

## CASS+ support for litigants in person in private family law cases – evaluation summary

Private family law cases involve sensitive issues around the care of children. Cases are decided in formal legal hearings on the basis of detailed evidence provided by parties. However, since the passage of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) in 2011, parties in private family law cases have no automatic right to legal aid, and a growing proportion represent themselves as litigants in person.

Litigants in person can struggle to understand and participate in court cases. The difficulties that litigants in person face can cause delay, create stress and anxiety and ultimately mean their views are not presented in a way that the court can consider. It also creates difficulties for the courts, with hearings that are more difficult to manage and that may have to be adjourned because parties are not ready. As a result, cases can take longer and court time can be wasted.

Since 2023, Devon and Cornwall-based charity CASS+ has been providing free support to litigants in person in private family law cases in five courts. (Bodmin, Exeter, Plymouth, Newton Abbot and Truro). CASS+ has been providing advice and support to people attending magistrates' courts since 2005, and expanded its work to family courts in 2023 with funds from the Access to Justice Foundation. A team of volunteers and paid coordinators help clients to understand the legal process, complete forms, draft statements and undertake court-directed activities such as taking drug tests and arranging supervised contact. Coordinators also attend court with some clients, offering emotional support and help to understand proceedings but not speaking on their clients' behalf.

This briefing summarises the findings from two evaluations of the work of CASS+ in the family courts. The first, from Wilkinson Evaluation, explored process and impact questions from the perspective of clients, service staff and volunteers. The second, from the Centre for Justice Innovation, looked at the impact of the service through the perspectives of court stakeholders and through analysis of quantitative data.

### Findings

#### The process of implementation

- **CASS+ entered this project well-placed to deliver this support.** Their existing knowledge of and partnerships in the courts aided the roll out of the project and generation of referrals, and the existing support model offered a useful starting point for working in the family courts.
- **However, while CASS+ had an established body of knowledge around court processes and systems, the family court work presented a steep learning curve that had to be flattened at speed.** Adaptation was facilitated by the close connections between CASS+ teams working across different sites, meaning that they could support each other through new ways of working and building knowledge. Despite the rapid development of expertise, the lack of staff legal training did sometimes limit the support that the court could provide.
- **High demand and high client needs meant that the workload of the service was significantly higher than expected.** The drawn-out nature of private family law cases meant that clients stayed with the service for longer and some support tasks, such as attending hearings with clients, were more resource-intensive. The lack of other options for support also meant that referral numbers were high. The service responded to increased demand by developing a triage model and focussing on supporting clients to increase their capacity to progress their case.

## How CASS+ supports clients: A theory of change

Target group	Support activities	Change mechanisms	Outcomes	Impacts
<p><b>Litigants in person in private family law cases (most commonly child arrangements)</b></p> <p><b>Characteristics</b> Litigants in person face high levels of:</p> <ul style="list-style-type: none"> <li>• Economic deprivation</li> <li>• Mental and physical health needs</li> <li>• Special educational needs and disabilities</li> <li>• Experience of domestic abuse (either as perpetrator or victim)</li> </ul> <p><b>Support needs</b> Litigants in person can need help with:</p> <ul style="list-style-type: none"> <li>• Understanding the court process</li> <li>• Completing paperwork</li> <li>• Understanding and participating in court hearings</li> <li>• Drafting statements</li> <li>• Completing other directed activities</li> <li>• Interacting with the other party's solicitors</li> </ul>	<p><b>Outside the courtroom</b></p> <ul style="list-style-type: none"> <li>• Explaining court processes</li> <li>• Support with forms</li> <li>• Preparing people for court</li> <li>• Support with directed activities (drug tests, supervised contact)</li> <li>• Helping draft statements</li> </ul> <p><b>In court</b></p> <ul style="list-style-type: none"> <li>• Emotional support</li> <li>• Taking notes</li> <li>• Monitoring client well-being</li> <li>• Managing paperwork</li> <li>• Helping clients to present their case</li> </ul>	<p><b>CASS+ support is high quality and appropriate</b></p> <p><b>Clients trust CASS+ staff to provide advice and support</b></p>	<p><b>For clients</b></p> <ul style="list-style-type: none"> <li>• Improved capacity to participate in court processes</li> <li>• Improved perceptions of fairness</li> <li>• Reduced stress and anxiety</li> <li>• Able to give evidence in a way which can inform court decision-making</li> </ul>	<p><b>For clients</b></p> <ul style="list-style-type: none"> <li>• More timely decisions</li> <li>• Improved well-being</li> <li>• Improved perceptions of justice system</li> </ul> <p><b>For children</b></p> <ul style="list-style-type: none"> <li>• More timely decisions</li> <li>• Appropriate contact arrangements</li> </ul>
			<p><b>For courts</b></p> <ul style="list-style-type: none"> <li>• Hearings are easier to manage</li> <li>• Less need for adjournments</li> <li>• Client evidence is presented in a way which can be used by the court</li> <li>• Reduced case duration</li> <li>• Reduced workload in answering queries and support requests</li> </ul>	<p><b>For courts</b></p> <ul style="list-style-type: none"> <li>• Fewer hearings per case</li> <li>• Shorter case duration</li> <li>• Judicial time saved</li> <li>• Support staff time freed up for other tasks</li> </ul>

