



Ministry
of Justice

Private Law Pathfinder Pilot

Understanding the Experience of Children and Families

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1. Executive Summary

1.1 Context

In response to Ministry of Justice (MoJ)'s¹ '*Assessing Risk of Harm to Children and Parents in Private Law Children Cases*' report (Hunter, Burton & Trinder, 2020), the private law Pathfinder pilot was established in Dorset and North Wales family court areas from February 2022. The Pilot's aim was to improve the experiences of children and families by:

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

Pathfinder replaced the previous court process in the two pilot sites – known as the Child Arrangements Programme (CAP) – with a new model, which incorporated three phases: (1) information gathering and assessment, (2) decision and/or intervention, and (3) review.² In particular, the Pathfinder model introduced:

¹ A Glossary of Terms has been provided in Appendix A.

² The pilot model included this stage, however with the agreement of operational agencies, the review stage was removed from the Practice Direction in December 2024. Work is continuing to explore alternative ways of supporting families following a final order. Private Law Pathfinder delivery update - GOV.UK

- earlier information gathering by professionals to gain a better understanding of the safeguarding and welfare needs and risks for families.
- a focus on enhancing the voice of the child by centring information gathering on the views and experiences of the child throughout proceedings; and
- direct funding for domestic abuse services to provide support to victim-survivors in Pathfinder cases.

A process evaluation and financial analysis of the two pilot Pathfinder courts and two comparator CAP courts was completed by the project team in 2023-2024 (Barlow et al., 2025). The current research has been carried out as part of this wider evaluation of the Pathfinder model and aimed to understand how children and families experience the Pathfinder process. It aimed to address the following objectives:

1. To understand the lived experience of parents, including parents who have experienced or are at risk of domestic abuse, who have been applicants or respondents in child arrangements cases in the Pathfinder courts.
2. To understand the lived experience of children and young people, including those who have experienced or are at risk of domestic abuse and other harms, who have been subject to child arrangements applications in Pathfinder courts.
3. To explore how the lived experience of children and families relates to the policy goals of Pathfinder.

1.2 Methodology

Data collection consisted of semi-structured qualitative interviews with 39 parents and carers (25 mothers, 13 fathers, and one grandparent) and nine children. Interviews were conducted between August and December 2024 across both pilot sites, and took place online, over the telephone, or in person, according to participant preference. Children elected to be spoken to alone or in the presence of a support person,³ and child-friendly

³ 'Support persons' included an older sibling or non-abusing parent.

techniques were used to facilitate interviews with younger children (aged 6-11) (see Appendix C).

1.3 Key Findings

Findings reflect the experiences of the group of self-selecting parents and children engaged in this study. Seven themes identified in the qualitative data are discussed in the report: six relating to the key policy goals of Pathfinder and one concerning the broader family justice system. Each of these is summarised in turn.

- **Court experience:** Most participants had positive experiences with Cafcass/Cafcass Cymru Family Court Advisors (FCAs), and some also had positive interactions with judges and magistrates, especially when they felt heard. However, participants also reported negative experiences when they believed social workers, FCAs, judges or magistrates downplayed or ignored their concerns.
- **Child experience and participation:** Most children reflected positively on their interactions with Cafcass/Cafcass Cymru FCAs. Parents felt the Child Impact Report (CIR) helped children express their wishes regarding contact arrangements. However, there were mixed experiences as to whether children's wishes and perspectives were considered in the final outcome of proceedings. Both children and parents saw clear improvements in capturing the child's perspective under the Pathfinder model, compared to previous CAP experiences.
- **Reducing the re-traumatisation of domestic abuse:** Participants in cases involving domestic abuse had mixed feelings about whether the Pathfinder goal of reducing re-traumatisation had been met. Most participants appreciated avoiding mediation and being offered a DASH (Domestic Abuse, Stalking, Harassment and 'Honour Based' Violence Assessment)⁴ risk assessment and special measures.⁵

⁴ 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.

⁵ 'Special measures' are provisions to assist vulnerable parties and keep them safe during court proceedings, such as screens, separate entrances/exits and waiting areas or participation by video link. (see glossary).

However, these were not offered in all cases, and it was not possible to identify the reasoning behind these decisions. Mothers in particular spoke positively of the involvement of domestic abuse services, with those who had previously experienced CAP seeing it as a significant improvement under Pathfinder. Some participants reported better responses from professionals to false (or unsubstantiated) counter allegations. However, many parents, especially mothers, felt there were more opportunities to reduce re-traumatisation, particularly regarding attending court. They emphasised the importance of feeling believed and having their experiences of domestic abuse validated by professionals. Mothers pointed out issues with trauma-informed practices and understanding during proceedings.

- **Multi-agency working:** Most participants felt multi-agency collaboration needed improvement. Parents predominantly reported negative experiences with information sharing across agencies, especially regarding safeguarding and welfare concerns. They suggested these concerns were often downplayed or ignored by professionals from different agencies.
- **Efficiency of the court process:** Parents with prior experience of CAP found the Pathfinder process to be more efficient. However, some domestic abuse victim-survivors felt the court process moved too quickly from the outset, preventing them from fully sharing their experiences during the court process.
- **Returning cases and review stage:** Parents were generally positive when they achieved the outcomes they wanted. However, some expected to return to court, because their desired outcome had not been achieved or enforced. Despite being informed that their cases would be reviewed by professionals, many participants found that the review stage was very rarely implemented.⁶ This caused frustration and a sense of being unsupported after the court process, especially for domestic abuse victim-survivors.

⁶ Only three cases were reviewed across all participants

- **Broader family justice issues:** Participants faced broader family justice issues that affected their experience with Pathfinder. Those participants with solicitors shared mostly positive experiences with the court process, while those who were Litigants in Person (LIP) shared mostly had negative experiences. They also highlighted the financial burden of the court process and some raised concerns about the handling of allegations of alienating behaviours.

1.4 Insights and Learning for Future Implementation

Drawing from participants' reflections on their experiences of Pathfinder in Dorset and North Wales, the research team has identified key policy and practice considerations to guide the implementation of Pathfinder in other areas and ongoing improvement in existing pilot sites.

The insights provided by parents and children involved may offer valuable opportunities for wider learning.

- **Maintaining the focus on the child:** Capturing the voice of the child is central to Pathfinder, and the findings indicate positive progress towards this goal. Practices designed to capture the voice of the child should be kept under review to ensure that children's voices are heard and, where possible and appropriate, acted upon. Children should be kept informed and receive appropriate communication throughout the process.
- **Continued emphasis on reducing re-traumatisation for domestic abuse victim-survivors:** To reduce re-traumatisation, future rollout and existing pilot sites should focus on key improvements. These include thoroughly investigating domestic abuse when it is raised (including counter allegations) and understanding its dynamics in court proceedings. Improving collaboration among agencies to support families is crucial and could be achieved through joint training that emphasises trauma-informed approaches and gendered understandings of domestic abuse. Additionally, this training should equip professionals with the skills to effectively communicate with children and manage accusations of alienating behaviours, aligning with Pathfinder's goals.

- **Implementation of special measures:** Special measures should be implemented as agreed by the court, or hearings to maximise their benefit for domestic abuse victim-survivors.
- **Importance of domestic abuse services:** Domestic abuse support services are integral to the Pathfinder model. For future rollouts, it is important to ensure referrals are made and that these services have sufficient staff and resources to support victim-survivors throughout the process.
- **Continued emphasis on multi-agency working:** Future rollouts of Pathfinder, and existing pilot sites should consider improving multi-agency information sharing and collaboration, especially in cases involving safeguarding and welfare concerns.
- **Balancing the length of the process:** The commitment to ensuring efficient court proceedings has been met and should continue in any future rollout. However, it is crucial to balance this efficiency with giving families, especially domestic abuse victim-survivors, the opportunity to have their voices heard.
- **Sharing information about the process with families at all stages:** Children and parents need clear information about what to expect from agencies at each stage of the process.
- **Reconsidering the review stage:** The objectives for this stage should be reassessed to consider how reviews can be implemented and communicated more effectively to families.
- **Continue to improve understanding of the harms of alienating behaviours:** The Family Justice Council has issued new guidance for professionals which emphasises the importance of prioritising allegations of domestic abuse over 'parental alienation'. Professionals should ensure children are consulted in relevant cases where appropriate. Additionally, professionals, including judges, should receive further training on handling the complexities of allegations of alienating behaviours.

2. Background

The harms caused by adversarial family court processes are well documented, including for domestic abuse victim-survivors (Dalgarno et al., 2024, Orr et al., 2023). The prevalence of domestic abuse in cases involving disputes between parents about arrangements for their children, termed private law proceedings, is high (Macdonald, 2016), with one study suggesting it reaches 90 per cent (Barnett, 2014). However, court and legal professionals have a limited understanding of domestic abuse, and in particular coercive control, as physical violence is more readily associated with harm (Hunter et al., 2020; Burton, 2021; Burton & Hunter, 2023).

Studies have found that some victim-survivors believe that domestic abuse is considered irrelevant in private law proceedings, as they felt that professionals assume that contact with both parents, irrespective of abuse towards children or partners, is beneficial (Barnett, 2020; Domestic Abuse Commissioner Report, 2023; Hunter et al., 2020). This has resulted in what is described as a 'pro-contact culture' (Hunter et al., 2020). The implications of this are gendered, as mothers in particular feel pressured to facilitate contact with abusive fathers (Barnett, 2020; Choudhry & Rodriguez Gutierrez, 2024; Grey, 2024). Studies suggest that mothers report a lack of autonomy over their own and their children's safety in private law proceedings, resulting in a lack of trust in the system (Coy et al., 2015; Choudhry & Rodriguez Gutierrez, 2024). This collectively contributes to mothers often feeling that proceedings are a continuation of their abuse (Orr et al., 2023).

