

# CASS+ support for litigants in person

## in private family law cases – evaluation report

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### Executive 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.

This evaluation seeks to understand the work of CASS+ to support litigants in person in private family law cases in five courts in Devon and Cornwall (Bodmin, Exeter, Plymouth, Newton Abbot and Truro). CASS+ has been providing advice and support people attending magistrates' courts since 2005, and expanded its work to family courts in 2023 with funds from the Access to Justice Foundation. The service provides free non-legal advice and support to litigants in person. 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.

In this evaluation, we set out to understand the problems the service seeks to address, the way it supports its clients and the impact it is having. We spoke to stakeholders from the judiciary and the courts service and looked at data collected by the service on its clients. While this evidence is not sufficient for us to make conclusive judgements about the impact of the service, we did find that:

- **The CASS+ team are viewed 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.

Based on these findings, we recommend that:

- The CASS+ service should continue to operate in family courts in Devon and Cornwall.
- CASS+ should look at options to ensure that the team have access to training and information around legal processes.
- 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.
- Given the majority-male CASS+ client base, the gendered patterns of domestic abuse and the high prevalence of domestic abuse within private family law cases, it is likely that a significant number of CASS+ clients are facing accusations of domestic abuse. The service should therefore ensure that staff and volunteers have access to training and support that allows them to support domestic abuse perpetrators without the risk of enabling ongoing abuse.
- A robust outcomes evaluation of the CASS+ model should be implemented, looking at impact on client well-being, perceptions of procedural fairness, satisfaction with case outcomes, numbers of hearings, case duration and returns to court (via both appeals and new applications).

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 judge that the service should continue to deliver support and that it should be the subject of further research to assess how widely it could or should be adopted.

Figure 1: 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>Clients feel more confident to participate</b></p> <p><b>Clients understand court processes and timelines</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 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 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>• 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>

## Introduction

The growing group of litigants in person in private family law cases – people without legal representation – face high prevalences of a range of needs, including deprivation, learning difficulties, addiction and exposure to domestic abuse.<sup>1</sup> These factors can make it difficult for them to effectively navigate the legal system. Since 2023, CASS+, a charity operating in Devon and Cornwall, has been providing free non-legal advice and support to litigants in person, helping them understand and navigate the private family law system. The service operates in five family courts: Bodmin, Exeter, Newton Abbot, Plymouth and Truro. CASS+'s family court work is principally funded by the Access to Justice Foundation as part of its Improving Outcomes Through Legal Support (IOTLS) programme (although Exeter is resourced separately). The work of CASS+ is distinctive in that support is provided by trained volunteers and paid coordinators who are not legally qualified and offer emotional and practical support rather than legal advice.

This evaluation, which has been funded as part of the IOTLS grant, assesses the work of CASS+ in the family courts. It explores the issues that litigants in person face, the way in which CASS+ supports its clients and the impact of that support.

## About this evaluation

This evaluation seeks to answer four questions:

1. What are the support needs of litigants in person in private family law cases in Devon and Cornwall courts?
2. What are the characteristics of litigants in person who access CASS+ support?
3. What kinds of activities are CASS+ undertaking to support those litigants in person?
4. What are the impacts of CASS+'s support for their clients and the wider court system?

In order to answer these questions, we have undertaken three research activities:

- A review of the existing evidence around litigants in person in private family law cases in England and Wales, including academic research, government policy papers and other grey literature, and official statistics.
- Interviews with CASS+ staff and clients, external stakeholders from His Majesty's Courts and Tribunals Service (HMCTS) and the judiciary and experts in the field of family justice. Interviews were conducted with the permission of the HMCTS Data Access Panel and the Judicial Office.
- An analysis of data collected by CASS+ on client profiles, support activities and outcomes using a data collection template designed for the IOTLS programme.

This report presents our findings. It is intended to be read together with an accompanying report from Wilkinson Evaluation, which explores the CASS+ service from the perspective of staff and clients. We are grateful to Wilkinson Evaluation for their collaboration in our research.

