) and White British (49.3 per cent) or White Welsh (41.8 per cent).

¹⁴ Purposive sampling is a non-random technique in which participants are selected based on specific characteristics (in this case, extensive experience with and knowledge of the Pathfinder or CAP model). This technique is frequently used in qualitative studies to generate small but information-rich datasets (Serra, Psarra, & O'Brien, 2018).

¹⁵ Snowball sampling is a non-random technique in which existing participants identify or recruit future participants. This technique is often used in qualitative studies where it is difficult for researchers to identify or access potential participants (Naderifar, Goli, & Ghaljaie, 2017).

Table 5. Total number of interviews and interviewees across all sites

Site	Interviews	Interviewees
Dorset	15	18
Swindon	10	11
North Wales	19	21
Cardiff and South-East Wales	12	17
Total	56	67

Qualitative Data Analysis

Process Mapping

Interviews were transcribed using Microsoft Teams with transcripts then checked and verified against the audio recordings. In order to address objective 1, a small number of data-rich transcripts were selected and used to develop both a draft process map for the Pathfinder model and a draft process map for the CAP model. These drafts were then refined by closely reading the remaining transcripts and adding to or modifying the process maps until these were consistent with the majority of the transcripts. Discrepancies between the transcripts were resolved by contacting key participants for clarification. Differences in model implementation between the two pilot courts were also recorded on the final versions of these maps.

Thematic Analysis

To address objectives 1 and 2, thematic analysis was used to identify, analyse, and report on patterns (themes) in the interview data (Braun & Clarke, 2006). Patterns were identified through a rigorous process of data familiarisation, data coding, theme generation, and theme review. The process began with several readings of the transcripts to foster familiarity with the data. Next, deductive coding (coding based on predefined categories) and inductive coding (coding based on additional interview content) were used to apply labels to the statements in the transcripts. Codes were examined and grouped according to consistencies of meaning (potential themes). The same coding structure was applied to transcripts from the pilot and comparator courts to allow for direct comparison of codes and themes across sites. This enabled the research team to determine to what extent, for

example, the benefits and challenges described were unique to the Pathfinder model, and to what extent these were common across the Pathfinder and CAP models. The thematic analysis identified two major themes relating to the benefits of the Pathfinder model and the challenges involved in implementing this model. These themes are described in detail in section 4.1 and 4.2.

Contribution Analysis

To address objective 2, a contribution analysis was conducted to determine the extent to which the benefits identified in the thematic analysis were perceived as attributable to the Pathfinder model. Each benefit was assessed and given scores between one (low) and five (high) based on uniqueness (the extent to which the interview data evidenced a specific and unique connection between the benefit and the model), triangulation (the extent to which the benefit was mentioned within multiple interviews and stakeholder groups), and transparency (the extent to which there was clear evidence for the link, and other possible explanations had been discussed and discounted) (Mayne, 2008; Mayne, 2019). Those features of the model that participants perceived as making the greatest contributions to benefits are discussed in section 4.1.

Ethical Considerations

Institutional ethics approval was obtained from the University of Central Lancashire Committee for Ethics. Approval to conduct the research was also received from MoJ, HMTCS, Cafcass, Cafcass Cymru, and the Judicial Office.

Consent and Voluntariness of Participation

Potential participants were provided with information sheets advising that participating in the evaluation was voluntary. This was reiterated on the day of the interview, when the interviewer confirmed that participants did not have to answer any questions that they did not wish to, and could terminate the interview at any time without giving a reason. All participants provided verbal or written consent prior to the interview. They were also able to amend or withdraw their interview data for up to one week after the interview by contacting the research team.

Potential for Harm

Participants were advised in the Information Sheet that, although the study focussed on court processes, it could touch on domestic abuse, harm to children, and other topics that might lead to emotional or psychological discomfort or distress. Interviewees all interacted with these topics as part of their normal roles and, as a result, it was considered unlikely that they would be overly discomfited or distressed by their participation. However, participants were provided with details of support services that they could contact in the event that they did require additional support after the interview.

Confidentiality and Anonymity

Participants were advised that their answers would be confidential unless there were concerns that a child, young person, or adult was at risk of being harmed. All interviews were anonymised one week after they had taken place, with a role-level identifier assigned to each transcript and used for illustrative quotes.

Appendix C

Methodological Note on Cost Modelling Approaches

Introduction

This methodological note on cost modelling approaches provides detail on:

- Data collection and data availability;
- Modelling approach;
- Detailed data analysis and explanations of calculations;
- Sensitivity analysis;
- Case complexity analysis.

Data Collection and Data Availability

As outlined in the main body of the report, the financial analysis was based on both qualitative and quantitative data sources, triangulated to achieve the best possible data accuracy. Quantitative data was sourced from the key organisations participating in the evaluation and included monitoring data collected by MoJ during the pilot phase from Dorset and North Wales, data from Cafcass and Cafcass Cymru case management systems, financial information and other data sources available locally. However, in the absence of datasets with cost or resource allocation data for Pathfinder or CAP cases in England and Wales, additional qualitative research has been key to obtaining and validating data inputs for the financial analysis.

Over the course of the evaluation, the study team aimed to engage with frontline staff from all key system partners to develop qualitative data inputs. Data was collected through interviews with practitioners and management staff. In addition, iterative engagement was undertaken to validate data and interpretation. Table 6 breaks down the participants of the qualitative research from each organisation. Effort was made to engage all partner organisations but not all were available to participate.

Table 6. Overview of stakeholder engagement for the financial analysis (Objective 3)

Organisation	Judiciary	Cafcass and Cafcass Cymru	HMCTS	Local Authority	Domestic abuse support services
Dorset Pathfinder	<ul style="list-style-type: none"> • Circuit Judge • District Judges • Legal Advisers 	<ul style="list-style-type: none"> • Practice Managers • Data & Analytics team 	<ul style="list-style-type: none"> • Court Administration team 	<ul style="list-style-type: none"> • Social care managers 	<ul style="list-style-type: none"> • No interaction
Swindon CAP	<ul style="list-style-type: none"> • Circuit Judge • Magistrates 	<ul style="list-style-type: none"> • Practice Managers 	<ul style="list-style-type: none"> • Court Administration team 	<ul style="list-style-type: none"> • No interaction 	<ul style="list-style-type: none"> • No interaction
North Wales Pathfinder	<ul style="list-style-type: none"> • Circuit Judge • District Judges • Legal Advisers 	<ul style="list-style-type: none"> • Practice Managers 	<ul style="list-style-type: none"> • Court Administration team 	<ul style="list-style-type: none"> • Social care managers 	<ul style="list-style-type: none"> • Frontline delivery teams • Senior managers
Cardiff CAP	<ul style="list-style-type: none"> • Circuit Judge • Legal Advisers 	<ul style="list-style-type: none"> • Practice Managers 	<ul style="list-style-type: none"> • Court Administration team 	<ul style="list-style-type: none"> • Social care managers 	<ul style="list-style-type: none"> • No interaction

Table 7. Overview of data sources used for the financial analysis (Objective 3)

Organisation	Caseloads	Hearings	Judiciary	Cafcass and Cafcass Cymru	HMCTS	Local Authority	Domestic abuse support services
Dorset Pathfinder	<ul style="list-style-type: none"> • Case level analysis 	<ul style="list-style-type: none"> • Case level analysis 	<ul style="list-style-type: none"> • Qualitative • Case level analysis 	<ul style="list-style-type: none"> • Cafcass operational time data • Cafcass/ Cafcass Cymru frequency data • Qualitative 	<ul style="list-style-type: none"> • Qualitative 	<ul style="list-style-type: none"> • Qualitative 	<ul style="list-style-type: none"> • Limited qualitative (from Court Administration team)

