



**Public Accounts Committee:
Improving Family Court Services for
Children**

A response by
The Chartered Institute of Legal Executives
(CILEX)

June 2025

Introduction

- 0.1. CILEX would like to take the opportunity to respond to the Public Accounts Committee's inquiry in improving family court services for children. CILEX represents a substantial number of both local authority and family practitioners who regularly use and work with family court services for children. As part of this response, CILEX surveyed local authority and family practitioners to provide sufficient evidential data in support of this inquiry.
- 0.2. The Chartered Institute of Legal Executives (CILEX) is the professional association and governing body for Chartered Legal Executive lawyers (commonly known as 'CILEX Lawyers'), other legal practitioners and paralegals. Under the Legal Services Act 2007, CILEX acts as the Approved Regulator (AR) and delegates these regulatory powers to the independent regulator, CILEx Regulation Ltd (CRL).
- 0.3. CILEX represents over 17,000 members of which 76% of the membership are female, 16% of members are from an ethnic minority background, 4% are LGBTQA+ and 7% have a disability. Additionally, in terms of social mobility, 77% of CILEX members attended a state-run or state-funded school and 41% have an undergraduate university degree. 15% of members come from households which received free school meals.

1. Capacity of the Family Court system

- 1.1. 53% of CILEX members believed that the current capacity of the family court system is 'ineffective' at meeting the existing demand for services. 29% of members believed that the current capacity is 'extremely ineffective'. Notably, 0% of members believe that the current capacity of the family court system could positively meet the demand of children in England and Wales.
- 1.2. CILEX understands that the scale of the current family court system capacity is varied between regions. CILEX is aware that Wales performs best with average durations of 24 weeks for cases brought by local authorities, and 18 weeks for cases brought by parents. In comparison, London has an average waiting time of 53 weeks and 70 weeks respectively¹.
- 1.3. CILEX additionally recognises the substantial difference between private children's proceedings and public law proceedings influencing the capacity of the family court system in England and Wales. Notably, private law cases decreased by 2.8% in the period of April 2024–April 2025, with public law cases increasing by a notable 3.7% in the same period². CILEX was supportive of the Children and Families Act 2014 introducing a 26-week time limit for completing care and supervision cases in public law children's cases exclusively (with discretion of 8 weeks extensions where required to resolve proceedings justly)³. Unfortunately, CILEX is aware that this goal

¹ National Audit Office, 'Government has more to do to reduce family justice delays', [Government has more to do to reduce family justice delays - NAO press release](#).

² Cafcass, 'Our data', [Our data | Cafcass](#).

³ Gov.uk, 'Children and Families Act 2014', [Guide to Family Court Statistics - GOV.UK](#)

has never been met since it was introduced in 2014⁴. Similarly, on average, private family law cases are facing significant delays of up to 49.9 weeks⁵.

- 1.4. Based on current delays, CILEX members believe that the family court system is unprepared to meet future demands based on projected population growth and rising case complexities in both private and public proceedings.
- 1.5. Financially, CILEX believes that the current capacity of the family courts in providing children's services has become strained. Specifically, CILEX calls for greater financial provision for accommodation for children to avoid unnecessary and protracted family proceedings.
- 1.6. Finally, CILEX asked members which groups they believed face the greatest challenges in accessing or navigating the family court system. CILEX members noted that victims of domestic abuse and those who would qualify for legal aid face the greatest challenges in accessing or navigating the family court system. CILEX understands this is due to the substantial delays associated with legally aided work. Additionally, CILEX is aware that local authority spending on legal aid has seen a sharp increase of double, from approximately £6,000 to £12,000⁶. CILEX members also believed that litigants in person, non-resident parents, parents from diverse ethnic heritage, and children with disabilities or additional needs also face great challenges using family court services.

2. System Collaboration and Improvement

- 2.1. CILEX asked members how well they believe that different departments and agencies, such as Cafcass, Local Authorities, the Judiciary and Social Services, currently coordinate their efforts in children's cases. CILEX members were divided in opinions, with 50% of members believing that the different departments are performing this role 'adequately', and the other 50% noting they believed this role was being performed 'poorly'. CILEX has several recommendations as to how this can be improved to promote confidence in those utilising these services in proceedings.
- 2.2. CILEX asked members which barriers they believed most hindered effective collaboration in the family justice system. The following was identified:
 - Resource Limitations
 - Communication gaps between agencies

⁴ National Audit Office, 'Government has more to do to reduce family justice delays', [Government has more to do to reduce family justice delays - NAO press release](#).

⁵ Birketts, 'Deays in the Family Court System', [UK Family Court Delays: Impact on Private Law Children Cases and Families](#).

⁶ National Audit Office, 'Government has more to do to reduce family justice delays', [Government has more to do to reduce family justice delays - NAO press release](#).