## Policy context

Private family law cases are cases where courts are called upon to settle disputes between two or more private individuals concerning family relations, family finance or, most commonly, the upbringing of children. When children are involved, these are usually disputes between two parents, though around 10% of cases include non-parents (most commonly grandparents, but can also include other family members or step parents<sup>2</sup>). In 2023, 53,064 private family law cases commenced in England and Wales, concerning 77,975 individual children.<sup>3</sup>

## Characteristics of parties in private family law cases

Research on parties in private family law cases suggests that they commonly experience a range of vulnerabilities that can make it more difficult for them to participate in private family law cases. Key factors include:

- **Deprivation:** In 2019/20, 29% of fathers and 31% of mothers making a private law application in England lived in the most deprived quintile, with 52% of fathers and 54% of mothers living in the two most deprived quintiles.<sup>4</sup> This deprivation limits access to resources, which might be helpful in navigating private family law cases, including both informal social support and formal services like counselling, mediation and legal representation.<sup>5</sup> Deprivation can also have an impact on stress and mental health.<sup>6</sup>
- **Health difficulties:** A review of health records of parties found that they are more likely to have experienced depression, anxiety and substance use issues than other similar adults.<sup>7</sup> Substance use, in particular, is associated with domestic abuse: a 2017 study found that parental substance use was raised as a concern in 68% of cases involving a domestic abuse allegation and 11% of cases that did not involve a domestic abuse allegation.<sup>8</sup>

## Litigants in person

Private family law cases are long and complex, with the median case in 2023 taking 24 weeks from issue to final order, an increase of 63% over the previous decade.<sup>9</sup> While some parties are represented by a solicitor, since the passage of LASPO in 2012, an increasing proportion – 66% in 2024 – are litigants in person.

The courts are not well adapted to the needs of litigants in person. Parties are required to undertake a number of tasks, which they may find challenging, including completing initial application or response forms, preparing witness statements, giving evidence in court, preparing bundles and completing court-ordered activities such as drug testing or arranging child contact at a contact centre.

Research suggests that litigants in person are likely to have low levels of education and income,<sup>10</sup> which can make it particularly difficult to participate in court cases, although some tasks such as preparing bundles are challenging for almost all litigants in person.<sup>11</sup>

Many litigants in person find being in court challenging, struggling to understand proceedings, feeling anxious or fearful and perceiving the court as intimidating and confusing. This is particularly pronounced for litigants in person with vulnerabilities such as mental health issues, experience of abuse or substance use issues.<sup>12</sup>

## The support needs of litigants in person

Research has stressed the importance of providing face-to-face support for litigants in person.<sup>13</sup> While online information about family court procedures is available, navigating it requires a good baseline level of legal understanding,<sup>14</sup> meaning that it is inaccessible for many litigants in person, who, as noted above, often face a range of vulnerabilities. Face-to-face support can fill this gap, providing information in a way that is tailored to individual needs and circumstances.

Beyond information, litigants in person also need particular support in three areas:<sup>15</sup>

- **Emotional support** to mitigate the anxiety around attending court. This is especially important when litigants are fearful of their former partner or feel out of their depth. Research carried out with litigants in person suggests that this support is particularly needed inside the courtroom itself.
- **Practical support** with tasks such as paperwork, evidence gathering (such as arranging drug tests) and advocating for themselves in court.
- **Legal support** is a challenging area for non-legally trained support workers, but this does not reduce its relevance. A particular area of need for litigants in person is help with framing their case in legal terms, including knowledge of the legal rules, principles, entitlements and requirements relevant to their case, and the parameters of legally possible outcomes.

## Domestic abuse in private family law cases

Allegations of domestic abuse are common in private family law cases, with a recent literature review estimating such allegations are found in between 49% and 62% of cases. The 2020 Harm Panel report stressed that private family law cases can be difficult for adults and children who have been victim-survivors of domestic abuse. The report found that:

- Allegations of abuse are regularly ignored, disbelieved, dismissed or minimised, with victim-survivors struggling to evidence abuse and facing inadequate understanding of abuse as a pattern of behaviour and outdated notions of an “ideal” victim.
- Courts are perceived as having a “pro-contact” culture which places undue emphasis on continued contact from the non-resident parent without properly considering the harms of abuse.
- Siloed working means that evidence of abuse that has been accepted in the criminal courts may be disregarded in the family courts.
- There is a lack of resources available to courts for assessment and fact-finding.
- Courts can be unsafe, with victim-survivors coming into close contact with abusers, and some abusers using the courts as a vehicle for further abuse through malicious litigation. As a result, the experience of court can be re-traumatising for some victim-survivors.
- Where some or all parties are litigants in person, this can worsen the negative impacts of the court experience. Abusers who are litigants in person can directly cross-examine victim-survivors, which is a particularly traumatic experience. In addition, victim-survivors who are unrepresented are often unaware of their rights to additional support such as special measures.
- Children can find it more difficult to have their voices heard in cases where domestic abuse is a factor.<sup>16</sup>