Organisation	Caseloads	Hearings	Judiciary	Cafcass and Cafcass Cymru	HMCTS	Local Authority	Domestic abuse support services
Swindon CAP	<ul style="list-style-type: none"> Data provided by Swindon Court team 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Cafcass operational time data Cafcass/ Cafcass Cymru frequency data Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> N/A
North Wales Pathfinder	<ul style="list-style-type: none"> HMCTS Management information 	<ul style="list-style-type: none"> Pathfinder monitoring data 	<ul style="list-style-type: none"> Qualitative Pathfinder monitoring data 	<ul style="list-style-type: none"> Cafcass operational time data Cafcass/ Cafcass Cymru frequency data Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Quantitative and Qualitative
Cardiff CAP	<ul style="list-style-type: none"> HMCTS Management information 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Cafcass operational time data Cafcass/ Cafcass Cymru frequency data Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> Qualitative 	<ul style="list-style-type: none"> N/A

Table 7 sets out the different data sources used to develop calculations for the organisations involved in Pathfinder and CAP. The table shows that Pathfinder sites had more accessible quantitative data, while the financial analysis in CAP sites relied more heavily on qualitative data inputs. These differences in data availability between CAP and Pathfinder sites may impact the comparison between the different courts. The following section details the data sources and their validation with practitioners:

- **Pathfinder monitoring data:** Data collected during the pilot phase commissioned by MoJ and compiled by Pathfinder court teams. This data was validated during discussions with Dorset and North Wales court administration teams. Where this data was not deemed sufficiently reflective of actual practice, additional work was completed to provide more confidence in the data used in this report. For instance, in Dorset additional case level analysis was undertaken on hearing frequencies due to concerns that the monitoring data did not accurately capture the number of hearings completed per case (see below).
- **Case level analysis:** Detailed case level data was provided by the Dorset court administration team that showed how often different hearing types occurred under Pathfinder.
- **HMCTS Management Information:** Data provided by HMCTS on number of cases per court area from FamilyMan system.¹⁶ In North Wales, practitioners found this data to be more accurate for the number of cases per year than Pathfinder monitoring data.
- **Cafcass operational time data:** Data provided by Cafcass, based on their internal analysis, details the hours required for key events in the CAP model.
- **Cafcass/Cafcass Cymru event frequency data:** Data provided by Cafcass/Cafcass Cymru on number of events (such as key reports or hearings) in the Pathfinder and CAP models.
- **Qualitative data:** Data collected through discussion with frontline staff during the financial analysis data gathering phase. This differs from interviews undertaken during the process evaluation part of this study and was more focused on resourcing implications underpinning cost calculations. The qualitative data was

¹⁶ FamilyMan is the case management system for family court cases in England and Wales. It contains detailed information about cases and the parties involved.

primarily used to address gaps in evidence on staffing requirements for operating the Pathfinder and CAP models. This included: average duration of hearings, average workload required to produce reports, and overall estimates of the number of different staff roles required to deliver Pathfinder or CAP activities in individual local areas. These staffing estimates are referred to as full time equivalents (FTEs).

- To mitigate the risks of relying on singular data points, where possible, qualitative data points were collected and triangulated from several individuals. The views of practitioners were usually in alignment, with some minor differences. For instance, estimates on the length of hearings or number of hearings per case varied, often by around one hour or by one hearing per case. To investigate the potential impact of these differences for the overall modelling results, the study team carried out a sensitivity analysis.

Modelling Approach

Resource requirements were modelled on a 'business as usual' basis. This means resource estimates are based on what would be required to deliver the Pathfinder model on an ongoing basis, rather than the resource that was in place during the implementation phase. Where there were discrepancies between resources in post and future expected resource required to operate the model, the financial analysis relied on assumptions from practitioners and managers to agree reasonable resource requirements for ongoing 'business as usual' operations.

A combination of top-down and bottom-up techniques was used to calculate an average direct cost per case.

Top-down Approach:

Where dedicated Pathfinder or CAP roles exist, a top-down approach was taken to estimate the cost per case, as it provides a simple and accurate way of capturing all direct staff costs. The box below gives a simplified demonstration of this approach.

Annual cost (salary + on costs) of FTEs ÷ Annual number of cases

For non-dedicated Pathfinder or CAP roles, where less than 100 per cent of roles was dedicated to activities in scope of this analysis, the cost per case was calculated by apportioning FTE cost based on time allocated to Pathfinder or CAP cases.

(Annual cost of FTEs × percentage of use for Pathfinder or CAP cases) ÷ Annual number of cases

Bottom-up Approach:

Where a more granular level of information was available, a bottom-up approach was taken. This approach involved estimating the average cost and frequency of specific events in the Pathfinder or CAP processes. This approach was taken when a top-down approach was not possible or as an additional analysis to provide more confidence in top-down assumptions. It also allowed for a more detailed understanding of the costing of different elements in cases, used for the sensitivity and the case complexity analyses.

Time taken per event or activity × cost per hour × frequency of event or activity per case

Key Overarching Data

The financial analysis used the number of cases per month and the number of hearings per month as key drivers to calculate per organisation costs for all system partners.

Number of Cases

Table 8 shows the number of in scope private law cases per month per area. This data was consistently a key driver for calculating the unit cost per case throughout the financial analysis. In scope cases considered were new private law applications covering Child Arrangements Orders, Prohibited Steps Orders and Specific Issue Orders.

Table 8. Average number of in scope cases per month per area

	Dorset	North Wales	Swindon (CAP)	Cardiff (CAP)
In scope cases per month	51.4	60.0	53.2	128.0
Source	HMCTS Management Information	HMCTS Management Information	Data provided by Swindon Court	HMCTS Management Information

There is no single document which holds the total number of cases per month for each area. For instance, different organisations might show different total numbers of cases because they are not involved in all cases in a local area (for example, as expected, Cafcass case level information was different to that captured in courts' case management systems). In addition, there were differences in how cases were identified and whether cases related to all private law proceedings or just to cases that fall under Pathfinder. As such, figures were calculated based on the most complete available data sources and verified with practitioners where possible.

Number of Hearings

Table 9 shows the number of hearings per case used for each of the areas. Different data sources were used to calculate the average number of hearings per case, as the most accurate and complete source of data varied between the areas. The Pathfinder figures were developed based on analysis of quantitative data and validated with Case Progression Officers and the Implementation Manager. Figures for the CAP sites were based on qualitative research with members of the judiciary.

Table 9. Average number of hearings per case per area

	Dorset	North Wales	Swindon (CAP)	Cardiff (CAP)
Hearings per case	1.4	1.3	5.0	5.0
Source	Case level analysis based on data provided by Dorset court	Pathfinder monitoring data	Qualitative data provided by judiciary	Qualitative data provided by judiciary

The figures in Table 9 do not include Gatekeeping 1 or Gatekeeping 2 stages of proceedings. However, gatekeeping activity was captured in top-down modelling of judicial and Legal Adviser time.

Organisational Costings Breakdown and Underpinning Calculations

Judiciary

As shown in Tables 10 and 11, the financial analysis identified a reduction in the average judicial cost per case under Pathfinder.¹⁷ In England, the judicial cost for Pathfinder in Dorset was 54 per cent less than the judicial cost for CAP in Swindon. In Wales, the judicial cost for Pathfinder in North Wales was 66 per cent less than the Judicial cost for CAP in Cardiff and South East Wales.

Table 10. Comparison of average direct judicial costs for Pathfinder and CAP sites (England) (£)

Comparison of judicial costs	Per case
Dorset (Pathfinder)	£193
Swindon (CAP)	£419
<i>Percentage change</i>	<i>-54%</i>

¹⁷ Judicial costs are treated as separate to HMCTS costs, to demonstrate the differing implications for different parts of the organisation. Legal adviser costs are considered under HMCTS costings.