Furthermore, research has identified that children's voices often go unheard in private law proceedings. In their analysis of 40,000 private law cases in 2019/2020, Hargreaves et al., (2022) found that over half (52.1%) indicated no evidence of child participation. Similarly, an evidence review conducted by the Nuffield Family Justice Observatory highlighted that children with experience of private proceedings often felt uninformed and unheard when decisions were made about them (Roe et al., 2021). A further small-scale study exploring the perspectives of children in the family court process in Wales (in a Pathfinder area) reported that although children did feel listened to by FCAs, they were rarely given a choice about if or how to engage in the court process (Jones, 2023).

2.1 Government Response to the Issues Identified in Private Law Proceedings

Published in 2020, MoJ's '*Assessing Risk of Harm to Children and Parents in Private Law Children Cases*' report (the Harm Panel Report) examined submissions to a public call for evidence on domestic abuse and other serious offences in family courts. The report provided an understanding of how effectively family courts identify and respond to allegations of domestic abuse and other harms in private law proceedings. Most evidence provided focussed on domestic abuse, in particular highlighting how victim-survivors are often traumatised by the court process, which echoed findings from the published research. It included assertions that allegations of abuse were disbelieved or ignored, abusers exercised continued control through litigation and threats of litigation, child arrangements were unsafe, and proceedings failed to centralise the voice of the child. The Harm Panel Report also criticised the length of proceedings, as court resources were 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. Initially, it proposed that the pilot incorporate Integrated Domestic Abuse Courts to address criminal and family matters in parallel. However, the model that was taken forward was the *Private Law Investigative Approach Pilot*. The pathfinder model requires fundamental shifts in professionals' working practices. As a result, the pilot sites have continued to evolve, incorporating learning and refining practices since implementation. The main aims of the Pathfinder pilots are as follows:

Pathfinder Pilot Aims

1. Improving the family court experience for all parties, particularly parent domestic abuse victim-survivors 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)

Pathfinder replaced the existing Child Arrangements Programme (CAP) approach for family court processes in two family court areas: Dorset (Bournemouth and Weymouth) and North Wales (Caernarfon, Mold, Prestatyn and Wrexham). These areas were identified by the judiciary and agreed by cross system Advisory Group partners who oversaw the design and early delivery of the pilots. In the Pathfinder courts where the model has been implemented, the usual CAP was suspended and replaced with a revised process for relevant cases. This revision was introduced through Practice Direction 12B (Pilot) which is annexed to pilot Practice Direction 36Z and underpins the Pathfinder pilot,⁷ (see Appendix B). This model applies to proceedings for an order under section 8 of the Children Act 1989 (child arrangements order, specific issue order, prohibited steps order)

⁷ PRACTICE DIRECTION 36Z – PILOT SCHEME: PRIVATE LAW REFORM: INVESTIGATIVE APPROACH – Justice UK

and proceedings for an enforcement order following an alleged breach of a child arrangements order.

2.2 Evaluation

A process evaluation and financial analysis of the Pathfinder courts and two comparator CAP courts was conducted by the project team in 2023-2024 (Barlow et al., 2025). That evaluation was part of a wider ongoing assessment of the Pathfinder model, focussed on the perspectives of frontline professionals delivering Pathfinder and CAP. The evaluation identified several benefits of Pathfinder from their perspective, including centring the voice of the child, earlier and enhanced information gathering, greater efficiencies in the court process, avoiding re-traumatisation for domestic abuse victim-survivors, and stronger collaboration across agencies. However, challenges were also noted, such as difficulties understanding what centring the voice of the child looked like in practice, effective change management, handling of CAP cases that had not been resolved prior to Pathfinder, and resourcing issues. There was also confusion about how and when to use the 'review stage' of the model.

The current evaluation complements the process evaluation, considering how children and families experience the Pathfinder process. It has three objectives:

1. To understand the lived experience of parents, including parents who have experienced or are at risk of domestic abuse, who have been applicants or respondents in child arrangements cases in Pathfinder courts.
2. To understand the lived experience of children and young people, including those who have experienced or are at risk of domestic abuse and other harms, who have been subject to child arrangements applications in Pathfinder courts.
3. To explore how the lived experience of children and families relate to the policy goals of Pathfinder courts.

3. Methods

3.1 Participant Recruitment and Data Collection

To address all three objectives, data was collected through audio-recorded interviews with parents and carers, and children and young people, from both pilot sites. These interviews were conducted between August and December 2024, either online, over the telephone, or in person, depending on participant preference. Children were given the option to be interviewed alone or with a support person present. Interviews with younger children (aged 6 to 11) were conducted in person using child-friendly techniques (see Appendix C). Parents were asked about their experiences entering, traversing, and exiting the court process, the impact of this process on themselves and their families and the extent to which they felt the goals of Pathfinder reflected their experiences. Children were asked about their experiences of finding out about, and engaging with professionals during the court process, and how they learned about case outcomes.

Qualitative, semi-structured interviews were used to understand individual views and opinions of parents and children. This allowed participants to provide their perspective, resulting in a more in-depth, nuanced understanding of their unique experiences of the family court and family circumstances.

Participants included parents and carers whose cases had (a) gone through the Pathfinder process and (b) been closed at least three months prior to recruitment. Individuals meeting these criteria were contacted by Cafcass/Cafcass Cymru, domestic abuse services, or local authorities, depending on the agencies involved in their cases.⁸ Agencies provided parents and carers with information sheets about the project, in both English and Welsh, inviting them to contact the research team directly if they wished to participate (see Appendix C for further information about recruitment and data collection). The final sample

⁸ Individuals were not contacted if they had previously opted out of research or posed a risk to the research team, based on the information held and judgement of the referring organisation.

comprised of 39 (25 mothers, 13 fathers, 1 grandparent) parents and carers⁹ across both pilot sites (see Appendix D).

Parents who agreed to participate and whose child(ren) lived with them all or most of the time, were asked for consent for their child(ren) to be interviewed. Children received age-appropriate information sheets about the project and, if they wished to participate, their parent or carer contacted the research team to schedule an interview. The final sample consisted of nine children across both pilot sites (see Appendix D).

3.1 Data Analysis

Thematic analysis¹⁰ was used to identify, analyse, and report on patterns (themes) in the data. Patterns were identified through a rigorous process of data familiarisation, data coding, theme generation, and theme review. Initially, transcripts were read several times to foster familiarity with the data. Next, deductive coding (coding based on pre-defined categories) and inductive coding (coding based on additional interview content which did not fall within the pre-defined code) were then used to label statements in the data. These codes were examined and grouped according to consistent meanings (themes). The same coding structure was applied to all transcripts to allow for a direct comparison of codes and themes across participant groups and sites.

The thematic analysis identified six major themes linked to the Pathfinder policy goals, and one additional theme related to wider challenges concerning private law proceedings. These are described in detail in sections 4 and 5. To illustrate the prevalence of findings linked to these themes, we have used the terms: 'few' (if findings apply to the minority of participants); 'many' or 'most' (if findings apply to the majority of participants); and 'some' (if findings apply to more than few but less than most). To maintain anonymity, group and location level identifiers have been provided for illustrative quotes. Group identifiers consist of child,¹¹ mother and father, whilst location identifiers include Dorset and North Wales.

⁹ Only one adult participant was a carer, therefore 'parents' will be used in the remainder of this report.

¹⁰ Thematic analysis is a method used to identify patterns and uncover meaning in qualitative datasets (Braun & Clarke, 2021).

¹¹ Child is used to refer to children and young people.

3.2 Data Limitations

This qualitative study involves a small number of families compared to the number of cases that have gone through Pathfinder in the two areas. The sample size was comparable to other similar qualitative studies. However, it is possible that the findings reflect a selection bias, as those who engaged in this study may have had stronger views (not necessarily negative) about the process or outcome compared to families that decided not to take part. For example, families who had particularly negative experiences with court ordered contact following domestic abuse, or who were still processing the outcome of their case may have welcomed an opportunity to share their perspective.

Families will experience the court in different ways and perspectives will differ, and it is not assumed that the experiences of families participating in this study are representative of other families in similar circumstances or of all children and parents. The findings reported reflect the experiences of those who participated across both sites and are not intended to be representative of wider views. Qualitative research is not designed to establish prevalence, but rather to provide an in-depth understanding of families' lived experience. The findings therefore provide a valuable perspective into the experiences of families who participated. Related to this, some respondents shared their experiences of the family court response to domestic abuse under the Pathfinder model. However, it was not possible to corroborate when or why a provision of special measures, or a DASH risk assessment was provided or not.

Recruitment: Recruitment challenges affected the final sample size. Although the same approach was used at both pilot sites, there were significant difficulties recruiting in Dorset, resulting in a smaller number of participants (N=8 parents) compared to North Wales (N=31 parents).¹² Overall, this meant that although broad comparisons could be drawn (for example, between Dorset and North Wales in general), the sample size prevented more detailed comparisons (for example, between Dorset and North Wales fathers or mothers).

Capacity: Due to capacity constraints, it was not possible to recruit from both domestic

¹² There were wider capacity issues which led to challenges embedding the model with partners including domestic abuse services (Barlow et al., 2025). Agencies may have been unable to recruit more participants as they may not have had a sufficiently large or suitable client base to support the recruitment of additional participants.

abuse services and six local authorities in North Wales. Recruitment was primarily through the larger domestic abuse service which covered most of the North Wales area and Cafcass Cymru. **Recall:** To reach the target sample, the study sought to include cases that had concluded up to eighteen months prior to recruitment. Because of this time gap, participants' recollections of what had happened may have changed by the time they were interviewed. This is especially true for children, who might have found it harder to remember specific details after several months, which could have influenced how clearly or accurately they described their experiences. Finally, recruiting children was a challenge at both sites. Children were recruited through parents who participated in the study. Parents were often reluctant to provide consent due to concerns about re-traumatisation, especially when cases had been closed for some time or were highly distressing. Some children had additional needs such as autism spectrum disorder (ASD), and parents were concerned that participating in an interview would be too overwhelming.¹³ Despite these challenges, interviews with children provided valuable insight into their Pathfinder experience.