Victim-survivors of domestic abuse are entitled to legal aid, but in practice this is only available where they can demonstrate abuse to the court and find a legal aid solicitor willing to represent them, both of which can be challenging.<sup>17</sup> No legal aid is available to the perpetrators of domestic abuse, which means they will often be litigants in person.

Evidence also highlights how the concept of “parental alienation” or “implacable hostility” has become a mechanism by which domestic abuse perpetrators can reframe themselves as victims to counter allegations raised by victim-survivors in family courts.<sup>18</sup> The threat of allegations of parental alienation can weigh heavily on victim-survivors, sometimes compelling them to accept potentially unsafe contact arrangements in order to dispel accusations.<sup>19</sup> Literature also points to the risk of contact loss or reduction for parents who are accused of parental alienation.<sup>20</sup> Recent guidance by the Family Justice Council has sought to address the harms caused by the misuse of the concept of parental alienation, noting that there is no evidential basis for “parental alienation syndrome” and associated concepts.<sup>21</sup>

## Private family law Pathfinder pilots

In response to the Harm Panel report, the government established two Investigative Approach Private Law Pathfinder Pilot Courts in February 2022, with three further sites launched in 2024 and a fifth due to open later this year. The Pathfinder pilots sought to improve the experiences of families in child arrangements proceedings, reduce the re-traumatisation of victim-survivors of domestic abuse, reduce the amount of time families spent in court and improve coordination between agencies. The pilots included a number of elements, including improving support to parties via the introduction of a case progression officer who would be a point of contact for parties, as well as increased support from domestic abuse agencies. An initial evaluation suggests that the model has led to a more trauma-informed approach, a greater role for the voice of children and reductions in the amount of time people spend in court.

## Mediation

Mediation Information and Assessment Meetings (MIAMs) were introduced as a mandatory requirement before the initiation of court proceeding by the 2014 Children and Families Act, with certain exemptions, including the presence of domestic abuse in a case.<sup>22</sup> Mediation is designed to play a central role in the resolution of private family law disputes in England and Wales, offering an alternative to proceedings that is intended to be less adversarial, faster and more cost-effective. However, post-LASPO, there has been a marked decline in the uptake of mediation sessions, which decreased by 48% between 2013 and 2023,<sup>23</sup> as many participants no longer had access to legal representation that might encourage or facilitate mediation.

In summary, evidence highlights the complex nature of the private family law system, the vulnerable nature of many people using the system and the difficulties that litigants in person, in particular, face in understanding and participating in their case. This reinforces the need for new options for supporting litigants in person, who now represent the majority of parties in private family law cases.

## About the CASS+ service

### The CASS+ operating model in criminal courts

CASS+ has been supporting people in magistrates' courts in Devon and Cornwall since 2005. It was initially part of the Prison Advice and Care Trust but became an independent charity in 2015. Currently the service provides criminal justice support at four magistrates' courts: Bodmin, Newton Abbot, Plymouth and Truro.

The service is delivered by unpaid volunteers, supported and managed by trained coordinators.

It offers free drop-in support to anyone attending court, including defendants, witnesses and family members. Work is client-led, with service users identifying their own support priorities. Support options available include help with understanding and participating in relevant criminal cases as well as advice around other social welfare issues such as debt, benefits and housing. For clients with chronic needs, CASS+ makes referrals to local specialist services. A limited number of clients with complex needs also receive ongoing mentoring and support.

A 2022 evaluation of the service by Crest Advisory<sup>24</sup> identified that, based on client and stakeholder perspectives, the service was effective at improving clients' needs, helping clients navigate the criminal court system and encouraging take-up of and sustained engagement with services. The evaluation identified three key elements of the CASS+ model:

- **Targeting.** Although the service does not impose formal criteria for access, it effectively identifies and prioritises those at the highest risk while still supporting anyone who seeks help.
- **Affordability.** Operating from unused spaces in court buildings and mainly being delivered by volunteers means it can be delivered at scale with relatively low cost.
- **Proportionality.** Being client-led allows CASS+ to make effective prioritisation decisions according to clients' own assessments of their needs.