Table 11. Comparison of average direct judicial costs for Pathfinder and CAP sites (Wales) (£)

Comparison of judicial costs	Per case
North Wales (Pathfinder)	£143
Cardiff (CAP)	£417
<i>Percentage change</i>	-66%

During the qualitative interviews, the judiciary were extremely positive about the perceived impact of Pathfinder on resourcing. This is supported by the findings as the financial analysis found that a key driver in the reduction of judicial costs per case was the reduction in the average number of hearings per case. As shown in Table 12 the Pathfinder courts (Dorset and North Wales) had considerably fewer hearings on average per case than the CAP courts (Swindon and Cardiff). However, due to data limitations there is no comparable reliable data source for the number of hearings in different court areas.

Table 12. Average number of hearings and sitting days per case in each area

	Dorset	North Wales	Swindon (CAP)	Cardiff (CAP)
Hearings per case	1.4	1.3	5.0	5.0
Sitting days per case	0.7	0.7	1.3	1.3
Source	Case level analysis based on data provided by Dorset Court	Pathfinder monitoring data	Qualitative data provided by judiciary	Qualitative data provided by judiciary

Note: Average length of a court day is 5 hours.

Table 13 shows the FTE figures used to develop cost per case for the judiciary. Note that judicial resourcing requirements between areas may be impacted by various patterns of use of magistrates, who are not salaried employees (therefore not included in the unit cost calculation). This was explored in more detail in the bottom-up analysis outlined below. Legal Adviser costs are captured in the HMCTS section of the analysis to avoid double counting.

Table 13. Judiciary costs – detailed data

Staff role and basis for calculations	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Circuit Judge FTE required	0.1	0.1	0.1	0.6
Basis for calculation	Qualitative data provided by judiciary. Half a day per week on day-to-day Pathfinder activities.	Qualitative data provided by judiciary. 1 Circuit Judge spending 10 per cent of time on CAP work.	Qualitative data provided by judiciary. Half a day per week on day-to-day Pathfinder activities.	Qualitative data provided by judiciary. 6 Circuit Judges spending 10 per cent of time on CAP work.
District Judge FTE required	0.6	1.5	0.5	3.2
Basis for calculation	Qualitative data provided by judiciary. 3 days per week of District Judge time.	Qualitative data provided by judiciary. 6.67 District Judges spending between 20–25 per cent of time on CAP cases.	Qualitative data provided by judiciary. 2.5 days per week split across 2 District Judges.	Qualitative data provided by judiciary. 14 District Judges spending between 20–25 per cent of time on CAP cases.

The costings for judicial time in the primary financial analysis used the top-down data provided in Table 13.

Additional analysis was carried out on hearing frequency in the Pathfinder and CAP courts, as presented in Tables 15 to 19. The analysis for Pathfinder sites was based on quantitative data available locally. For CAP sites, qualitative data provided by members of the judiciary was used to develop figures. Table 14 provides a brief description of the different hearing types used to support the financial analysis of Pathfinder and CAP models. This is not an exhaustive list of all hearing types that can take place under either model.

Table 14. Hearing types used in the Pathfinder and CAP models to support financial analysis

Hearing Type	Description
Pathfinder specific hearings	
Decision Hearing	Hearing to provide the final decision on the outcome of a case (similar to Final Hearing).
CAP specific hearings	
First Hearing Dispute Resolution Appointment	The first hearing to take place in the CAP model. This hearing takes place on all cases.
Dispute Resolution Appointment	Hearings that occur during cases to provide resolution on specific issues.
Final Hearing	The final hearing of a case which provides the final judgement (similar to Decision Hearing).
Hearings that take place under both CAP and Pathfinder models	
Directions Hearing	Hearing that happens during a case to provide direction to families and practitioners.
Finding of Fact	Hearings that investigate complex issues in more detail. Finding of Fact hearings often take place over multiple days. In Private Law, Finding of Fact hearings are often used for cases with elements of domestic abuse.

The analysis of hearing data explores two potential cost drivers: frequency of hearings and who presides over hearing type. The duration of hearings was also investigated during the qualitative research but was not found to be a key driver of cost difference between the Pathfinder and CAP models.

Table 15. Frequency of hearings, by hearing type (judicial time only) Pathfinder

	Decision Hearing	Finding of Fact	Directions Hearings
Dorset	1.0	0.01	0.4
North Wales	0.6	0.01	0.7

Table 16. Presiding judge, by hearing type (judicial time only) Dorset

Who presides?	Decision Hearing	Finding of Fact	Directions Hearings
Circuit Judge	30%	100%	29%
District Judge	54%	0%	64%
Magistrate	16%	0%	7%

Table 17. Presiding judge, by hearing type (judicial time only) North Wales

Who presides?	Decision Hearing	Finding of Fact	Directions Hearings
Circuit Judge	6%	0%	16%
District Judge	47%	100%	70%
Magistrate	47%	0%	14%

The financial analysis found that hearing volumes in Pathfinder cases were broadly consistent in Dorset and North Wales.

It should be noted that the analysis of Pathfinder case data to derive the figures in Tables 15, 16 and 17 was carried out on a relatively small sample of total Pathfinder cases, so some figures may not be representative of all Pathfinder cases. In North Wales, a six-month period from February to July 2023 was used as these months had the most complete hearings data in the data source used (in this case MoJ Monitoring Data). In Dorset, a sample of 200 cases was used. A larger sample was not available as hearings data had to be collected manually by administrative staff which was a highly resource intensive process. The impact of these smaller samples can be seen in Dorset, where only two cases within the sample analysed in Dorset required a Finding of Fact hearing and both were presided over by Circuit Judges (hence 100 per cent reported in Table 16). However, it would be realistic to expect that some Finding of Fact hearings would be presided over by District Judges or magistrates, and a larger dataset would probably show this.

As a result of this smaller sample size of data on who presided over different hearing types, the financial analysis used top-down assumptions to estimate judicial cost per case as members of the judiciary were able to estimate time requirements more confidently in this manner. Future analysis of the Pathfinder model could consider hearing type, frequency and who presides over which hearings to analyse judicial time requirements in greater detail.

Table 18. Frequency of hearings, by hearing type (judicial time only) CAP

CAP Comparator sites	First Hearing Dispute Resolution Appointment	Dispute Resolution Appointment	Finding of Fact	Final
Average per case	1.0	2.9	0.1	1.0

Table 19. Presiding judge, by hearing type (judicial time only) CAP

Who presides?	First Hearing Dispute Resolution Appointment	Dispute Resolution Appointment	Finding of Fact	Final
Circuit Judge	10%	10%	10%	10%
District Judge	60%	60%	60%	60%
Magistrate	30%	30%	30%	30%

The analysis found that the primary difference between Pathfinder and CAP sites was the overall volume of hearings that take place in Pathfinder when compared to CAP. Data on who presides over hearings showed significant differences in patterns of judicial activity between sites (see Tables 16, 17 and 19). However, due to limited data on who presided over hearings being available, it is not possible to state with certainty whether these changes were impacted by the Pathfinder model, influenced by local judicial practice or linked to data limitations explored above.

Cafcass/Cafcass Cymru

The financial analysis found overall that the costs for Cafcass/Cafcass Cymru were lower for Pathfinder compared to CAP. As shown in Table 20, in England, the cost per case for Cafcass in Pathfinder (Dorset) cost seven per cent less than the cost per case in CAP (Swindon). Similarly, Table 21 demonstrates in Wales that the cost per case for Cafcass Cymru in Pathfinder (North Wales) is four per cent less than the cost per case in CAP (Cardiff and South East Wales). Overall, the cost per case in Wales was slightly higher than in England for both Pathfinder and CAP cases, primarily due to differences in staff salaries between Cafcass Cymru and Cafcass.