¹³ The small sample size is consistent with prior research, which shows that children who have exited a process or a service have low participation rates compared to those who are still receiving support (Jones, 2023).

4. Findings: Progress Towards the Pathfinder Pilot Aims

The findings reflect the experiences of the parents and children who participated in the research. Families who did not take part may have different views and experiences of Pathfinder. Since the implementation of the Pathfinder pilot model is an iterative process, participants' experiences may vary depending on when their case went through the Pathfinder process. Furthermore, the findings need to be understood within the complex and often fraught context of separated parents trying to establish contact arrangements for their children.¹⁴ Most participants found private law proceedings challenging regardless of the outcome:

“It’s not really something that you can take lots of positives from as an experience. It’s something that you don’t want to have to do, but you just have to do it”
(Mother, North Wales).

The purpose of the analysis presented here is to understand what worked well and what did not for the families interviewed for this study during the Pathfinder process. Where families had previously been through the CAP process, comparisons are made as appropriate.

4.1 Court Experience

Pathfinder aims to improve the court experience for all parties, particularly for domestic abuse victim-survivors. In the interviews participants linked their experiences to interactions with practitioners and staff from all organisations involved in Pathfinder, as well as responses to domestic abuse, safeguarding, and welfare concerns. This section discusses interactions with Cafcass/Cafcass Cymru Family Court Advisers (FCA), social workers and court staff including the judiciary. Responses to domestic abuse concerns,

¹⁴ ‘Child and children’ are used to refer to both children and young people.

and to safeguarding and welfare concerns, are discussed in sections 4.2 and 4.4, respectively.

Most children and parents reported positive experiences with Cafcass/Cafcass Cymru FCAs, feeling comfortable, listened to, and understood. Some also had positive experiences with judges and magistrates who took their concerns seriously. However, some children and parents believed Cafcass/Cafcass Cymru FCAs and local authority social workers were biased and did not accurately capture their concerns. Furthermore, some also reported that judges and magistrates downplayed or ignored their concerns. Overall, while there had been some progress towards improving the court experience, there were opportunities for further improvement.

Cafcass/Cafcass Cymru

The majority of the families' cases were handled by Cafcass or Cafcass Cymru rather than local authorities and their interactions with these organisations differed between the two sites. Across both Pathfinder sites, children and mothers generally described more positive interactions with Cafcass/Cafcass Cymru FCAs, whereas fathers shared more negative experiences. Most children felt comfortable and listened to when speaking to Cafcass/Cafcass Cymru FCAs. Most were given the choice to speak to an FCA, and some were pleased to have the opportunity to share their views. Being heard or listened to during proceedings was especially important to children, who appreciated that FCAs listened and understood them:

“We read the [Child Impact] Report and what she had to say, and she listened to almost everything that we said” (Child, North Wales).

One child, however, felt uneasy during her interview due to fear of judgement and lack of eye contact. She suggested that a more child-friendly approach and use of fidget toys would have helped to make her feel more comfortable.

Most mothers found FCAs to be attentive and fair. They appreciated that their children had been spoken to in a constructive, sensitive, and tactful manner. Some mothers also felt that Cafcass/Cafcass Cymru listened to them and helped them express their views:

“I feel like she represented my views really clearly and really fairly. That was good”
(Mother, Dorset).

Mothers without domestic abuse present in their cases generally had more positive interactions with Cafcass/Cafcass Cymru than those who did. However, a few mothers who did not have domestic abuse present in their cases expressed concerns about how their children's views were collected and considered.

Fathers tended to have slightly more negative opinions about Cafcass/Cafcass Cymru compared to mothers. Some felt their contact with Cafcass/Cafcass Cymru had been minimal or poor and believed FCAs were biased towards mothers, overlooking their perspectives. However, other fathers had positive experiences with Cafcass/Cafcass Cymru, finding FCAs competent and fair.

“The lady was brilliant. I mean, it was a horrible time in my life, but the lady was brilliant, absolutely” (Father, North Wales).

Local authority

Fewer participants had contact with local authorities. These represented a small number of participants across both sites and most reported negative experiences with local authority social workers. They felt their children's views were either poorly captured or misrepresented. One child mentioned that their voice was repeatedly ignored by different social workers, and they were not given the opportunity to express their preferences about contact with their father (see section 4.3). Some fathers felt that social workers did not take their safeguarding or welfare concerns seriously, during or after proceedings (see section 4.4). It is possible that prior negative interactions with social workers influenced some children's and parents' feelings towards local authority involvement in their case. However, a few parents described positive interactions with individual social workers, suggesting that trust had built over time. Yet for some a high staff turnover had resulted in a lack of continuity, meaning that trust had to be re-built between families and new social workers.

Judges and magistrates

Adult participants had mixed experiences with judges.¹⁵ Many mothers felt judges were dismissive of their experiences, and some believed that the judge had not read the written evidence in their cases. Those who experienced domestic abuse generally spoke poorly about their interactions with judges (see section 4.2). Fathers' views on the fairness of judges varied. While some described positive interactions and felt judges were generally fair and understanding during proceedings, others had less favourable experiences. Some fathers felt they were treated unfairly and not listened to by judges. Most of those who reported poorer experiences had cases involving allegations or counter allegations of domestic abuse.

Parents who spoke positively about their interactions with judges emphasised the how important it was to feel listened to and to have the process or decisions clearly explained to them.

“The judge was fair, he explained things really well. I came out of there thinking ‘that is the way it should be done.’ He explained the new process, heard what I had to say, and he was just really good” (Mother, North Wales)

Case Progression Officer and HMCTS staff

Although no participants referred to the Case Progression Officer, a new position in Pathfinder that provides a single point of contact for parties, parents from both sites felt well informed early on, owing to a general information leaflet that explained the process and offered further helpline support. However, despite finding this material helpful, some parents still felt unsure about what to expect from the court process overall.

4.2 Reducing Re-traumatisation of Domestic Abuse Victim-Survivors

Pathfinder aims to reduce the re-traumatisation of domestic abuse victim-survivors that can occur during family proceedings. Most participants reported that domestic abuse was a factor in their case, with allegations being made by the participant, both parties, or the

¹⁵ The term 'judges' is used to refer to both magistrates and judges.

opposing party. While all the children interviewed had allegations of domestic abuse in their cases, only one explicitly mentioned it.

Most parents with domestic abuse in their cases valued avoiding mediation, the referrals to domestic abuse services, and being offered DASH risk assessments and/or special measures, though this did not happen in every case. Many parents raised concerns about their interactions with Cafcass/Cafcass Cymru FCAs, local authorities, and judges, feeling their experiences were often minimised or ignored. They noted that professionals demonstrated a lack of understanding of domestic abuse and trauma-informed practices throughout proceedings. While there had been some progress towards this goal, there were significant areas for further improvement.

Mediation in cases involving domestic abuse

Individuals who have experienced domestic abuse are exempt from attending a Mediation, Information and Assessment Meeting (MIAM). Most mothers who had been through CAP reported being offered mediation during prior CAP proceedings, despite allegations of domestic abuse. None of the mothers who had experienced domestic abuse felt they would have benefited from mediation. Under Pathfinder most parents whose cases involved domestic abuse were not offered mediation. Some fathers indicated that they would have preferred to go to mediation but, since their ex-partners had declined, this was not possible. A few mothers started mediation without knowing they were exempt, only later learning about their exemption from domestic abuse agencies.

Interactions with Cafcass/Cafcass Cymru and local authorities

Most participants whose cases involved domestic abuse reported interacting with Cafcass or Cafcass Cymru, rather than with local authorities. Some mothers and fathers who had domestic abuse in their case felt that Cafcass/Cafcass Cymru did not take their allegations of domestic abuse seriously. Mothers across both Pathfinder sites felt that FCAs did not listen to or believe them.

"[The Cafcass Cymru officer] went on to, which really hurt...question the validity of my allegations, which are serious allegations of rape and domestic abuse"
(Mother, North Wales).

Although experiences varied, a few mothers noted that despite disclosing domestic abuse to Cafcass/Cafcass Cymru, it was not mentioned in the Child Impact Report:

“My ex said, ‘there was no domestic abuse, she’s making it up.’ And [FCA] had taken his word and not even mentioned it in [the Child Impact Report]...I obviously tried to say that I wasn’t happy, but nothing got done about it, I didn’t hear from her again.” (Mother, Dorset).

There were also positive reflections. For example, one mother reported that Cafcass Cymru had accurately captured her experience of domestic abuse in the report.

Some fathers felt that their allegations of domestic abuse were not taken as seriously by Cafcass, Cafcass Cymru or local authorities as they believed they would have been if made by a woman. However, fathers’ experiences varied.

Only one child interviewed spoke about the domestic abuse in their family. They also felt that the local authority involved in their court proceedings had failed to believe their allegations of being a victim of domestic abuse:

“I was definitely cut off, and [local authority social worker] would change the topic. It always felt like they were in defence of my mum. Anytime I said something bad about her, it would just be cut off” (Child, North Wales).

Interactions with judges

Participants also shared their interactions with the judges presiding over their cases. A few mothers recalled the judge’s handling of domestic abuse issues positively, particularly by believing and validating their experiences. These mothers found this empowering, for example:

“I felt like I had the full support of the judge. [The judge] had seen everything and I felt like they understood. I was initially worried because he [ex-partner] is very manipulative, but the judge was having none of it. [The judge] saw who my ex-partner was immediately and just fully supported me, so I thought that was great” (Mother, North Wales).