### CASS+ family court support

Since 2023, CASS+ has been supporting litigants in person in private family law cases in five family courts in Devon and Cornwall: Bodmin, Exeter, Newton Abbot, Plymouth and Truro. This work has been principally funded through the Access to Justice Foundation's Improving Outcomes Through Legal Support (IOTLS) programme, although the Exeter service is funded from separate sources. The IOTLS programme aimed to support that that sustain and improve access to early social welfare and family legal advice and specialist casework, and, where court or tribunal proceedings are needed, providing support to help people navigate the process effectively.<sup>25</sup>

In their original proposal for IOTLS funding, CASS+ laid out four ways in which they proposed to support litigants in person in private family law cases:

- Providing at-court emotional support. This includes meeting clients in court waiting areas, accompanying them into courtrooms to help them understand the process, and staying with them following court if/when required.
- Breaking down the barriers of court language by translating "jargon" into a dialogue that "makes sense" to the individual.
- Working alongside individuals to access practical support at any point in the private family law process. This might include pro-bono/paid-for legal support, foodbanks, charitable funds, social care, etc.
- Liaising with court listing teams to negotiate geographical issues that may present as a financial or transport barrier to attendance at court.

A detailed description of the operating model that CASS+ adopted in the family courts and how this changed over time is provided in the implementation and process evaluation report authored by Wilkinson Evaluation, which accompanies this report. However, the table below summarises key elements of the model:

Target group	Any litigant in person in a private family law case in one of the target courts. This can be an appellant or a respondent, and, as in the criminal court model, no eligibility criteria are set.
Referral routes	The service operates an open-door policy, which means no referral is required. Clients can self-refer or be referred by another service or the court.
Support offer	As clients are all litigants in person with no access to legal advice, support focuses on helping people understand and navigate the family court process. The service will help people prepare for hearings by explaining processes, completing forms, assisting with the completion of court-directed activities, such as drug testing, and advising on the drafting of statements. CASS+ staff can also accompany clients in court hearings in a role similar to that of a McKenzie friend – a person who accompanies a party into an otherwise closed family court hearing in order to provide support but who is not able to address the court.
Staffing	CASS+ support is delivered by non-legally qualified coordinators who are supported by volunteers. Coordinators play a leading role, managing cases and taking the lead on sensitive and complex support activities such as accompanying clients in court hearings while volunteers support with specific tasks.

## Stakeholder perspectives on the work of CASS+

### Methodology

In order to explore external perspectives on CASS+, we interviewed ten stakeholders from HMCTS and the judiciary who had direct experience of engaging with CASS+ either at a strategic level or within the courtroom. Stakeholders were broken down as follows:

Role	Number
Magistrate	2
District judge	4
HMCTS manager	4
<b>Total</b>	<b>10</b>

Permission to conduct interviews was granted by the HMCTS Data Access Panel and the Judicial Office. Interviews were held online and lasted 30–60 minutes. They used a semi-structured approach with a discussion guide, which explored: the challenges facing litigants in person in private family law cases; the way that CASS+ provides support; the impact of that support; and reflections on the service. Interviews were recorded and transcribed, and the transcripts were analysed using a coding framework based on our research and interview questions.

### Findings

#### Challenges for litigants in person

##### Understanding the court process

Interviewees reported that litigants in person often lack an understanding of the private family law process. The different aspects of the process and expected timelines for average cases are not clear to parties who do not have a solicitor to explain this to them. Without prior experience of the family court, they can be left confused as to what is happening with their case.

*“We don’t give anyone an overview of what’s going to happen in this process. So, although we tell them what’s happening next, they’ve got no idea where they are.”*

As a result, the slow timelines can cause frustration, given the emotive nature of the cases. Without an understanding of the different steps involved and elements of the process happening in the background, litigants in person are more likely to have unrealistic expectations of timelines. Additionally, the urgency of an individual case from the court’s perspective is not necessarily clear to unrepresented participants, which can add to the confusion and frustration.