Table 20. Comparison of average costs of cases for Cafcass for Pathfinder and CAP sites (England) (£)

Comparison of Cafcass costs	Average for all cases
Dorset (Pathfinder)	£1,029
Swindon (CAP)	£1,104
<i>Percentage change</i>	<i>-7%</i>

Table 21. Comparison of average costs of cases for Cafcass Cymru for Pathfinder and CAP sites (Wales) (£)

Comparison of Cafcass costs	Average for all cases
North Wales (Pathfinder)	£1,119
Cardiff (CAP)	£1,166
<i>Percentage change</i>	<i>-4%</i>

Although the findings suggest the overall cost for both court areas were lower under Pathfinder, the Pathfinder model required detailed social work activity, in the form of the Child Impact Report, to be frontloaded and delivered at an earlier stage of a case. These reports required more time and interaction with families (on average 19 hours to complete Child Impact Report 1) than the first stage engagement under the CAP model, the Safeguarding Letter (nine hours to complete in England).¹⁸ This upfront time was offset by fewer time-intensive follow-up reports being required (such as a Section 7, requiring 25 hours of Family Court Adviser time) and fewer court hearings.

Both Cafcass and Cafcass Cymru use dynamic staffing models which often shift resources between different local areas to account for resourcing challenges like spikes in demand or absences. Cafcass teams do not align directly with court areas and so Family Court Advisers often work across multiple courts. As a result, direct apportionment of FTEs to each court area was not always possible. The study team analysed frequency data and operational time data to calculate the total time taken for key events in the Pathfinder and CAP models based on expected demand (the bottom-up approach). This data was then

¹⁸ There are different naming conventions for different elements of CAP cases in England and Wales. For clarity, we use Safeguarding Letter equivalent and Section 7 equivalent to describe the different activities undertaken by Cafcass and Cafcass Cymru staff.

used to calculate Family Court Advisers FTE figures which are presented in Table 22. On the other hand, management and business support resource requirements are calculated based on top-down estimates of FTEs.

Table 22. Cafcass/Cafcass Cymru resource requirements and costs for all areas

Staff roles	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Family Court Adviser FTEs	9.3	10.5	10.6	24.5
Management FTEs	1.6	1.6	1.0	2.0
Business Support FTEs	1.0	1.0	1.0	1.0
Cost per case	£1,029	£1,104	£1,119	£1,166

Calculations in Table 22 were based on a mix of top-down and bottom-up analysis of quantitative data provided by Cafcass and Cafcass Cymru and qualitative data input from practitioners.

The analysis considered the following activities for the Pathfinder and CAP models as outlined in Table 23. Only social work activities were considered for this detailed analysis.

Table 23. Cafcass/ Cafcass Cymru activities considered

Activities considered for Pathfinder areas	Activities considered for CAP areas
<ul style="list-style-type: none"> • Child Impact Report 1 • Child Impact Report 2/Updated report • Additional Reports, including 16A Risk Assessments and 16.4 Guardian Reports • Hearing Attendance 	<ul style="list-style-type: none"> • Safeguarding Letter • Safeguarding Letter follow ups and additions • Section 7 Reports • Section 7 Addendum Reports • Additional reports, including 16A Risk Assessments and 16.4 Guardian Reports • Hearing Attendance

The box below provides a worked example of the approach used to calculate the aggregated FTE requirements to deliver these activities. This is based on Child Impact Report 1 reports in Dorset.

Calculation example – FTEs required to deliver Child Impact Report 1 in Dorset

- Total cases requiring Child Impact Report 1 in Dorset: 494 cases
- Time required for Child Impact Report 1: 19 hours
- Total time requirements: 9386 hours
- FTE required deliver to deliver Child Impact Report 1 in Dorset based on 190 working days per FTE: 6.6 FTE

This process was then repeated for other relevant report types and hearing attendance, as outlined in Tables 24 to 27.

Table 24 shows the data used for number of reports per case, average time required for each report type and the overall resource requirements (expressed as FTE figures) based on these calculations. These figures are based on the aggregated expected hours estimated to meet demand received over an annual period.

FTEs calculated for the purpose of this analysis should not be treated as equivalent to staffing levels. For instance, the analysis in Table 26 does not suggest that Dorset require only 1 FTE to attend all hearings for Private Law cases, but that the aggregated resource requirement for all hearing attendance is equivalent to 1 FTE worth of time across the year, based on the estimated received demand.

Table 24. Cafcass/Cafcass Cymru detailed activity analysis of report types (safeguarding letters, Section 7 reports and Child Impact Reports)

Report types and time taken	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Average number of Safeguarding letters per case	-	0.95	-	1.6
Time taken per report	-	9 hours	-	5 hours ¹⁹
Average number of CIR 1 or Section 7 per case	0.80	0.3	0.81	0.3
Time taken per report	19 hours	25 hours	19 hours	25 hours
Average number of CIR 2 or Section 7 addenda per case	0.25	0.1	0.24	0.1
Time taken per report	14 hours	17 hours	14 hours	15 hours
FTE requirement for initial and follow up assessments	7.8	7.5	9.2	18.5
Total annual cases requiring Cafcass and Cafcass Cymru involvement	494	606	583	1382

Table 24 shows that the overall FTE requirement in England for initial and follow up assessments for Pathfinder and CAP, the CIR 1 and 2 for Pathfinder and Safeguarding Letter, Section 7 reports and Section 7 addenda for CAP, were similar. It was estimated to be 7.8 FTE in Dorset and 7.5 FTE in Swindon. Given the higher caseload in Swindon, this suggests that Pathfinder requires slightly more resource for the completion of CIR 1 and 2 when compared to the resource required to complete Safeguarding Letters, Section 7 and Section 7 addenda reports in England.

In comparison in Wales, the overall FTE requirement for initial and follow up assessments for Pathfinder and CAP, the CIR 1 and 2 for Pathfinder and Safeguarding Letter, Section 7 reports and Section 7 addenda for CAP, was slightly less for Pathfinder than CAP in North Wales when compared to Cardiff and South Wales.

¹⁹ This figure includes cases where Safeguarding Letter updates were provided. Updated letters required less time to complete. A weighted average figure (4.75 hours) of time taken to complete initial Safeguarding Letters and subsequent updates was therefore used to estimate time taken per event for Wales.

Table 25. Cafcass/Cafcass Cymru detailed activity analysis of report types (additional report types)

Report types and time taken	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Additional reports per case (only 16A Risk Assessment reports were considered for Wales)	0.06	0.12	0.14	0.11
Average time taken per report	18 hours	18 hours	6 hours	6 hours
FTE requirement for additional reports	0.5	1.0	0.4	0.7

Table 25 shows that in England, fewer additional reports per case were ordered in Dorset than in Swindon. However, in Wales a different pattern emerged. Available data on the number of 16A Risk Assessment reports per case showed that the number of these reports per case was higher in North Wales when compared to Cardiff and South Wales. It was suggested by local practitioners in England and Wales that this difference in the number of 16A reports was due to variations in local practices. It is therefore difficult to conclude with certainty whether the frequency of additional reports per case was model driven or was more reflective of differences in local practice.

Table 26. Cafcass/Cafcass Cymru detailed activity analysis of hearing attendance

Hearing volume and time taken	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Average hearings attended per case	1.1	2.2	1	2.9
Estimated time taken per hearing	2 hours	2 hours	2 hours	2 hours
FTE requirement for hearing attendance	1.0	2.0	1.0	6.3

Table 26 considers the impact of attendance at court hearings and the impact of additional report types and on Cafcass resourcing. The financial analysis found that Family Court Advisers were required to attend more than double the number of hearings under the CAP model compared to Pathfinder. In England, Cafcass were required to attend on average just over one hearing under Pathfinder in Dorset compared to just over two hearings under CAP in Swindon. It is the additional attendance at hearings and additional requirements for resource under CAP that mean overall Pathfinder has a slightly lower cost for Cafcass in Dorset than CAP in Swindon.