Across both sites, most fathers and mothers reported predominantly negative interactions with judges in cases involving domestic abuse. Some mothers, in particular felt that judges handled domestic abuse insensitively:

"I [told judge], "Look, I find it really, really difficult to co-parent with him because of domestic abuse." And I was literally told by the judge, "You've got to co-parent, otherwise you're both going to lose [child]. And you both need to just basically forget what happened between you two and get on with it" (Mother, Dorset).

Some mothers reported that judges lacked a trauma-informed understanding of domestic abuse. For example, one mother's solicitor requested that her ex-partner's stalking and harassing behaviour, assessed as 'high' by DASH, be considered when making contact arrangements. However, she felt this was not acknowledged:

"The judge said that just because [father] was abusive with me, it doesn't mean he'd be abusive with my child, which is quite difficult to hear when he's a very abusive person" (Mother, North Wales).

Some mothers raised concerns about remarks made by judges that minimised the seriousness of the domestic abuse faced by mothers and downplayed the impact of the abuse on children, especially those who had witnessed the abuse. Some mothers felt that not enough was being done to protect them and their children from the abusive parent during the process. When mothers felt disbelieved by judges, it negatively affected their overall perception of the proceedings.

Some fathers also reported negative experiences with judges, with a few in North Wales feeling that judges did not challenge the domestic abuse accusations made against them. While judges are required to follow practice guidance and case law when making decisions in cases involving domestic abuse, some families felt this was not clearly explained to them. When judicial decision-making processes are not clearly explained, families may have found it difficult to understand how and why certain decisions are made. This lack of clarity may have influenced their perceptions and expectations of the family court process.

Interactions with domestic abuse services

The inclusion of domestic abuse services is a new component of Pathfinder and aims to ensure that domestic abuse victim-survivors receive support throughout proceedings to reduce their re-traumatisation. Mothers who had made allegations of domestic abuse appreciated the opportunities Pathfinder provided to connect them with specialist support services, including domestic abuse services. The services extended to children, and some were able to access therapy as a result.

A few fathers and some mothers were referred to these services at both sites. Most mothers had positive interactions with domestic abuse services, while fathers had more varied experiences. Many mothers were already clients of these services before receiving support through Pathfinder.

Most mothers spoke positively about the support they received, which included both emotional and practical assistance. This support helped them access legal aid and special measures, and included attending court hearings:

"[Domestic abuse service worker] was amazing, she obviously couldn't say anything [in court], but she sat there [and] held my hand underneath the table because I was a nervous wreck. [Domestic abuse service] have been amazing, I cannot fault them" (Mother, North Wales).

However, a few mothers had negative experiences with domestic abuse services, which were mainly due to capacity issues. Limited resources and high staff turnover meant a few mothers did not receive in person support during court hearings. This was disappointing, although they recognised that resourcing constraints were a factor.

A small number of fathers from North Wales sought support from the specialist domestic abuse service but faced difficulties accessing help. They believed this was because agencies could not support both them and their ex-partner at the same time or could not support men.

Some fathers felt that the presence of a domestic abuse worker at the hearings gave more weight to the mother's allegations of domestic abuse. In one case with counter allegations,

a father mentioned that the presence of a domestic abuse worker with his ex-partner made his allegations seem less credible:

“Unfortunately, because now [domestic abuse service] is supporting her...everybody who came into contact with the case instantly assumed she was the victim” (Father, North Wales).

At both sites, some fathers and mothers felt they should have been referred to domestic abuse services but were not. Mothers who had experienced the CAP process viewed the direct involvement of specialist domestic abuse services in Pathfinder as a significant improvement.

Responses to disclosures of domestic abuse

Following the disclosure of domestic abuse, the Pathfinder pilot model introduced new practices to better support victim-survivors. One of the key changes is the completion of a DASH (Domestic Abuse, Stalking and Honour-Based Violence) risk assessment.

DASH risk assessments

In Dorset, many of the mothers who had experienced domestic abuse reported that no DASH assessment had been completed as part of their case; though, the number of participants was small. Similarly, in North Wales, some participants stated that no DASH had been offered, or they could not recall it happening. It was not possible to clarify this with domestic abuse services which might have provided an explanation. Within the Pathfinder pilot model, Cafcass, Cafcass Cymru or the local authority assess whether a referral to a domestic abuse support service is appropriate. Where possible, a DASH risk assessment is carried out. It is possible that, in some cases, a DASH risk assessment was completed without the participant recalling it or did not realise the questions formed part of a formal risk assessment.

A few parents who had previously gone through CAP said a risk assessment was conducted under Pathfinder, but was not offered under CAP. These parents viewed this as a positive change, for example:

"The assessment I had...I can't fault it because they found out what they need[ed] to know and helped me with that side of it, the support" (Father, North Wales).

Most mothers from North Wales who had completed a DASH risk assessment as part of their proceedings, were already receiving support from a domestic abuse service.

Special measures

Although special measures were introduced nationally across all private law proceedings, separate from the Pathfinder model, participants in this study shared their reflections on their use in Pathfinder cases.

Special measures were commonly offered to participants who had experienced domestic abuse. For most mothers, the domestic abuse services requested this on their behalf. Mothers who had previously gone through CAP noted that special measures were more readily available under Pathfinder. This may reflect changes in the national approach to implementing special measures. Those who used special measures generally found them reassuring:

"They gave me an earlier time to be there and put me in a different part of the court. And I physically did not see [the father] once throughout. They put a screen between us...So I was really impressed with that. And I think for anyone who was worried or scared, that was really respectful, but really measured" (Mother, North Wales).

Mothers who experienced anxiety and physical symptoms in response to the possibility of seeing their perpetrator emphasised the importance of special measures. Therefore, participants reported that it was harmful when these measures were offered but not implemented at all or to the full extent promised:

"It was a scary situation. And they promised me that...I wouldn't have to see him...[but] when I got to the court, he was right there in the waiting room...so that unnerved me right at the beginning of the day" (Mother, North Wales).

Some mothers were upset when authorities questioned the need for special measures in their cases. Additionally, a few mothers did not recall being offered special measures at all.

Counter allegations of abuse

Mothers reported mostly positive experiences with how professionals handled counter allegations. However, a few suggested that their cases were treated as ‘parental conflict’ without considering the potential harms of unsubstantiated counter allegations. Some mothers appreciated that professionals did not uphold counter allegations made by their ex-partners:

“He was told by social services that “You don’t get access to your children by making false allegations about your ex-partner”” (Mother, North Wales).

Mothers who had experienced both CAP and Pathfinder felt that counter allegations were handled more effectively under Pathfinder. Some fathers involved in Pathfinder cases with counter allegations suggested that they ‘regretted’ bringing up domestic abuse in their cases:

“With hindsight, I’m not sure the counter-allegations did help me, as we ended up in this ping-pong nonsense in court which I don’t think helped anybody” (Father, North Wales).

Some mothers felt court professionals and judges needed a better understanding of domestic abuse to identify when false claims are being made. A few mothers suggested that when both parties made accusations, judges viewed domestic abuse as parental conflict and therefore did not take it seriously.

Re-traumatisation from court proceedings related to domestic abuse

Only mothers reported feeling re-traumatised by court proceedings after experiencing domestic abuse. A small number of fathers reported finding the process stressful but did not reflect on any traumatising effects. These respondents were not survivors of domestic abuse. Some mothers with allegations of domestic abuse in their case recalled how traumatising it had been to be in the same room as the perpetrator, especially after a long period of no contact.

“I was really heavily traumatised. I was struggling to breathe in court, I was erratic, I was shaking, and I felt they were just like ‘What is going on with this woman?’ It was just seeing him again that caused this reaction” (Mother, North Wales).

Some mothers felt that their allegations of domestic abuse were questioned in court and for a few mothers, this exacerbated their post-traumatic stress disorder (PTSD) from the abuse. For example:

"It makes you question your reality. It makes you feel all those negative connotations of being a domestic abuse victim, of being dramatic, making a fuss out of nothing...you're harming your child by removing contact...it undid so much work I have tried to do on myself" (Mother, North Wales).

Some felt that mentioning their experiences of domestic abuse in court made professionals think they were trying to 'play the system'. For one mother, court proceedings and the final order enabled their partner to continue the abuse. Consequently, she considered stopping contact with her child to protect herself:

"[Order] actually enabled [their] dad to further carry on abuse. And it obviously affects my parenting, and it affects every aspect of my life" (Mother, Dorset).

Some mothers who had experienced domestic abuse felt strongly that being listened to and believed in court would have greatly improved their experiences and lessened the trauma of the court process. Some of these mothers also suggested that court proceedings were not trauma-informed:

"I expected the knowledge of how to deal with a victim, especially in the trauma-informed lens, would be standard. But it absolutely isn't, and I was very surprised and shocked by the way that the proceedings kind of kicked off and started and carried on throughout really" (Mother, North Wales).

For the participants in this study, trauma-informed approaches centred on feeling believed, having their experiences validated by professionals and being heard during court proceedings. Mothers who had also been through CAP had varied experiences. A few felt less traumatised by the Pathfinder process, mostly because they felt believed and their experience of domestic abuse was better understood throughout the court process. However, some mothers felt that both CAP and Pathfinder lacked trauma-informed approaches and suggested that more work was needed to reduce the re-traumatisation of the court process for domestic abuse victim-survivors.

The Harm Panel Report (Hunter et al., 2020) emphasised the importance of preventing re-traumatisation for domestic abuse survivors in private law proceedings. However, the experiences shared by the participants in this research suggest there is still some way to go in achieving this goal from their perspective.

4.3 Child Experience and Participation

Pathfinder aims to improve children's experience of (appropriate) participation in the court process. Most children had a say in where their meetings with Cafcass/Cafcass Cymru and local authorities took place, and they felt comfortable and listened to during these meetings. However, some parents felt there were still issues with child participation, such as when and if children were spoken to by Cafcass. A few children and some parents said children's feelings and wishes were not always reflected in the outcomes of proceedings, and the reasons for this were not explained. Overall, there were clear positive differences in child engagement under Pathfinder compared to CAP.