*“If somebody’s applying for – to see their child, they’re not going to get a hearing for a minimum of seven weeks. [...] So immediately, they are facing, effectively, two months when, as far as they’re concerned, nothing happens... That would be the massive frustration for me, is the speed or lack of speed with which the whole system grinds along.”*

Interviewees identified the use of technical language as another barrier to the understanding of litigants in person. The terminology used by judges and magistrates in the courtroom, as well as in court orders, is generally unfamiliar to litigants in person, who frequently leave court without a clear understanding of key information. One interviewee reflected that although judges will sometimes adapt their language to be more accessible to litigants in person, this happens inconsistently, as they are typically required to use formal judicial language.

*“So they come in, and the legal environment and culture has its own protocols, as you will know, and it also has its own language, really. And there’s a huge amount of jargon, and ways of doing and saying things.”*

### **Difficulty completing forms**

Interviewees also highlighted the difficulty that litigants in person face in navigating the system of form filling. Forms are not tailored to or appropriate for litigants in person, as they are complex and include inaccessible language. Discerning what information is relevant to the court as well as how to present it is a challenge for litigants in person who are not clear on the expectations. Guidance in relation to this is sent to litigants in person, but interviewees reflected that this might not always be read or understood.

*“We have a court system that was designed to be [...] paper-based, and most people don’t know what they’re doing with paper anymore. We have a bunch of forms that have been designed by lawyers and judges and, for so many of them, I just wouldn’t start from here if I were you.”*

The increasing reliance on online forms was also mentioned as an additional barrier, particularly for litigants in person who have limited access to the right technology.

### **Attending court**

Attending court was described as “scary”, “overwhelming” and “difficult”. Particular causes of stress include lack of familiarity with the setting, the level of formality, seeing an ex-partner, and especially the high stakes associated with the process, as access to children is a highly emotive issue.

*“Courts are not particularly friendly places, even though we sit in pretty low-key courts, in the sense that our hearing rooms are just a room, really, just like a meeting room, you know, a committee room. We’re not in a big, kind of, raised dais courtroom, but, even so, you know, it is, I think, really anxiety-provoking, to the point that I’ve had people with panic attacks, I’ve had people, you know, having kind of epileptic fits in court in front of me, just brought on by the stress of being there.”*

Some interviewees described the act of showing up to attend court in the first place as the initial significant hurdle for litigants in person in the process. Absorbing the information shared by the judge in the courtroom is therefore then a challenge for participants who are in a heightened emotional state.

*“So, when the litigant leaves the courtroom, they will say, ‘The judge gave me residence,’ and then somebody needs to go, ‘No, no, no, the judge didn’t say that. The judge said the kid can stay every other weekend.’”*

### **Following court directions**

Courts can direct litigants in person to undertake a range of activities that they may struggle with, such as getting a letter from their GP or setting up a supervised contact session. The practicalities of completing these tasks can be demanding, from finding and contacting the right service, to requesting and communicating the right details required of them as evidence.

*“When they are representing themselves, [...] they probably have all this list of things to do, that they’re going to – they might not understand how to go about doing it. And struggle with the format of providing that to court sometimes.”*

As a result, failure to complete directed activities was described as “very common”, and this is particularly difficult when litigants in person are directed to complete statements. The expected standard for submitting written statements, using certain fonts, spacing and formatting, is a struggle for litigants in person, who are not necessarily aware of these requirements or how to fulfil them. Equally as important is the challenge that litigants in person often face in knowing what is relevant and what is not relevant to include in these statements.

*“A lot of people will just draft an email and they’ll draft it in the way that they talk. They won’t put it in any proper format. They will literally write it as they’re thinking it, and it becomes really difficult. And of course it’s not evidential. And I think people don’t realise that actually some of the stuff – it still needs to be legally compliant.”*

### **Interacting with the other party’s solicitors**

It’s common for one party to be a litigant in person and the other to be represented, particularly in domestic abuse cases where the victim-survivor qualifies for legal aid or cases where parties have different levels of means. Litigants in person can be intimidated or distrustful of the other solicitor, which complicates the court process. For example, it can make it difficult to negotiate a contact arrangement outside of a hearing (which is more common where both parties are represented) or to accept a draft order.