As in England, Family Court Advisers were also required to attend fewer hearings under Pathfinder than under CAP. In Wales, Cafcass Cymru were only required to attend one hearing under Pathfinder in North Wales, compared to nearly three hearings under CAP in Cardiff and South East Wales.

Table 27. Cafcass/Cafcass Cymru detailed activity analysis summary of FTE requirements and case allocations

FTE requirements and case allocations	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Total FTE required	9.3	10.5	10.6	24.5
Total annual cases requiring Cafcass and Cafcass Cymru involvement	494	606	583	1382
New annual case allocations per FCA	53.4	57.5	54.9	56.4
Cost per case	£1,029	£1,104	£1,119	£1,166

Table 27 combines the data and suggests that for both Cafcass and Cafcass Cymru, the overall cost of delivering Pathfinder was lower than the overall cost of delivering CAP. However, this finding must be considered in the context of the elapsed time taken to complete the activities – in particular the written reports. Under Pathfinder, the CIR 1 report is expected to be delivered in the first six weeks of a case, whereas under the CAP model Safeguarding Letters and potential Section 7 reports will be delivered over a longer period of time. So, whilst the net resource requirement is slightly lower for Pathfinder, the time in which reports need to be delivered creates additional resourcing pressure for Cafcass and Cafcass Cymru under Pathfinder.

It should be recognised that this financial analysis did not capture the significant resourcing implications for Cafcass and Cafcass Cymru during the initial implementation of Pathfinder. During the data collection for the financial analysis, Cafcass/Cafcass Cymru senior and middle managers expressed concern about the implications of wider rollout of the Pathfinder model based on their experiences during the implementation of Pathfinder in Dorset/North Wales. There was specific concern about whether there are enough Family Court Advisers available nationally to handle the increased initial workload, especially while dealing with the backlog of legacy CAP cases.

HMCTS

As Tables 28 and 29 show, there was not a consistent finding on the implications of implementing Pathfinder for HMCTS between England and Wales. In England, the estimated cost per case for HMCTS under Pathfinder in Dorset was eight per cent lower than the cost per case under CAP in Swindon. In comparison, in Wales, the estimated cost per case for HMCTS under Pathfinder in North Wales was eight per cent higher than the cost per case under CAP in Cardiff South East.

Table 28. Comparison of average direct HMCTS costs for Pathfinder and CAP sites (England) (£)

Court	Average per case
Dorset (Pathfinder)	£365
Swindon (CAP)	£396
<i>Percentage change</i>	<i>-8%</i>

Table 29. Comparison of average direct HMCTS costs for Pathfinder and CAP sites (Wales) (£)

Court	Average per case
North Wales (Pathfinder)	£354
Cardiff (CAP)	£328
<i>Percentage change</i>	<i>8%</i>

For HMCTS, the level of administration support required under Pathfinder in Dorset and North Wales was similar to the level of administrative support required under CAP when the number of cases is taken into consideration. Table 30 outlines the total FTE required for each of the administrative roles in the different court areas. The findings of this analysis suggest that Pathfinder requires substantially fewer hearings per case in comparison to CAP. When the model is fully embedded, this could lead to a reduction in the time per case required by administrators, as less time would be needed to process paperwork relating to private law cases. At the time of gathering data for the financial analysis, this assumption could not be verified, and future analysis should seek to explore these potential efficiencies in more detail.

Table 30. Comparison of FTE estimates for HMCTS administrative roles Pathfinder and CAP sites

HMCTS role (FTEs)	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Family Court Administrator	5	5.9	3.5	11.0
Case Progression Officer	1.5	0	0.8	0
Administration Officer (data collection support to CPO in North Wales)	0	0	1.0	0
Basis for calculations	Proposed total family administration team size for 'business as usual' operation of Pathfinder model in Dorset, including retaining Case Progression Officer.	11.79 FTEs in Swindon family administration team. 50% of time spent working on CAP cases.	3.5 FTEs in North Wales covering Pathfinder courts on a business-as-usual basis. Case Progression Officer supported by family administrator.	Estimated 11 FTE administrators delivering Private Law administration support in Cardiff.

The key difference for HMCTS was the additional role of the Case Progression Officer brought in under Pathfinder. As the Pathfinder model has become more embedded, the role of the Case Progression Officer evolved differently in Dorset and North Wales. In North Wales, resource was split between the Case Progression Officer and an Administration Officer, whereas 'business as usual' planning for Dorset involves an estimated 1.5 FTE of dedicated Case Progression Officer time. A similar level of resource is required in either area, but allocated to slightly different roles in accordance with local need.

During implementation of Pathfinder in Dorset and North Wales, the Case Progression Officer role was an additional resource, supplementing existing court administrative staff resource. The additional support provided by the Case Progression Officer in the Pathfinder sites meant that some administrative work was delivered by this specialist

resource, which qualitative interviews suggested had a positive impact on the quality of administrative and family facing services. Over time, as the Case Progression Officer role becomes more embedded, it could reduce the need for court administrative staff resource on a 'business as usual' basis.

The other direct cost to HMCTS is the cost of legal advisers. Table 31 shows the total FTE estimates for legal advisers in each court area. Legal Adviser time was found to be broadly consistent across Pathfinder and CAP. However, the practical resourcing implications for Legal Advisers under Pathfinder were complex. Qualitative assessments indicated that Pathfinder did not necessarily reduce the overall time requirements for Legal Advisers but shifted their focus away from in-court hearings to Gatekeeping 1 and Gatekeeping 2 activities.

Table 31. Comparison of FTE estimates for HMCTS legal adviser roles Pathfinder and CAP sites

Legal Adviser	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
FTE	1.0	1.6	2.0	4.0
Basis for calculations	1 FTE required for all Pathfinder related activities.	2 FTE Legal Advisers. 80% of time spent on CAP activities.	2 FTE Legal Advisers assumed based on qualitative interviews.	5 FTE Legal Advisers. 80% of time spent on CAP activities.

Data from qualitative interviews suggested that team size for Legal Advisers and Family Court Administrators was heavily dependent on local factors such as recruitment and local workforce pressures, with more than one area working with vacancies in teams, making required resource difficult to estimate. This again shows that the difference in unit cost was influenced by local practice and specific local challenges.

The financial analysis did not include costs of the Implementation Manager, a crucial post for implementing Pathfinder, but not needed once the model operated on a 'business as usual' basis. Nor did it include the cost of the Case Progression Data Officer, a role introduced during the Pathfinder implementation to support pilot monitoring and data collection but was not continued into 'business as usual' activity. In addition, the role of lawyers in the Pathfinder process was not included in the scope of this analysis. Future,

more detailed financial assessments could consider the cost implications of legal involvement and the impact on the legal aid budget.

Domestic Abuse Support Organisations

Domestic abuse support services were not routinely involved in CAP cases. Whilst families could seek out support independently, this was uncommon and not directly funded. In contrast, these services were integral to the Pathfinder model and received direct funding, making them a cost component of Pathfinder but not of CAP. The cost analysis in Table 32 was primarily based on data provided by DASU and Gorwel in North Wales, supplemented with qualitative information from Dorset court staff.

Table 32. Comparison of average direct domestic abuse support organisations costs for Pathfinder and CAP sites (£)

Domestic Abuse Support Services	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
Cost per case	£151	-	£200	-

The costs of domestic abuse support services varied by organisation and were either directly attributed to new roles created by Pathfinder (such as the Pathfinder Coordinator role in North Wales) or split across multiple roles. The primary requirement for these roles was the completion of DASH reports and attending hearings with families.

During the implementation of the Pathfinder model, domestic abuse support organisations were engaged more frequently in cases in North Wales. However, analysis of the available Pathfinder monitoring data from later in the pilot found that domestic abuse services were being used at a similar level in both areas. In North Wales, 52 per cent of cases required support from domestic abuse organisations, based on analysis of Pathfinder monitoring data and validated by analysis of data sourced from two providers (DASU and Gorwel). Analysis of the Pathfinder monitoring data in Dorset suggested that just over 50 per cent of cases required support from domestic abuse organisations.