- Inconsistent practices across regions
- 2.3. CILEX recommends an assessment of the effectiveness of sharing data between organisations before implementing a strategy to improve family court services for children. CILEX is aware from the National Audit Office, that *'there is no single body accountable for overall performance, nor is there a shared understanding of what good quality support looks like from the perspective of a child. Due to a lack of joined-up data, at present it is not yet possible to follow a child through the family justice process from beginning to end'*⁷. Through assessing the effectiveness of data sharing, CILEX hopes that this can improve the communication gaps between agencies and allow government to create clear national guidance and standards across family court services.
 - 2.4. CILEX secondly recommends the creation of a unified case management system to support the centralisation of joint training across different agencies. CILEX hopes that this will unify the different family court services and promote consistent practices across regions.
 - 2.5. Other recommendations included better funding for partner services and dedicated case coordinators for more efficient and effective case progression. CILEX understands that the issue of funding is paramount in reducing the delays in children's cases. CILEX notes that the intrinsic benefits of additional funding include better quality expert reports (such as section 7 reports) that can better, and more clearly, identify the best interests of the child. CILEX believes that this should in turn reduce judicial pressures and the emotional turmoil of those involved.
 - 2.6. CILEX is aware that the Local Government Association recently published a report on the *'Costs and Complexity in care'*. The report provides various recommendations including (but not limited to) relational commissioning, integrated care models and increasing funding for preventative services⁸. CILEX supports these proposals and hopes that the evidence outlined in the report will provide a valuable strategy on improving public law care proceedings.

3. Efficiency, Effectiveness and Value for Money

- 3.1. CILEX asked members how they would rate the overall efficiency of the current family court processes, as well as whether processes provide good value for money for taxpayers. On average, CILEX members did not believe that the family court process is efficient and that it is poor value for money for taxpayers. CILEX has several recommendations to improve the efficiency, effectiveness and value for money of family court services, whilst also preserving the best interests of the child.

⁷ National Audit Office, 'Government has more to do to reduce family justice delays', [Government has more to do to reduce family justice delays - NAO press release](#).

⁸ Local Government Association, 'Costs and complexity in care', [73.6 High cost childcare FINALAA.pdf - Google Drive](#), p5-6.

- 3.2. Firstly, CILEX believes that the current scope of legal aid eligibility in private cases, as demonstrated in the Legal Aid, Sentencing and Punishment of Offences Act 2012 is insufficient to support families seeking to act in the best interests of their children. CILEX is aware that the proportion of those cases where neither the respondent nor the applicant had legal representation was 38%⁹. CILEX is concerned that legal aid restrictions are not only causing a detriment to those actively participating in family proceedings, but also those taxpayers surrounding and supporting them. Therefore, CILEX urges the Ministry of Justice to review the current stance on legal aid provisions in relation to family court services, particularly in relation to children.
- 3.3. CILEX secondly believes that more robust early intervention and pre-court mediation will improve the overall efficiency, effectiveness and value of family court services. CILEX endorses the widely understood principle that children matters should be kept out of Court where appropriate to be resolved elsewhere. CILEX is aware that in many cases, Court proceedings are required dependent on the case facts. However, CILEX members noted that they are witnessing many cases being issued to the Courts where alternative resolution may have been more appropriate, but was not in reach due to financial limitations and lack of awareness. CILEX recommends the implementation of mediation vouchers for children matters where parties are not eligible. Additionally, CILEX recommends that parties should be required to prove that they have tried other means of alternative dispute resolution, such as mediation or arbitration, at the point of application to the Court. CILEX notes that there are circumstances where this is not feasible, due to allegations of domestic abuse; therefore, CILEX recommends there be subsequent exemptions to be determined as appropriate by the Ministry of Justice in collaboration with HMCTS.
- 3.4. CILEX supports the continued implementation of digital hearings in cases. Noting that digital hearings have many cost and time efficient benefits. CILEX is aware of changes to the hearing schedule at short-notice, which has caused significant inconveniences for parties, legal representatives, and ultimately is a detriment to the best interests of the child. CILEX believes that these changes can be accommodated more efficiently where hearings are being held remotely; however hopes that this issue can be avoided entirely.
- 3.5. Additionally, CILEX believes that the use of Cafcass and more recently, Improving Child and Family Arrangements (ICFA) has positively impacted the effectiveness of reaching final order with the child's participation. CILEX supports these initiatives to include children in an appropriate manner to best assess their best interests.

4. Conclusion

- 4.1. CILEX believes that there is urgent improvement required to adequately protect children using family court services in the UK. Ultimately, CILEX believes that the root cause of issues is due to lack of resources and financial support; however,

⁹ Gov.uk, 'Family Court Statistics Quarterly: October 2024 to December 2024', [Family Court Statistics Quarterly: October to December 2024 - GOV.UK](#)

recommends other systematic changes such as an analysis into the interoperability of data sharing across family court service providers. CILEX hopes that imminent changes will be made to ensure that the best interests of the child remain at the heart of the family justice system.