*“It’s really difficult, I think, for litigants in person, if they’re sent a draft order to approve from another solicitor, they inevitably think, ‘Oh, what have they put in there? What have they snuck in that’s, you know... they’re trying to catch me out with something.’ They’re bound to be, they’re simply suspicious of that professional who is working for the opposition, is how they see it.”*

### **The impact of support from the court**

Courts do adapt practices for litigants in person. For example, where a litigant in person is struggling to produce an appropriate statement, a court may accept a statement in an inappropriate format as evidence or have parties swear to the accuracy of a statement which is not appropriately signed so that it can be considered evidence. However, interviewees expressed reservations about this approach.

*“You don’t want to do that too often, because if you do that, that just becomes the way. And we don’t want it to become the way, because you want proper statements in proper format.”*

Judges take the view that their capacity to provide legal information is strictly limited – and it may not be suitable for those litigants in person who struggle the most and need more information and support than they can provide.

*“The most I would go into it is, I would say to parties, ‘There’s a bit of procedural law called family practice direction 12J, and that tells the court how it must proceed when allegations of domestic abuse are made. It’s not a particularly long document, but if you put it into your favourite search engine it’ll tell you what we’re considering now and how we’re going to proceed with it.’”*

Court staff are unable to help litigants in person directly with their paperwork due to their need to remain impartial, which can disappoint people. Without anyone else to answer their questions, they can become frustrated with the perceived unhelpfulness of the court staff.

*“We had people come in last week asking for us to help them fill in their forms. Obviously, we’ve got quite a firm line that we can’t cross, where we have to be impartial and we can’t sit down with a person and fill in the forms for them.”*

## Factors that may make participation more challenging

### Special educational needs and disabilities

Special educational needs and disabilities (SEND) can present a significant barrier to people's participation in the court process. For example, they can make it more difficult to complete forms, present evidence, meet deadlines, and remember dates and information.

*"One of the parties I signposted to you last week was dyslexic and couldn't fill in the forms. So you have people that may have health conditions that struggle with it. Some people, they just can't do it."*

Some forms of neurodivergence can also make it difficult for people to participate in court hearings. The way in which litigants in person communicate and understand information may put them at a disadvantage in navigating the rigidity of what is expected in the courtroom.

*"Where I think people particularly fail and find it very challenging is when they have neurodivergent traits. So, if they have very fixed and rigid thinking processes, they don't understand the evaluative process of the family justice system, and how it's discretionary and how you might give weight to one factor, but not another."*

Without a solicitor, "hidden" SEND traits will commonly not come to light. This can disadvantage litigants in person with SEND who won't be given any accommodation as a result.

*"I think there are hidden disadvantages that one will never really see unless they come through the solicitor. So, for example, there are cases where a solicitor will say, 'My client has a diagnosis of autism, or dyspraxia, or communication or cognitive difficulties – that require greater consideration [be given] to the use of language, pace of language, speed of – and concepts that you explain – will you please take that into account?'"*

### Mental health

Mental health difficulties can also make it difficult for people to engage by heightening the emotional challenges that are presented by coming to court. The impact of anxiety was specifically mentioned as a key barrier to litigants in person both attending court and participating effectively in the legal process.

*"If you've got somebody who's very anxious and has those kind of anxiety-related difficulties, then they often find the process overwhelming and then struggle to engage with it, so they need a lot of help to engage and be given direction to be able to comply with the process."*

Again, a solicitor can play an important role by highlighting these difficulties and enabling adequate accommodations to be made.

### Socio-economic status

Factors associated with socio-economic status, such as levels of education and professional background, make a significant difference to people's capacity to manage being a litigant in person. Lower literacy levels, less familiarity with reading and absorbing complex information, or difficulty with carrying out independent research put some participants at a notable disadvantage.

*"Level of education and profession makes the biggest difference, because if you're used to reading large amounts of information, extracting it, criticising it and formulating questions – various jobs enable people to do that – you're off to a distinct advantage, but so many people don't and can't."*

Socio-economic status can also translate into social capital, which can be a route to additional support. Where social capital is lower, it limits informal options of support in terms of understanding and navigating the legal process.

*“Some people [...] will have already gathered support, whether that’s from a McKenzie friend, if they can’t afford a lawyer. Other people often feel quite overwhelmed by it.”*

## **Domestic abuse**

Domestic abuse was seen by participants as common in private family law cases – with abusers applying for contact with children being a common issue. Victim-survivors are theoretically entitled to legal aid but in practice they do not always receive it. Factors which may lead to domestic abuse victims being unrepresented include difficulties in demonstrating that abuse has occurred, being unable to locate a legal aid solicitor or not being aware of their entitlement to legal aid.