The approach used to estimate domestic abuse support organisations costs differed between the two areas due to differences in available data and stakeholder engagement. Engagement in North Wales was more complete as more detailed qualitative and quantitative data was made available to inform the analysis. Similar in-depth engagement

was not possible in Dorset as quantitative data was not available. Financial analysis was therefore based on historic analysis provided by court staff in Dorset.

This analysis estimated that the cost of delivering domestic abuse support services was £300 per case in Dorset. The financial analysis calculated all costs to organisations by dividing by the total number of cases in a court area (and not the number of cases each organisation was involved in). As domestic abuse support services were required in just over 50 per cent of cases in Dorset, the financial analysis calculated the average unit cost per case as £151.²⁰

The analysis of costs in North Wales was informed by detailed assumptions provided by domestic abuse organisations (DASU and Gorwel), as outlined in Table 33. The costs of different roles and activities shown in Table 33 were aggregated and then divided by the total number of cases in North Wales to arrive at an average cost per case figure. Direct intervention costs in North Wales were estimated to be £385 per case, based on domestic abuse support service involvement in 52 per cent of cases.

Table 33. DA organisations resource requirements and costs – detailed assumptions

Role	FTE requirements & calculations	Basis for calculations
Pathfinder co-ordinator (DASU)	1.0	Role was 100% dedicated to Pathfinder activities.
Community Support Workers (DASU)	0.5	20 hours per week of Community Support worker investigating counter allegations.
Community Support Workers (Gorwel and DASU)	Bottom-up assumptions used based on hearing attendance. Hearings attended in 90% of cases taking 5 hours per hearing.	Qualitative data based on input from Service Managers from DASU and Gorwel.

Additional costs to domestic abuse support organisations such as providing target hardening services to families (e.g. home alarms) were not captured in the financial analysis as they are not direct staffing costs nor routine parts of Pathfinder. However, these costs could represent an unaccounted area of the Pathfinder model and should be

²⁰ Calculation is impacted by rounding.

considered in the wider rollout of Pathfinder and future more detailed financial analysis of Pathfinder, depending on how domestic abuse support organisations are involved in the model.

Local Authorities

Tables 34 and 35 show that local authority costs under the Pathfinder model were 146 per cent higher in Dorset compared to CAP in Swindon, and 125 per cent higher in North Wales compared to CAP in Cardiff and South East Wales.

Table 34. Comparison of average direct local authorities costs for Pathfinder and CAP sites (England) (£)

Comparison of direct LA costs	Average per case
Dorset (Pathfinder)	£151
Swindon (CAP)	£61
<i>Percentage change</i>	<i>146%</i>

Table 35. Comparison of average direct local authorities costs for Pathfinder and CAP sites (Wales) (£)

Comparison of direct LA costs	Average per case
North Wales (Pathfinder)	£153
Cardiff (CAP)	£68
<i>Percentage change</i>	<i>125%</i>

The financial analysis found that local authorities incurred higher average costs per case under the Pathfinder model. The key driver for this was the increased local authority referral rate under the Pathfinder model. Based on analysis of quantitative data in the Pathfinder sites, local authorities were involved in 20 per cent of cases in Dorset and 19 per cent of cases in North Wales. On the other hand, analysis by the Nuffield Family Justice Observatory suggests that at a national level, under the CAP model, local authorities were on average involved in 10 per cent of cases (Hargreaves et al., 2022). This national figure is based on the number of families involved in private law cases that receive Section 7 reports and was used as local data was not available, so may not be fully representative of local practice.

Local authorities appeared to be handling more private law cases under the Pathfinder model. Qualitative evidence suggested that this could be a benefit of the Pathfinder model: cases were more appropriately allocated at an earlier stage, rather than referred to Cafcass/Cafcass Cymru by default. However, these process changes had resourcing implications for local authorities. The additional volume of families that local authorities worked with under the Pathfinder model was the key driver of cost differences between the two models.

Tables 36 and 37 present detailed input data used to calculate unit cost per case for local authorities. This analysis focussed on Child Impact Reports and Section 7 equivalent reports, as these were identified by practitioners as the primary differences in the handling of Pathfinder and CAP cases for local authorities. As data on Section 7 addenda reports was not available from local authorities, we used a proxy figure to enable closer comparison between the Pathfinder and CAP models. Additional reports delivered later in cases, such as Section 37 reports, were not considered as material drivers of cost during qualitative data gathering with local authority practitioners and so were not included in this analysis.

Table 36. Local authority resource requirements and costs – detailed assumptions for Pathfinder and CAP model

Events	Pathfinder Events	CAP Events
Social worker visits	9.4 visits per family (3 visits per child (average 1.8 children per case) +2 per parent (average 2 parents)) taking 2 hours each (visits take 30 minutes longer in Wales) 50 per cent of visits are additional to existing LA activity (i.e. 50 per cent of cases are open cases so would happen anyway) Total: 1.6 days per event	10 visits per family taking 2 hours each (plus recording) 50 per cent of visits are additional to existing LA activity (i.e. 50 per cent of cases are open cases so would happen anyway) Total: 2.0 days per event
Child Impact Report and Section 7 Report writing	1.5 days per event	1.6 days per event

Events	Pathfinder Events	CAP Events
Child Impact Report 2 and Section 7 Addenda reports	2 additional visits taking 2 hours each 8 hours of report writing Total: 1.9 days per event	Proxy figure used based on Cafcass Cymru assumptions for time taken to complete Section 7 addenda as data was not available from local authorities Total: 2 days per event
Hearing attendance	0.5 days per hearing attended Attendance in line with number of reports completed (i.e. 20 per cent of total hearings)	0.5 days per hearing attended Attendance in line with number of reports completed (i.e. 10 per cent of total hearings)
Basis for calculations	Informed by qualitative interviews with Dorset Council, Bournemouth, Christchurch and Poole Council, and Gwynedd Council	Informed by qualitative interview with Caerphilly Council

Table 37. Local authority resource requirements and costs – overview of time taken per event per case

Pathfinder Activities	CAP Activities
Total time taken for Child Impact Report 1: 3.1 days.	Total time taken for Section 7 report: 3.6 days.
Total time taken for Child Impact Report 2: 1.9 days.	Total time taken for Section 7 addenda reports: 2 days

Table 37 shows that the time requirement for Pathfinder and CAP activities (not including hearings) were similar, but slightly higher in the CAP model. This finding was consistent with qualitative interviews and discussion with social workers.

Sensitivity Analysis

Sensitivity analysis was performed to test how the financial modelling results would change depending on the changes of the key data inputs. The analysis focussed on figures used to estimate judicial and Cafcass/Cafcass Cymru costs – two areas with the largest impact on the overall unit cost figures in the financial analysis.

Judicial Cost Sensitivity Analysis

The sensitivity analysis looked at the number of hearings – the key cost driver of the judicial costs. The financial analysis calculations were based on five hearings per case for CAP sites. This figure was based on qualitative research with members of the judiciary and was confirmed to be the most common and widely accepted value. However, various participants of the research indicated that depending on local factors the average number of hearings per case under the CAP model could range from three to seven. This range was used to model various scenarios under the sensitivity analysis. Tables 38 and 39 present the results of the sensitivity analysis for sites in England in Wales respectively.