## Client perspectives

- **Clients usually arrived with little or no knowledge of what to expect in the family court process.** They needed help to initiate and progress the court process, to prepare for and understand court hearings, to be able to have their voices heard in the process and ultimately to secure appropriate contact with their children.
- **Clients valued the support that CASS+ provided.** The service offered them knowledge about the family court process, particularly paperwork and court ordered tests which would otherwise have been inaccessible. They also valued the continued and prolonged support of CASS+ to take them through their whole family court journey.
- **The CASS+ model of support enabled some clients to make broader changes in their lives** beyond their family court proceedings. Where CASS+ had strong partnerships, these could open referral pathways for clients.

## Impact

- **The CASS+ team are viewed by courts and judiciary as having the skills and knowledge to effectively support clients.** Stakeholders spoke positively of the legal understanding and client support skills of CASS+ staff.
- **The support provided by CASS+ appears to be having a positive impact for clients.** Stakeholders took the view that having support from CASS+ helped clients to understand the court process and their responsibilities, participate effectively and present their evidence effectively, and that it also mitigated the stress and anxiety of the process. This has the potential to lead to improved perceptions of the justice system, more timely decisions and improved well-being. The data collected by the service supports these views, with 68% of clients understanding the legal process by the end of their time with the service, 62% appearing in control of their situation and 49% of clients seeing their issues resolved.
- **CASS+ support also seems to be having a positive impact on the courts.** Stakeholders widely agreed that CASS+ support made hearings run more smoothly, reduced the need for adjournments and ensured that evidence was in a form the court could use.

## Recommendations

Based on these findings, we recommend that:

- The CASS+ service should continue to operate in family courts in Devon and Cornwall.
- CASS+ and the courts service should ensure that there is a robust shared understanding of the limits of the support which CASS+ can provide to clients, with a particular focus on boundaries around providing advice on legal issues and communicating with the courts.
- CASS+ should improve the capacity of the team to undertake monitoring and evaluation activities to support learning and development, including ongoing and systematic collection of direct client feedback.
- A robust outcomes evaluation of the CASS+ model should be implemented, looking at impact on client wellbeing, perceptions of procedural fairness, satisfaction with case outcomes, numbers of hearings, case duration and returns to court (via both appeals and new applications).
- CASS+ should look at how to adapt training, support and supervision arrangements to reflect the challenges of delivering support in a family court setting, including ensuring access to legal advice, strengthening staff skills around working safely with domestic abuse perpetrators and support with managing the impact on staff of the highly emotive subject matter.

## Conclusion

Litigants in person face a private family law system which is designed around an assumption that parties will have representation, therefore creating stress and anxiety where there is no such representation and potentially making it more difficult for them to have a voice in the process. The significant rise in the number of litigants in person over the past 15 years has placed strain on the courts. All of this creates an urgent need for new models of support. Against this backdrop, the evidence that we have gathered suggests that CASS+ is a promising model, which has the potential to deliver affordable support to an underserved group. We believe that the CASS+ family court support should continue, alongside further evaluation to assess its efficacy to be more widely adopted.

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## About the Centre for Justice Innovation:

The Centre for Justice Innovation seek to build a justice system which all of its citizens believe is fair and effective. We champion practice innovation and evidence-led policy reform in the UK's justice systems. We are a registered UK charity.

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