Obtaining the child's point of view

Decisions about who to interview

Parents identified issues regarding whether children were spoken to. Specifically, some parents saw inconsistencies among professionals about the minimum age for seeking a child's perspective. Some mentioned children as young as three being spoken to by Cafcass/Cafcass Cymru or local authorities. However, one parent recalled that at age five Cafcass Cymru considered their child too young to provide their perspective. This does suggest that there was variance in practice but might indicate that practitioners were making decisions based on children's capacity and understanding rather than considering only their age.

Similarly, there were mixed reports about children's capacity to contribute when they had additional needs. Participants who had children with ASD mentioned that their children were either non-verbal or socially anxious. In most cases, Cafcass/Cafcass Cymru FCAs and local authority social workers were able to make arrangements to accommodate these additional needs, and speak to the children:

"[FCA] came out to the house to see them first so she could get them comfortable with her, and then [she went] to see them like in school, rather than just meeting them in school" (Mother, North Wales).

In North Wales, a few fathers of children with additional needs described how Cafcass Cymru took their children's additional needs into account when making recommendations in the *Child Impact Report*. However, in one case, a child's perspective was not sought due to their ASD diagnosis.

Decisions about where to interview

Many of the children's interactions with Cafcass/Cafcass Cymru and local authorities happened at school. Schools were seen by most children and parents as neutral places where children could speak freely, without parental influence or pressure. Some children recalled being given a choice over where to be interviewed, for example:

"I had a choice where to meet with [FCA]. We went to a secluded room" (Child, North Wales)

School staff could be available to support children if they became upset during interactions. Schools were preferred to the family home, as some parents were concerned about their children being spoken to in front of their ex-partners, due to suspicions that children might be influenced or feel unable to speak freely. However, a few children were concerned that being taken out of class might be embarrassing or lead to questions from their peers. While many children were given a choice about the meeting location, in a few cases, FCAs and social workers disregarded this choice, surprising both children and parents.

Children's feelings about interviews

Most children felt anxious, nervous, or scared before their sessions with Cafcass/Cafcass Cymru or local authorities. Generally, FCAs and social workers were able to put children at ease when gathering their perspectives:

"[FCA] brought me toys to play with, which I liked and made me feel better" (Child, North Wales).

However, some children did not find talking to FCAs or social workers comforting. In most of these cases, it was because they were left uncertain what the court's decision would be:

"We weren't really put at ease...because me and my sister, we didn't want to go and live with our father, but they were like, "It could still happen." So, we weren't really sure what's going to happen...it wasn't reassuring" (Child, North Wales).

Children would have benefitted from ongoing engagement with Cafcass/Cafcass Cymru and local authorities including more updates about their cases:

"I felt really sad because I didn't hear anything from [FCA] afterwards. And then I felt really lost and confused" (Child, Dorset).

Taking children's views into account

Most children were pleased to have been given a voice in the proceedings:

"They could just hear us and we could say our sides of the story. I quite liked that. But it was a good process. It went slow, but it got there in the end" (Child, North Wales).

Other children spoke more generally about being given the opportunity to speak:

"I felt like I had the chance to speak and say what I wanted about my dad and stuff, even though it was hard talking about it" (Child, North Wales).

Most parents were pleased that their child's views had been sought or wished their child's views had been sought if they were not. Only one father was unhappy that his child was involved, believing that adults should make decisions for their children.

There were, however, mixed opinions from children and parents about whether the child's perspective was considered during proceedings. There were some positive accounts of children feeling heard from children themselves, from mothers and, to a lesser degree, fathers. Listening to children was seen as crucial for their mental health and wellbeing and parents saw this as a good example of trauma-informed practice:

"I think [court] did need to hear him out, hear his side. And I think even for [child], that was the closure he needed...because of how long it had been going on and the trauma that it had caused him, so it really helped him" (Mother, North Wales).

At both Pathfinder sites, it was distressing for children and parents when children's wishes were not considered. Similarly, when hearing the outcomes of their cases, a few children from both sites felt their involvement had been pointless and that they had been a third party to decisions made about them:

"Me and [sibling]...mentioned to [FCA] that I wanted to choose if I go [to father's house] or not...I don't think they really took that into account, and they didn't really listen to us" (Child, Dorset).

While it is not always appropriate or safe for courts to make decisions based on children's wishes, children would have benefited from knowing that their voices were heard and understanding why their wishes were not reflected in the final decision.

Child Impact Report

Parents in both sites found the Child Impact Report (CIR) helpful for allowing children to express their wishes and feelings about contact and living arrangements. Families who had experienced CAP before made positive comparisons between the CAP and Pathfinder processes:

"[FCA] was the one who went and met [child]. He went and sat down with [child]. And he even wrote a letter. Him and [child] wrote a letter to the judge" (Mother, North Wales).

Receiving a copy of the CIR with the recommendations in advance helped parents prepare for court and feel reassured. They appreciated the openness and transparency of the report. However, a few parents across both sites could not remember seeing the report before the hearing, whilst others were unsure whether one had been written. Some also felt that the report's recommendations did not accurately reflect their child's views.

"[What] they wrote down [was] similar to what my [child] had been saying. [But] even though that's what my [child] said, they still followed up with, "But I think it

should remain 50/50." And it's like, OK, so what was the point in speaking to my [child] then?" (Father, North Wales).

A few parents shared their comments with the authors of their CIR but were told that the report would not be changed to reflect their feedback. While the CIR is based on the FCA or social worker's assessment of the case, there are limited opportunities for parents to provide feedback once the report is completed. This could have been communicated to better manage parents' expectations. Generally, parents felt comfortable sharing their experiences and views to inform the CIR and its recommendations. Children also reported feeling supported during the process:

"Because like the Cafcass [Cymru] people, they were hearing us out. We were getting a chance for our voices to be heard" (Child, North Wales).

4.4 Multi-Agency Approach

Pathfinder aims to improve coordination between agencies (such as Cafcass/Cafcass Cymru, local authorities, and police) and the family court. Early information gathering for the CIR was seen to be beneficial. However, more work is needed to address issues with multi-agency collaboration. Some parents shared concerns with how agencies handled and shared information related to safeguarding and welfare concerns. Overall, while progress has been made towards this goal, there are still opportunities for improvement.

Responses to safeguarding and welfare concerns

Most of the interactions between parents and different agencies focused on domestic abuse, safeguarding and welfare issues. Some parents were concerned about information sharing processes between agencies, feeling that safeguarding and welfare issues were downplayed or ignored by multiple agencies. They also expressed frustration that information or concerns they shared with agencies were not neither included in the CIR nor considered in their case.

The response to safeguarding and welfare concerns was mixed. About half of parents with safeguarding or welfare concerns in their case felt that these were not adequately addressed by agencies like the police or children's social care, with key information regarding risks not shared across agencies. Concerns included allegations of abuse or

violence against children, neglect, unsafe alcohol consumption, and other dangers from new partners. Some mothers described instances of abuse and violence against children being ignored by Cafcass/Cafcass Cymru, local authorities, and/or judges. This could have been due to omissions in the CIR or seeming to be ignored because no action was taken, such as sharing new information from the CIR with children's social care. For example, this mother described how information was included but 'downplayed' in the CIR:

"I had reported [violence from father against children] to the Early Help Hub, but that was all downplayed in the [CIR]. My concerns over his mental health and behaviour were completely ignored" (Mother, North Wales).

Some parents found that their issues remained unresolved. Once their case concluded, parents struggled to get additional support from agencies like the police and children's social care when concerns arose. This highlights some challenges in meeting the Harm Panel Report (Hunter et al., 2020) recommendation of a safety-focused and investigative approach to managing safeguarding concerns in private law proceedings across agencies. However, a few participants reported that safeguarding and welfare issues were well-managed during the Pathfinder process by agencies involved in their case:

"I felt validated that the different agencies confirmed that the house was not safe for the children and that [father] lives a very chaotic lifestyle" (Mother, North Wales).

A few parents expressed positive views about multi-agency working, and mentioned the value of early information gathering information for the CIR.

4.5 Efficiency of the Court Process

Pathfinder aimed to deliver a more efficient court process reducing delays whilst also ensuring that orders were appropriate and safe. Parents who had experienced CAP felt that the Pathfinder process was more efficient but still had concerns about the speed of the process. Some felt the process was still too long, causing anxiety and stress, while a minority mentioned that certain parts of the process, like hearings, were now too rushed, limiting their opportunity to share their experiences in court. Overall, there were noticeable improvements in court process efficiency under Pathfinder.

Length of the court process

Most participants found the court process lengthy, from application to outcome. Some felt this was appropriate given the importance and complexity of the work involved. In North Wales, the process duration ranged from three months to two years, with the majority concluding in less than six months. A small number of fathers perceived that their case had lasted two to three years; however, these accounts likely reflect earlier applications made under CAP prior to the introduction of the Pathfinder model. For those in Dorset, cases spanned three to six months. Many parents described the emotional impact of the prolonged court process, noting its consequences on the parent-child relationship. Children also reported feeling anxious, scared and stressed while waiting for the court's decision. For example:

“I was in a horrible place. I was not focusing on school. I was really scared that I wouldn't be able to see my brothers and my sister ever again...[I] was going through a lot, and I got so much anxiety and stress from it” (Child, North Wales).

While direct comparisons between CAP and Pathfinder were limited, some parents noted that Pathfinder was quicker.¹⁶ Most parents viewed the increased speed positively. However, a few mothers involved in domestic abuse cases expressed concerns that the speed of the court process felt rushed. They felt that they did not have an opportunity to fully share their experiences of domestic abuse during hearings as the focus was on moving the case along quickly. Despite this, these mothers felt their experiences were captured in the CIR.