Table 38. Sensitivity analysis based on the average number of hearings per case under CAP model in England

Average number of hearings per CAP case modelled under various scenarios	CAP total cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Scenario with 3 hearings per case	£1,852	£1,890	+2%
Scenario with 4 hearings per case	£1,924	£1,890	-2%
Scenario with 5 hearings per case (baseline analysis scenario)	£1,980	£1,890	-5%
Scenario with 6 hearings per case	£2,069	£1,890	-9%
Scenario with 7 hearings per case	£2,142	£1,890	-12%

Table 39. Sensitivity analysis based on the average number of hearings per case under CAP model in Wales

Average number of hearings per CAP case modelled under various scenarios	CAP total cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Scenario with 3 hearings per case	£1,853	£1,969	+6%
Scenario with 4 hearings per case	£1,925	£1,969	+2%
Scenario with 5 hearings per case (baseline analysis scenario)	£1,980	£1,969	-1%
Scenario with 6 hearings per case	£1,998	£1,969	-1%
Scenario with 7 hearings per case	£2,070	£1,969	-5%

Unsurprisingly, the sensitivity analysis indicated that the Pathfinder model could be more cost efficient in areas with higher average numbers of hearings per CAP case (assuming

the implementation of the new model would result in lowering the average number of hearings to the same level as achieved in Dorset and North Wales).

The sensitivity analysis suggests that one fewer hearing per case under CAP in Wales could result in CAP having a lower cost per case than Pathfinder. In England, the analysis suggests two fewer hearings per case could result in CAP having a lower cost per case than Pathfinder. These findings should be carefully considered given the data limitations on the number of hearings per case in the CAP areas. The sensitivity analysis suggests that different local factors around hearing numbers and time taken for key activities could impact whether Pathfinder is more or less expensive in different court areas.

To support future analysis, more detailed and accurate data collection is required to understand the number of hearings per case in local areas to better understand the potential impact of a reduction in hearings under the Pathfinder model. The data used in this analysis relied on qualitative assessments and estimates from practitioners. The impact of minor adjustments to these qualitative inputs suggests that more detailed quantitative data in future analysis could provide more robust findings.

Sensitivity analysis on the number of hearings per case in the Pathfinder model was not performed, as it was based on more robust quantitative data. In addition, the average number of hearings per case was already low (1.4 and 1.3 hearings per case in Dorset and North Wales respectively). Assuming that fewer than one hearing per case could take place was considered unrealistic.

Cafcass and Cafcass Cymru Sensitivity Analysis

The primary driver of cost for Cafcass and Cafcass Cymru was the workload required to complete Child Impact Reports, Safeguarding Letters and Section 7 reports, and by extension the cost of Family Court Advisers required to deliver these activities.

Staffing figures for Family Court Advisers used in the primary analysis were based on analysis of quantitative and qualitative data, but due to the dynamic nature of Cafcass and Cafcass Cymru staffing models, exact numbers of frontline staff allocated to local areas were difficult to calculate and could change depending on demand.

The purpose of the sensitivity analysis was to show how adjusting figures used to calculate Family Court Advisers resourcing requirement could impact the overall analysis of the cost of Pathfinder and CAP. To support these calculations, the study team modelled changing the expected time taken for a key activity in the Pathfinder and CAP models. For Pathfinder, the expected time taken for a CIR 1 report was adjusted by 1 hour increments, and for CAP the expected time taken for Safeguarding Letters and Section 7 reports was also adjusted by 1 hour increments.

Table 40. Sensitivity analysis based on Cafcass time taken to deliver CIR 1 under the Pathfinder model

Cafcass Dorset staffing sensitivity	Dorset Pathfinder total cost per case	Baseline CAP cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per CIR 1	£1,829	£1,980	-8%
Impact of 1 less hour per CIR 1	£1,859	£1,980	-6%
Baseline modelling scenario (19 hours)	£1,890	£1,980	-5%
Impact of 1 more hour per CIR 1	£1,920	£1,980	-3%
Impact of 2 more hours per CIR 1	£1,950	£1,980	-2%

Table 41. Sensitivity analysis based on Cafcass time taken to deliver Section 7 reports

Cafcass Swindon staffing sensitivity	Swindon CAP total cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per Section 7	£1,960	£1,890	-4%
Impact of 1 less hour per Section 7	£1,970	£1,890	-4%
Baseline modelling scenario (25 hours)	£1,980	£1,890	-5%
Impact of 1 more hour per Section 7	£1,990	£1,890	-5%
Impact of 2 more hours per Section 7	£2,000	£1,890	-6%

Table 42. Sensitivity analysis based on Cafcass time taken to deliver Safeguarding Letters

Cafcass Swindon staffing sensitivity	Swindon CAP overall cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per Safeguarding Letter	£1,908	£1,890	-1%
Impact of 1 less hour per Safeguarding Letter	£1,944	£1,890	-3%
Baseline modelling scenario (9 hours)	£1,980	£1,890	-5%
Impact of 1 more hour per Safeguarding Letter	£2,016	£1,890	-6%
Impact of 2 more hours per Safeguarding Letter	£2,052	£1,890	-8%

Tables 40, 41 and 42 show that there was some sensitivity within the estimates for time taken per event in the Pathfinder and CAP models, but that the figures were not sensitive enough to bring the unit cost of Pathfinder above the unit cost of CAP.

Tables 43, 44 and 45 show a similar analysis carried out on the impact of changing calculations used for Cafcass Cymru in Wales.

Table 43. Sensitivity analysis based on Cafcass Cymru time taken to deliver CIR 1 under the Pathfinder model

Cafcass Cymru North Wales staffing sensitivity	Cafcass Pathfinder total cost per case	Baseline CAP cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per CIR 1	£1,894	£1,980	-4%
Impact of 1 less hour per CIR 1	£1,931	£1,980	-2%
Baseline modelling scenario (19 hours)	£1,969	£1,980	-1%
Impact of 1 more hour per CIR 1	£2,006	£1,980	1%
Impact of 2 more hours per CIR 1	£2,043	£1,980	3%

Table 44. Sensitivity analysis based on Cafcass Cymru time taken to deliver Section 7 reports

Cafcass Cymru Cardiff staffing sensitivity	Cafcass Cymru CAP total cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per Section 7	£1,952	£1,969	+1%
Impact of 1 less hour per Section 7	£1,966	£1,969	0%
Baseline modelling scenario (25 hours)	£1,980	£1,969	-1%
Impact of 1 more hour per Section 7	£1,994	£1,969	-1%
Impact of 2 more hours per Section 7	£2,008	£1,969	-2%

Table 45. Sensitivity analysis based on Cafcass Cymru time taken to deliver Safeguarding Letters

Cafcass Cymru Cardiff staffing sensitivity	Cafcass Cymru CAP total cost per case	Baseline Pathfinder cost per case	Pathfinder cost compared to CAP cost
Impact of 2 less hours per Safeguarding Letter	£1,834	£1,969	+7%
Impact of 1 less hour per Safeguarding Letter	£1,907	£1,969	+3%
Baseline modelling scenario (4.75 hours)	£1,980	£1,969	-1%
Impact of 1 more hour per Safeguarding Letter	£2,053	£1,969	-4%
Impact of 2 more hours per Safeguarding Letter	£2,125	£1,969	-8%

The analysis showed that even minor changes to estimates for time per event for Cafcass Cymru activities could alter the findings of the overall analysis. For instance, altering the average time spent per Safeguarding Letter in Cardiff by two hours could result in the unit cost per case under CAP being 7 per cent lower than Pathfinder. This analysis shows that the overall financial impact of Pathfinder may vary for different areas, depending on local practice and other local factors.

Case Complexity Analysis

Case complexity analysis allowed for a more in-depth cost comparison for cases of differing profiles. For the purpose of this analysis, resource intensiveness of the case was used as a proxy to define case complexity. This definition and approach to stratifying cases was informed by information gathered from qualitative interviews with practitioners and data received from the participating stakeholders.