Victim-survivors who are litigants in person can find it particularly difficult to navigate the process, grappling with the emotional trauma of their situation as well as with the difficulties of understanding the legal system.

*“It can be common [for people who’ve gone through domestic abuse to be litigants in person], especially with child arrangements applications. We do get family law applications, which is your non-molestation injunctions and things like that. We do get litigants in person coming through with those as well. More often, they will be represented, but we do get quite a high number of litigants in person.”*

Domestic abuse victim-survivors without representation can find the process particularly upsetting due to having to be in contact with their abuser and face them in court. They can also struggle in particular to document their abuse, and recall and present it in a way that is required of them by the court.

*“Fact-finding statements ... are a nightmare for everyone and in particular for litigants in person. To ask somebody who potentially is a victim of domestic abuse to write a long statement setting out how they’ve been abused and then expect them to get it in a format that we can then try by way of a quasi-criminal hearing – because that’s really what it comes down to – is a really big ask, isn’t it?”*

They can also struggle to prove abuse in a way that is sufficient for the court.

*“The problem comes where allegations of abuse are raised and the burden of proof is on the person making the allegations. They don’t know how to discharge the burden, they don’t... you know, it’s an alien process to prove something. They say, this is what happened and think, ‘Well, that’s it done, then’, but it isn’t.”*

## The impact of challenges faced by litigants in person

### The impact on litigants in person

#### Impact on mental well-being

Interviewees highlighted that the experience of being a litigant in person could be distressing or anxiety-inducing. Some explained that the family court process itself is often a challenging ordeal that involves people for people already facing complex and challenging circumstances, and that navigating this without legal support can take a significant toll on litigants in person.

*“It’s incredibly difficult for parents to represent themselves. You bear in mind all of the emotions, the angst, the trauma that some parents have already got; they’ve then got to stutter and stumble through representing themselves in a way that’s coherent and calm. It’s fraught, really.”*

They also noted that this emotional distress could inhibit people's capacity to participate in their case.

*“Emotional support during the course of the hearing is also quite important – and just around the case generally. They feel very much as if they’re on their own and so having, sort of, an independent but sympathetic ear is actually quite important.”*

#### Disadvantage in presenting their case

Most – but not all – of the interviewees suggested that litigants in person were at an intrinsic disadvantage when it came to presenting their case and achieving their desired outcomes compared to represented parties.

*“You see a stark difference, then in, sort of, one side’s evidence compared to other. That worries me about, you know, Article 6, rights to a fair trial. How can that really be said to be done when you’ve got somebody who’s clearly struggling and somebody who’s represented?”*

However, one interviewee did suggest that potential disadvantage is mitigated by court responses to litigants in person, and that sufficient accommodation is made to provide a fair process.

*“The reality is because they’re litigants in person, the court will nearly always give them a fair crack of the whip.”*

#### Delay in achieving resolution

One judge also noted that delays created by litigants in person and difficulties in completing court directions can have an impact on both parties and children.

*“It’s delaying the child’s right, in a lot of cases, to have that relationship with the parent that they could be having, or it’s meaning that we need to keep it supervised for longer and things like that. So, yeah, it’s not helpful to them.”*

#### Trust in the private family law system

Interviewees also noted that litigants in person who are facing represented parties can feel that the legal system is unfairly weighted against them. This perception was particularly pronounced when litigants in person felt they did not have their voice heard in the process.

*“I think, generally, it kind of taints people’s perceptions of the fairness of the process because they feel that it’s very one-sided, with one party being represented often and the other party not. A lot of people feel that, particularly then if they don’t like the outcome, that the whole process was weighted against them.”*

## The impact on the work of the court

### Challenges in managing hearings

A key challenge described by interviewees was that hearings involving litigants in person can be difficult to manage. This can cause hearings to overrun, as time is spent managing emotions and discussing issues that are not directly relevant to the case.

*"If you've got somebody who comes to court and they're very emotionally heightened, you know, they've got a lot they want to get off their chest, I can spend a disproportionate amount of a court hearing dealing with that and not actually dealing with any of the issues."*

Interviewees also noted that court hearings could go on for longer where litigants in person were struggling to understand or participate in the proceedings. This was particularly the case when judges felt they needed to spend additional time explaining the process, and making accommodations for litigants in person to be able to participate.