4.6 Returning Cases

Pathfinder aims to reduce the number of returning cases through more sustainable court orders. Parents generally had positive opinions when they had got the outcome they wanted. However, parents who did not achieve their desired outcome or struggled to enforce court orders tended to have negative opinions and some expected to return to court sometime in the future.

¹⁶ Family Court statistics for 2024 show that private law cases took 42 weeks on average to reach final order during 2024 (MoJ, 2025)

Many participants would have liked a check-in or review to see how arrangements were working. Overall, while progress has been made towards reducing the number of returning cases, there remains opportunities for further improvement, such as introducing check-ins to monitor case outcomes.

Court outcomes

A higher proportion of mothers than fathers interviewed were granted a 'lives with' order, by the court, meaning the child lived with them most or all of the time. For a few parents, contact was evenly shared between both parents. The remaining parents were given either no contact, indirect contact, or supervised/unsupervised child contact. In most cases, mothers informed the child of the court decision.

Parents had mixed feelings about the decisions in their cases. Those who had not been granted contact, or whose contact was limited to letter only were dissatisfied or unhappy. Those who had arrangements such as being the primary residence or shared care arrangements where the child lives with both parents under Child Arrangements Order (lives with) were satisfied or happy with the court's decision. A small number of parents anticipated returning to family court in future, either because their desired outcome had not been achieved, contact was not taking place in line with the court decision, or there were concerns about children's welfare. Most children who were asked by researchers, directly said they were happy with the decision:

"I was happy about the decision. I was just relieved to have it over with. I was happy with the result" (Child, North Wales).

However, one child was not happy with the decision and felt that her perspective had not been considered:

"Me and [sibling] were telling Mum, and I mentioned to [FCA], that I wanted to choose if I go or not. And then I told my mum that I wanted that, and I don't think they really took that into account, and they didn't really listen" (Child, Dorset).

When asked about the effectiveness of court decisions, some participants from both sites reported difficulties in maintaining them. Mothers, in particular, mentioned that their ex-partner were not adhering to the court decision. This included failing to communicate or engage with the mother and/or child as required, and continuing abusive and problematic behaviour even after the decision had been made.

Another notable issue was referrals to other services. Some mothers reported being referred to a parenting course as an outcome of their court proceedings. They felt that this was inappropriate in their cases, as such referrals were not supposed to occur in identified cases of domestic abuse:

“We were instructed to do a one-day parenting course, both of us, which is just the worst course for someone who is a victim of domestic abuse to have to do. To have to do that together was just horrible” (Mother, North Wales).

Review stage

The final stage of Pathfinder was a review that was intended to take place three to twelve months after the final order to assess its effectiveness and prioritise safety.¹⁷ However, most parents across both sites reported that no review or support was offered after the final court order was put in place, despite being told that there would be a review by a Cafcass/Cafcass Cymru FCA within six months. Additionally, some participants were unsure or unaware of what to expect from this stage. Only three interviewees mentioned any review or subsequent contact. It is important to note that the sample frame included cases concluded three months before the interview, so arrangements were relatively new for some participants (see Appendix D). Most parents felt that follow up contact, a ‘check in’ or reviews should take place and would have been beneficial in their cases. When asked, none of the parents reported being offered any subsequent support, and some parents were clearly upset by this lack of follow-up, for example:

“I feel completely left alone in the middle of the ocean after the final order...I don’t know how to deal with [father’s] constant messages. I’ve emailed the solicitors a couple of times because [father] was implying that he wasn’t going to bring [child]

¹⁷ The inclusion of this stage followed the Harm Panel Report’s recommendation for a ‘proactive follow up three to six months after orders are made to see how they are working’ (Hunter et al., 2020, pg. 176).

back. And it's just knowing where to go for that sort of thing because the solicitors can only do so much" (Mother, North Wales).

However, the lack of subsequent contact with the court was not seen as a negative by all:

"I probably don't want people checking in on me all the time, just because that part of my life isn't there anymore, like I have moved forward" (Mother, Dorset).

5. Findings: Broader Family Justice Issues

5.1 Allegations of Alienating Behaviours

The Family Justice Council (2024) published guidance to address situations where a child resists or refuses contact with a parent, including where there are allegations of ‘alienating behaviours’. Courts in England and Wales are expected to no longer accept ‘parental alienation’ as a concept due to a lack of scientific grounding (Clemente, 2015). Such claims of alienating behaviours were raised in a few cases by fathers, and some mothers also described being accused of this. These parents’ perspectives on how allegations were handled by professionals varied.

Some fathers felt that their experiences of alienating behaviours were acknowledged during the preparation of the CIR but not included in the report itself. Most fathers felt unsupported in their claims of alienating behaviours by professionals, citing a perceived lack of services that could offer appropriate help.

A few mothers reported being accused by their children’s father of engaging in alienating behaviours and manipulation. Their experiences with professionals varied; some felt that professionals were able to see through the allegations, while others felt that the accusations were exacerbated by the professionals. These accusations impacted how mothers interacted with their children, with some feeling they had to be cautious when supporting children during the court process:

“You can’t be free with your words and just express yourself in the moment. And you’re hypervigilant all the time” (Mother, North Wales).

This situation highlights the difficult position some parents found themselves in, trying to balance their behaviour around their children with the demands of court proceedings. They often felt caught between the need to support their children and the pressure to navigate the court process.

5.2 Legal Representation

Participants represented by solicitors generally had more positive experiences than those who were LIP. Some participants sought advice from solicitors, often at their own expense, although some received legal aid. Most were satisfied with the support they received from their solicitor, but a few felt that the help they received was not worth the cost. Other participants were LIP, with one using a McKenzie Friend.¹⁸ For a few, this was a positive choice based on prior experience and some knowledge of the process. However, most did not choose this option but were compelled to do so as they were not able to afford a solicitor or did not qualify for legal aid. LIPs described feeling ‘dismissed’ or not listened to and found it challenging to respond to solicitors. Some domestic abuse victim-survivors noted that trauma of attending court intensified if their ex-partner was a LIP.

Financial costs of legal processes

Many participants highlighted the financial burden of legal processes. Although not specific to Pathfinder, this issue was relevant for those who had gone through it. For most, the financial costs centred on the high cost of solicitors and legal fees. In some cases, concerns about the financial impact of court proceedings persisted even after the final outcome, with mothers especially, noting the perceived prohibitive cost of returning to court when arrangements were not working or had broken down:

“There has to be an easier, cost-effective way to be able to return to court if that order isn't working. Because it's prohibitive” (Mother, North Wales).

¹⁸ A McKenzie Friend is an individual who provides moral and practical support to someone involved in court proceedings who does not have a lawyer.

6. Summary and Insights for Rollout

6.1 Summary

The Pathfinder model aims to improve the family court experience for all parties, particularly parent survivors of domestic abuse and their children, deliver a more efficient court process and reduce the re-traumatisation of domestic abuse survivors. The evaluation highlights differences in how parents and children at the two pilot sites in this study experienced Pathfinder. It is important to note that this research does not represent the experiences of all Pathfinder users. Instead, it reflects the experiences of a relatively small and self-selecting sample of participants.

Benefits

Participants described a range of benefits relating to the Pathfinder process:

- **Experiences with agencies:** Most children and parents had positive interactions with most professionals, particularly Cafcass/Cafcass Cymru FCAs. Additionally, some participants without domestic abuse in their case also reported positive experiences with judges at both sites when they felt their voices were heard.
- **Responding to domestic abuse:** Parents appreciated avoiding mediation and being offered DASH risk assessments and special measures in domestic abuse cases, although these were not always implemented in practice. The inclusion of domestic abuse services in the Pathfinder model was viewed positively by mothers, especially those who had previously experienced the CAP process. Mothers also reported mostly positive experiences with how professionals managed counter allegations.
- **Child experience and participation:** From the perspective of children and families, this is one of the areas in which Pathfinder was operating particularly well. Children generally felt comfortable speaking with Cafcass/Cafcass Cymru FCAs and social workers. The CIR also provided a valuable opportunity for children to express their feelings about contact arrangements.

- **Early information sharing with families:** Parents at both sites felt well informed about Pathfinder early in the process. While they did not explicitly mention the Case Progression Officer¹⁹ role, they did refer to tasks typically associated with it, such as receiving a general information leaflet.
- **Efficiency of the court process:** Overall, participants shared positive experiences regarding the length of the court process. Parents who had previously been through CAP generally felt that Pathfinder was more efficient.

Challenges

However, participants described a range of challenges relating to the Pathfinder process, with many relating to the experience of attending court:

- **Experiences with agencies:** Some children and parents reported negative interactions with professionals, particularly local authority social workers and some judges. Parents with domestic abuse in their case had mostly negative experiences with judges, feeling that their allegations of abuse were downplayed. While it is recognised that judges are bound by practice guidance when making decisions in cases involving domestic abuse, it is important that these restrictions are communicated to families to help manage their expectations of the court process.
- **Reducing re-traumatisation following domestic abuse:** Some participants reported ongoing issues with trauma-informed understandings of domestic abuse during proceedings, highlighting the adverse emotional impact the court process and attending court had on themselves and their children. This included not feeling believed by professionals, having their allegations of domestic abuse downplayed and a lack of understanding of the trauma experienced by domestic abuse victim-survivors.

¹⁹ The Pilot Pathfinder approach included a dedicated Case Progression Office in the court administrative team to focus on case coordination and provide a point of contact and support for families. 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 the pilot evaluation (see Barlow et al., 2025)

- **Child participation:** While there were clear improvements in how children were spoken to under Pathfinder, communication regarding how and whether their views would be considered in case outcomes varied. Children's wishes were not always reflected in the CIR or in case outcomes, and the reasons for this were often not explained to them.
- **Multi-agency working:** Most participants felt that multi-agency collaboration needed improvement under Pathfinder. This was especially true when safeguarding or welfare concerns were raised, with parents suggesting these issues were often downplayed or ignored by the professionals involved.
- **Returning cases and review:** The review stage was rarely implemented, despite participants often being informed that their case would be reviewed by professionals. This lack of follow-up left many parents feeling unsupported after the court process, a sentiment acutely felt by domestic abuse victim-survivors.