Table 46 presents examples of cases that practitioners qualified as either ‘more straightforward’ or ‘more complex’. While there was broad consensus on the high-level characteristics of these cases, practitioners emphasised that stratifying cases by complexity is challenging, as they exist on a continuum, with each case being unique. In addition, the complexity – and the level of resources required – can be assessed differently by different organisations involved.

Table 46. Examples of cases of differing complexity – case context

A ‘more straightforward’ case	A ‘more complex’ case
Parents are separating and focus of proceedings is only (or mainly) on contact arrangements. Cafcass/Cafcass Cymru delivers a Child Impact Report, but there are no additional reports or applications.	There is a safeguarding risk and/or a risk of domestic abuse. At least one additional report and/or application is required. As a result, the case will take much longer and there will be more hearings.

Table 47 outlines resourcing and activity assumptions used to cost typical cases in each complexity group.

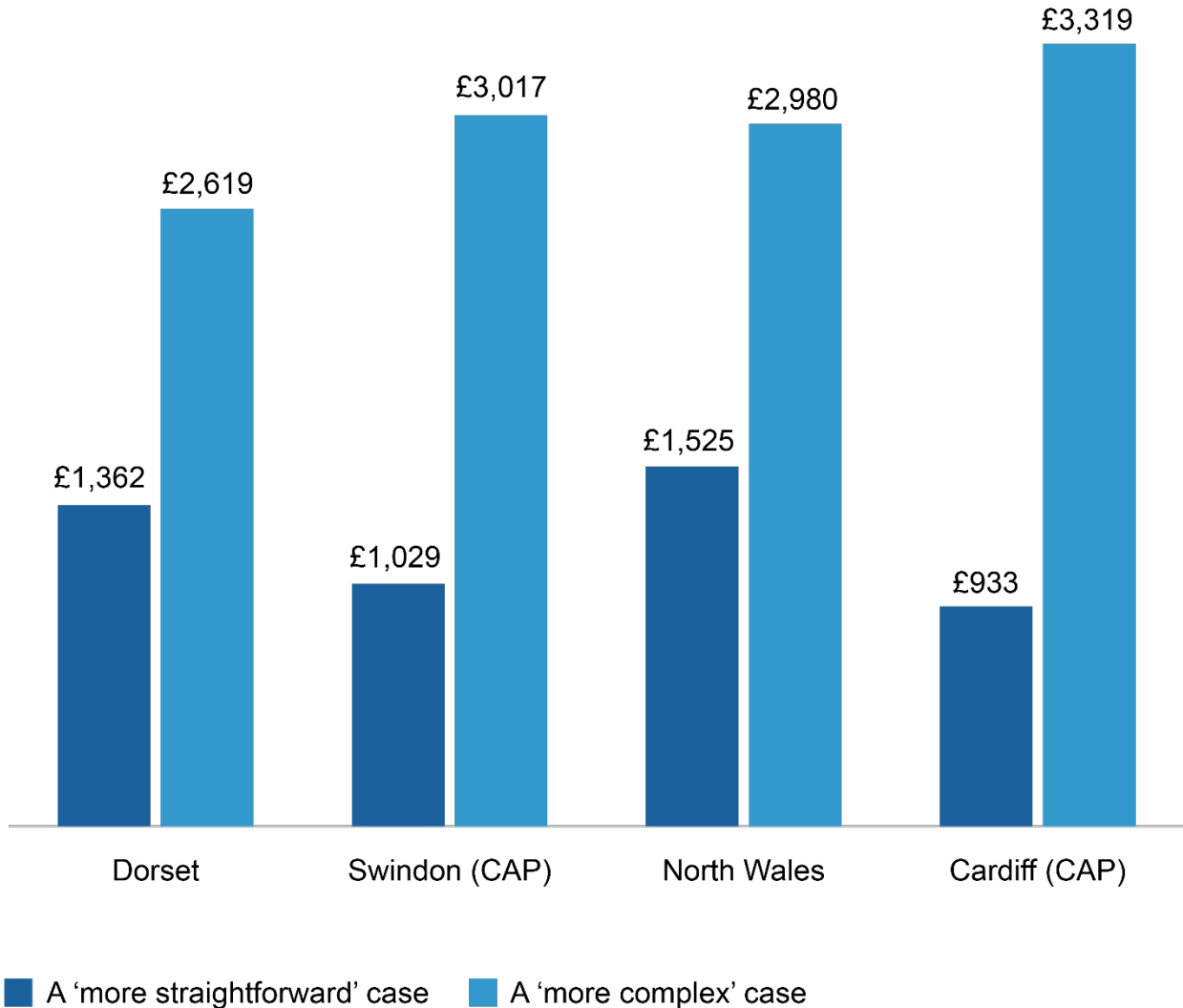
Table 47. Case complexity definition based on resource intensiveness of cases

	A 'more straightforward' case	A 'more complex' case
Pathfinder	<p>Cafcass/Cafcass Cymru: Child Impact Report 1, attendance at one hearing</p> <p>Judiciary: Magistrate/Legal Adviser completes gatekeeping 1 & 2 and DJ involved in one decision hearing</p> <p>DA: No involvement</p>	<p>Cafcass/Cafcass Cymru: Child Impact Report 1 and 2, attendance at three hearings</p> <p>Judiciary: District Judge completes gatekeeping 1 & 2, Circuit Judge involved in three hearings</p> <p>DA: DASH Assessment, attendance at one hearing</p>
CAP	<p>Cafcass/Cafcass Cymru: Safeguarding Letter, attendance at one hearing</p> <p>Judiciary: Magistrate/Legal Adviser completes gatekeeping 1 & 2 and DJ involved in one FHDRA and one final hearing</p> <p>DA: No involvement</p>	<p>Cafcass/Cafcass Cymru: Safeguarding Letter, Updated Letter, Section 7 Report and attendance at six hearings</p> <p>Judiciary: District Judge completes gatekeeping 1 & 2, Circuit Judge involved in six hearings</p> <p>DA: No involvement</p>

Notes: HMCTS: Assumed similar involvement in cases of differing complexity due to limitations in data. Local authority: For simplicity, assumed no involvement as there is limited overall cost impact from Pathfinder.

Figure 9 presents the average cost of a typical 'more straightforward' and a 'more complex' case in all four analysed DFJ areas. 'More straightforward' cases were consistently found to be less costly under the CAP model compared to Pathfinder, which is to be expected due to more frontloading of support from Cafcass/Cafcass Cymru and domestic abuse support services in Pathfinder cases. On the contrary, an average 'more complex' case was found to cost more under CAP in comparison to Pathfinder. This is primarily driven by the higher number of hearings required for a complex case under the CAP model and greater judicial involvement in these cases.

Figure 9. Chart comparing the average cost of a typical ‘more straightforward’ and a ‘more complex’ case by DFJ court area (£)



This analysis shows that while on average the Pathfinder cases were found to have a lower average cost per case, the Pathfinder model may be less cost efficient for more straightforward cases.

Table 48 shows the relative distribution of case complexity types in average caseloads per DFJ area (estimates based on Cafcass/Cafcass Cymru data on closed cases). To assess distribution of cases, the typical ‘more complex’ case was treated as the higher end of complexity spectrum (i.e. cases with more than six hearings would also be considered as complex cases). The distribution of cases differed significantly between the analysed areas, particularly for ‘more straightforward’ cases. Differences in judicial practices (such as diverse approaches to case management and resource availability) and case

characteristics (including regional differences in population characteristics) across DFJ areas can contribute significantly to the variation in case complexity.

Table 48. Distribution of case complexity types in average caseloads per DFJ area

Distribution of cases	Dorset	Swindon (CAP)	North Wales	Cardiff (CAP)
'More straightforward'	18%	44%	39%	16%
'Medium complexity'	74%	54%	55%	76%
'More complex'	8%	2%	6%	8%

This analysis confirms that the relative increase in cost, or cost-efficiency, from implementation of the Pathfinder could differ significantly between local areas.