6.2 Insights and Learning for Future Implementation

Drawing on participants' reflections and recommendations, the research team identified key policy, practice, and further research considerations. These insights aim to guide the potential implementation of Pathfinder in other pilot sites and support ongoing improvement in existing pilot sites. Some of the findings echo those of the process evaluation (Barlow et al., 2025). The implications for policy and practice based on the experiences of those who participated in this study may provide valuable opportunities for wider learning.

Pathfinder model

- **Maintaining focus on the child:** Ensuring that children's voices are heard and appropriately considered is central to Pathfinder. While the findings suggest clear improvements in how children are spoken to, practices aimed at eliciting the 'voice of the child' should be kept under review. Specifically, consideration should be given to the timing, method and location of meetings with children with Cafcass/Cafcass Cymru FCAs or social workers for the preparation of the CIR. Focussing on the child requires not only listening to the child's voice, but also

monitoring how it is used in decision-making. If it is not possible or safe to make decisions in line with a child's wishes, this should be clearly explained to them. Children need regular, appropriate communication about the process and final decision. Although this recommendation reflects the experiences of a small number of children interviewed for this research, findings are also consistent with a similar study of children experiencing Pathfinder processes in North Wales (Jones, 2023).

- **Continued emphasis on multi-agency working:** Early and consistent information sharing was seen to be a positive aspect of the Pathfinder model. It is important to consider how this can be maintained, with the CIR playing a key role. Future rollouts and ongoing improvements in existing pilot sites should also focus on supporting local authority involvement and enhancing cross-agency information sharing, especially important in cases involving safeguarding and welfare concerns.
- **Balancing the length of the process:** The Pathfinder model aims to develop a more efficient court process, reducing the amount of time families spend in court, and progress has been made in this area. Parents who also experienced CAP suggested that Pathfinder was more efficient. Commitment to this aim should be maintained in any future rollouts. However, it is essential to balance this efficiency with ensuring families have the opportunity to have their voices heard in court. This is especially important for adopting trauma-informed practices for domestic abuse victim-survivors.
- **Sharing information about the process with families at all stages:** Children and parents valued receiving information about what to expect from each stage of the process. Clear communication about decisions, the remit and role of the family court and what to expect from agencies at each stage would improve children and families' experience of the process.
- **Reconsidering the review stage:** The intended aims for this stage should be reassessed, with a focus on improving communication with parents. The findings suggest that parents, especially domestic abuse victim-survivors, would welcome

this stage. It should be considered whether this stage would be better framed as a 'check in' or 'follow up'. More detailed and clear guidance on this stage of the model is needed before any further rollout, incorporating findings from the first Pathfinder evaluation report (Barlow et al., 2025).

Domestic abuse

- **Continued emphasis on reducing re-traumatisation for domestic abuse victim-survivors:** Pathfinder aims to reduce re-traumatisation for domestic abuse victim-survivors, and findings suggest that further improvements are needed. Key areas for improvements include ensuring allegations of domestic abuse are investigated and documented in the CIR, professionals handling discussions about domestic abuse with sensitivity, and for DASH risk assessments to be consistently offered. It is recommended that joint training across all agencies, including judges, be implemented. Such training should focus on trauma-informed and gender-responsive approaches to domestic abuse to support the successful delivery of Pathfinder's aims. This training should cover the dynamics of domestic abuse, foster a shared understanding of key concepts like coercive control, ensure consistent approaches to interviewing and supporting children, and provide guidance on communicating with adults and children about the decision-making processes in their cases
- **Implementation of special measures:** Findings suggest that special measures were frequently offered in Pathfinder cases, but they were not always implemented as promised. To maximise their benefit for domestic abuse victim-survivors, future rollouts should ensure that these measures are consistently considered and provided in place of hearings when requested.
- **Importance of domestic abuse services:** Domestic abuse services were recognised as integral to Pathfinder. However, some participants were not referred to these services, and those who were referred were sometimes not supported in court due to limited capacity, staffing and resources. Future rollouts of Pathfinder should ensure the inclusion of domestic abuse services, appropriate referrals, and sufficient resourcing and staffing.

- **Continued emphasis on managing counter allegations:** Participants noted that professionals' understanding and handling of counter allegations of domestic abuse had improved under Pathfinder. However, some challenges remained. Future rollouts and existing pilot sites should consider additional training on managing counter allegations including specific training to help professionals to communicate with children about accusations of alienating behaviours, conflict, or manipulation.

References

- Barlow, C., Richardson Foster, H., Scollay, C., Barter, C., Stanley, N., Miskowiec, A, Carruthers, W., Morris, V. & Carter, S. (2025). *Private Law Pathfinder Pilot: Process evaluation and financial analysis*. Ministry of Justice Report, <https://www.gov.uk/government/publications/private-law-pathfinder-pilot-process-evaluation-and-financial-analysis>
- Barnett, A. (2014). Contact at all costs? Domestic violence and children's welfare. *Child & Family Law Quarterly*, 26(4), 439–462. <https://bura.brunel.ac.uk/bitstream/2438/10241/6/FullText.pdf>
- Barnett, A. (2020). A genealogy of hostility: Parental alienation in England and Wales. *Journal of Social Welfare and Family Law*, 42(1), 18–29. <https://doi.org/10.1080/09649069.2019.1701921>
- Beckett, H., Warrington, C. & Soares, C. (2022). *Navigating complexity, risk and benefit in 'sensitive' research with children: Ethical Research Involving Children*. Child Ethics. <https://childethics.com/blog/navigating-complexity-risk-and-benefit-in-sensitive-research-with-children/> (accessed 05/06/2025)
- Braun, V., & Clarke, V. (2020). One size fits all? What counts as quality practice in (reflexive) thematic analysis? *Qualitative Research in Psychology*, 18(3), 328–352. <https://doi.org/10.1080/14780887.2020.1769238>
- Burton, M. (2021). What can go wrong in child arrangement proceedings where there are allegations of domestic abuse? *Journal of Social Welfare and Family Law*, 43(4), 471–474. <https://doi.org/10.1080/09649069.2021.1999109>
- Burton, M., & Hunter, R. (2023). Reforming the approach of the family courts in child arrangements cases involving allegations of domestic abuse. *Edward Elgar Publishing EBooks*, 139–154. <https://doi.org/10.4337/9781800881402.00018>
- Choudhry, S., & Rodriguez Gutierrez, D. (2024). *The family justice response to domestic abuse: A six country empirical study of the experiences of survivors, judges, lawyers*

and court appointed experts. University of Oxford. <https://www.law.ox.ac.uk/the-family-justice-response-to-domestic-abuse>

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 and Family Law*, 37(1), 53–69.
<https://doi.org/10.1080/09649069.2015.1004863>.

Clemente, M., Padilla-Racero, D. (2015). Are children susceptible to manipulation? The best interest of the child and their testimony. *Children and Youth Services Review*, 51(415), 101-107 <https://doi.org/10.1016/j.chilyouth.2015.02.003>

Dalgarno, E., Ayeb-Karlsson, S., Bramwell, D., Barnett, A., & Verma, A. (2024). Health-related experiences of family court and domestic abuse in England: A looming public health crisis. *Journal of Family Trauma, Child Custody and Child Development*.
<https://doi.org/10.1080/26904586.2024.2307609>

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 29/1/2025)

Family Justice Council. (2024). *Family Justice Council guidance on responding to a child's unexplained reluctance, resistance or refusal to spend time with a parent and allegations of alienating behaviour*. <https://www.judiciary.uk/wp-content/uploads/2024/12/Family-Justice-Council-Guidance-on-responding-to-allegations-of-alienating-behaviour-2024-1-1.pdf>

Grey, R. (2024). Being made visible: Responding to complex needs created by child removal in the Family Court. *Journal of Social Welfare and Family Law*, 1–16.
<https://doi.org/10.1080/09649069.2024.2414624>

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>

Hunter, R., Burton, M., & Trinder, L. (2020, June 25). *Assessing risk of harm to children and parents in private law children cases: Final report*. Ministry of Justice. <https://www.gov.uk/government/consultations/assessing-risk-of-harm-to-children-and-parents-in-private-law-children-cases>

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 12/12/2024)

Macdonald, G. S. (2016). Domestic violence and private family court proceedings: Promoting child welfare or promoting contact? *Violence Against Women*, 22(7), 832–852. <https://doi.org/10.1177/1077801215612600>

Ministry of Justice. (2025). *Family Court Statistics Quarterly: October to December 2024* <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-october-to-december-2024/family-court-statistics-quarterly-october-to-december-2024#children-act---private-law> (accessed 05/06/2024)

Orr, C., Fisher, C., Bell, M., O'Donnell, M., Martin, K., Glauert, R., & Preen, D. (2023). Exposure to family and domestic violence is associated with lower attendance and higher suspension in school children. *Child Abuse & Neglect*, 142, 105594. <https://doi.org/10.1016/j.chiabu.2022.105594>

Powell, M. A., McArthur, M., Chalmers, J., Graham, A., Moore, T., Spriggs, M., & Taplin, S. (2018). Sensitive topics in social research involving children. *International Journal of Social Research Methodology*, 21(6), 647-660.

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/resource/childrens-experience-of-private-law-proceedings-six-key-messages-from-research>

Singer, E., & Ye, C. (2013). The use and effects of incentives in surveys. *The ANNALS of the American Academy of Political and Social Science*, 645(1), 112-141.

<https://doi.org/10.1177/0002716212458082>

Women's Aid. (2020). *Research Integrity Framework*. [Research-Integrity-Framework-RIF-on-Domestic-Violence-and-Abuse-DVA-November-2020.pdf](#) (accessed 05/06/2025)

Appendix A

Glossary

Acronym/Term	Definition
ASD	Autism Spectrum Disorder
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
CJI	Centre for Justice Innovation
CPO	Case Progression Officer
DASH	Domestic Abuse, Stalking, Harassment and Honour Based Violence Assessment
Enforcement Order	If a parent/person with parental responsibility has failed to comply with a Child Arrangements Order an application for Enforcement Order can be made.
IDVA	Independent Domestic Violence Adviser
Litigants in Person (LIP)	Individuals who attend court without legal representation
McKenzie Friend	An individual who provides moral and practical support to someone involved in court proceedings who does not have a lawyer
MIAM	Mediation, Information and Assessment Meeting
MoJ	Ministry of Justice
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	Section 8 of the Children Act 1989 sets out the court's powers to make: <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

	<p>relation to a child, for example changing their religion)</p> <ul style="list-style-type: none"> • 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	<p>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.</p> <p>See 'Practice Direction 3AA – Vulnerable Persons: Participation in Proceedings and Giving Evidence' -</p> <p>https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-3aa-vulnerable-persons-participation-in-proceedings-and-giving-evidence</p> <p>https://www.gov.uk/government/publications/domestic-abuse-bill-2020-factsheets/special-measures-in-family-proceedings#what-are-special-measures</p>
Thematic Analysis	<p>A methodology that involves reading through a qualitative dataset to identify patterns and uncover meaning</p>
Trauma-Informed Practice	<p>An approach that involves being sensitive to the trauma that service users may have experienced and actively seeking to prevent re-traumatisation.</p>

Appendix B

The Pathfinder Pilot Model

Pathfinder replaced the existing Child Arrangements Programme (CAP) in two family court areas, one in England and one in Wales, with a new model. Concerns had been raised about CAP proceedings, being lengthy, involving multiple hearings, with limited direct involvement from domestic abuse services, and minimal engagement with children (Hunter et al., 2020; Roe et al., 2021). The Pathfinder pilots were established in Dorset (and North Wales). The new pilot model process incorporates three phases:

1. *Information gathering and assessment:* a child-focused approach is taken to investigate the impact of the issues presented in the application on all parties, and especially children. This involves identifying and resolving urgent issues and, depending on the nature of the case, directing Cafcass/Cafcass Cymru or local authorities to prepare a Child Impact Report (CIR). To compile this report, Cafcass/Cafcass Cymru or local authority staff engage with children, parties, and other agencies (as appropriate), summarising the issues for the court. Additional support for domestic abuse victim-survivors at this stage may include completion of the DASH risk assessment and making referrals to domestic abuse services and Independent Domestic Violence Advisers (IDVAs), as needed.
2. *Interventions and/or decisions hearing:* the CIR is shared with, and reviewed by, the court, which then determines how the application should proceed. The case continues through the system, with potential next steps including requests for additional information (such as documents and reports or fact-finding hearings), recommendations for non-court resolutions, or orders for family interventions (such as interim orders or supervised contact). Once the court has all the necessary information to make a decision, a final order is made in line with the child's best interests.
3. *Review stage:*²⁰ this occurs three to twelve months after the final order is made. Parties are contacted to assess how the order is working for them. The follow-up

²⁰ The pilot model included this stage, however with the agreement of operational agencies, the review stage was removed from the Practice Direction in December 2024. Work is continuing to explore

is intended to understand the effectiveness of the order, rather than to monitor compliance with court orders or address complaints about the court process.

For a detailed overview of the end-to-end process, see Barlow et al., (2025).

Appendix C: Technical Annex

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 Ministry of Justice (MoJ), Cafcass/Cafcass Cymru and President of the Family Division.

Consent and voluntariness of participation

Potential participants received information sheets explaining that participation in the evaluation was voluntary. This was reiterated on the day of the interview, with the interviewer confirming that participants were not obligated to answer any questions they preferred not to and could terminate the interview at any time without providing a reason. All participants provided verbal or written consent prior to the interview. They also had the option to amend or withdraw their interview data either during or up to one week after the interview by contacting the research team.

Potential for harm and trauma-informed approach

The project adopted a trauma-informed approach in which participant safety and wellbeing were centralised. This approach helped the research team understand the complexities of participants' lives and provided a reference point for beginning to address these (Beckett et al., 2022; Powell et al., 2018). Examples of how a trauma-informed approach was adopted included (Beckett et al., 2022):

- Recognising the potential presence of trauma in participants' lives and the impact of this on their engagement with researchers. Trauma can cause participants to have difficulties recalling processes or sequence of events, or to provide conflicting accounts during interviews. When this occurred, it was reflected on but not explored with participants to minimise potential distress.
- Adopting a risk minimisation approach to research. This meant participants were not excluded based on identified risks. Instead, researchers considered how to mitigate these risks and what support structures could be put in place to minimise distress. This included engaging with support agencies from the beginning of the project and ensuring that wraparound support was available as needed.

- Recognising that distress and uncomfortable feelings might arise during interviews. Participants were informed in the information sheets that although the study focused on court processes, it might touch on domestic abuse and other risks of harm, which might potentially lead to emotional or psychological discomfort or distress. Researchers were attentive to signs of distress and, when these occurred, made decisions ‘with’ participants rather than ‘for’ them on how to proceed. Participants were given the option to pause or to end the interview immediately upon signs of distress. All participants chose to continue with the interview and were reminded of the available support by the researcher. Project partner Centre for Justice Innovation (CJI) also provided interviewees with the option of receiving support from a clinical psychologist.
- The impact of these topics on the research team was also acknowledged. Support was offered during fieldwork through team debriefing check-ins. Researchers also had the option to receive support from the CJI’s clinical psychologist.
- The research team provided participants with choices regarding how and where the interviews would take place. While most participants opted for the interview to take place online, some preferred to meet in person. In person interviews generally took place at domestic abuse services, in an appropriate public location like a private room in local libraries or at the participant’s home where it was considered safe to do so.
- The research team saw participants as experts in their own experiences and incorporated opportunities for them to share anything important to them during research encounters. Participants were given the opportunity to share anything the research team could have overlooked that was important to them.
- A Serious Adverse Events and Ethical Research Protocol was established to address any concerns about the safety of, or risks to, participants; however, there were no situations in which this needed to be implemented. All participants were debriefed at the end of their interview and directed to helpline numbers and relevant websites for additional support.

Incentives

All participants were remunerated for their involvement in the research study. According to the Women's Aid Research Integrity Framework (2020), participants should be 'reasonably remunerated' for their time and inconvenience. This is standard practice within the qualitative research of this nature. Furthermore, incentives have been shown to increase levels of participation and overall enthusiasm and engagement with research projects, as participants feel their time is valued by researchers (Singer & Ye, 2013). After consulting with the Connect Centre Victim-Survivor Expert by Experience Group, all participants were given a shopping voucher to thank them for their participation. The value of the voucher was proportionate to their age, with younger children receiving a £10 voucher and older children and adults receiving £20. Participants were informed that they could keep their voucher even if they chose to exit the interview or withdraw from the study.

Techniques for interviewing younger children

Interviews with younger children were conducted using various child-friendly techniques and activities. For instance, children were asked to place themselves along a length of ribbon or string with 'No' at one end and 'Yes' at the other, allowing them to express their agreement or disagreement with statements about their participation in the family court process. Card games were used to determine what they liked or disliked about interacting with different parties during this process. Finally, their feelings before, during, and after the process were explored using 'The Bear Cards' pack created by John Veeken.

Confidentiality and anonymity

Participants were informed that their answers would remain confidential unless there were concerns that a child or adult was at risk of being harmed. All interviews were anonymised one week after they had taken place, with each transcript assigned a group and location level identifier for use in illustrative quotes.

Appendix D

Participant Characteristics

The final sample of parents comprised 39 individuals across both plot sites (see Table 1). Participants had an average age of 40.7 and tended to be female (66.7%) and White British or White Welsh (82.1%). Around one quarter reported that they had been through both the pre-existing CAP process and the new Pathfinder process (25.6%).

Table 1: Number of parents interviewed across both sites

Site	Mothers	Fathers	Grandparents	Total
Dorset	6	2	0	8
North Wales	19	11	1	31
Total	25	13	1	39

The final sample of children consisted of nine children (aged six and above) across both pilot sites (see Table 2). Participants had an average age of 12.4 and tended to be female (66.7%) and White British or White Welsh (66.6%).

Table 2: Number of children interviewed across both sites

Site	Younger Children (6-11)	Older Children (12+)	Total
Dorset	2	0	2
North Wales	1	6	7
Total	3	6	9

Characteristics of the sample (including experience of CAP) are shown in Table 3.

Table 3: Characteristics reported by participants in the sample

Factor	% of Children and Parents (N=48)	% of Parents (N=39)
Previous CAP experience		
Yes	25.6%	
No	74.4%	
Lead Agency		
Cafcass/Cafcass Cymru	81.2%	
Cafcass/Cafcass Cymru & local authority	6.3%	
Local authority	12.5%	
Safeguarding or welfare concerns*		
Yes	52.1%	
No	47.9%	
Domestic abuse*		
Yes	71%	
No	29%	
Alienating behaviours*		
Yes	16.6%	
No	83.4%	
Pathfinder case outcomes		
Child lives with parent all or most of the time		51%
Child lives with parent half of the time		21%
Child lives with parent less or none of the time		28%
Time between final decision and interview		
3-6 months		13%
7-12 months		36%
13-18 months		31%
19-24 months		10%
Over 2 years		10%

*Based on adult participants' responses and classified by the research team