*"If you've got, maybe, a FHDRA, a First Hearing and Dispute Resolution hearing, they're often only listed for an hour. If you spend 15 minutes, 20 minutes, explaining things or trying to find missing documents or making provision for missing documents, that's the best part of a hearing gone."*

Challenges in managing hearings can also impact the court's capacity to obtain the evidence it needs to make fully informed decisions in the best interests of the child.

*"[...] and when they become frustrated, as we well know, people sometimes don't behave the best that they can, and that impacts upon them being able to run their best case. And from a court's perspective, it means we don't get the evidence that we need."*

One interviewee reflected that managing cases involving litigants in person has fundamentally changed the nature of the court. They reflected that the system was not designed with litigants in person in mind.

*"We have an adversarial system. It has been built around the assumption that each party is able to prosecute their case. If both parties are acting for themselves, neither knows how to do that, and that means the statements you get – and that's meant to be them having their say in court – won't address the issues. When you ask them to cross-examine, and you would never use that language, but when you ask them what questions they have for each other, neither is going to ask a question that ticks the boxes, as you would have with represented parties. So, you end up with the worst of both worlds, where the court is not meant to be inquisitorial and yet you have to be, to extract the information."*

### Wasted court time

Interviewees also highlighted that when litigants in person struggle to follow court directions, this can waste court time and cause delays.

*"It will have to come back to another hearing. So then you've got the knock-on effect of [...] delay in the case proceeding. You've got lost judicial time because the case hasn't been able to proceed. If you've got a party that's applying to see their child because they haven't seen the child for a while, then obviously that extends that time if the contact isn't happening."*

## Perception of CASS+

### Who is CASS+ supporting?

Most interviewees reported that CASS+ clients represented the full spectrum of litigants in person. However, they did describe two typical types of clients: those with specific vulnerabilities that made it particularly difficult for them to navigate the private family law process; and those who are particularly in need of emotional support due to anxiety around the case.

*“Maybe those, like I say, with learning disabilities, and things like that, and issues that just need that extra helping hand. Or, even, it may be somebody that’s of quite high intelligence but, through experiences and nerves, and things like that, they just can’t see the wood for the trees.”*

### How does CASS+ support clients?

Interviewees had first-hand experience of the way that CASS+ supports clients within the courtroom. However, they also inferred a range of other support from their courtroom observations and their interactions with CASS+ staff and volunteers.

#### Outside the courtroom

##### Explaining the court process

Interviewees highlighted the work that CASS+ does in explaining the court process to its clients, noting that it made a tangible difference to a client's level of understanding. Some reported seeing an effect on the confidence of litigants in person when coming into court and on giving them clearer expectations of the timeline and process.

*“So, you can tell [...] when obviously the parties come into court that they ... the litigant has an understanding of what's going to happen next, so it's not a great surprise to them when, you know, the next step happens or they ... I can tell that they have been told in advance by somebody who understands the systems, ‘This is the likely next step. This is where we’re going to get ... likely to get to.’”*

One judge reflected that having realistic expectations was key to managing the behaviour and emotional state of litigants in person in court.

##### Support with paperwork

Interviewees noted that CASS+ supported clients with the paperwork associated with a case. Although not always made aware of where CASS+ has been involved, judges described being able to recognise when it has been, simply by looking at the paperwork. This allowed for forms to be submitted in the required format and with all relevant information.

*“They do all the paperwork for you; they guide it – you don’t have to worry about deadlines because somebody is doing that for you.”*

This could enable people to complete forms they would not otherwise have been able to.

*“It was suggested to him, ‘You need to make an application for a non-molestation order’, and of course these are all words that are not everyday parlance. So we then come back four weeks later, and he said, ‘Have you made your application?’ No. So he was walked, practically frogmarched, to the CASS+ office and then within a week, he had his order.”*

##### Preparing people for court

Interviewees highlighted the support CASS+ would provide in order to help prepare clients for court. This included explaining court processes, providing emotional support and liaising with the court and the other

party to make practical arrangements.

*“They’re able to reassure, I think, about arrangements and obviously they liaise with the other party’s representatives in advance, so things like the use of screens, how we manage people in and out of the courtrooms, making sure that information is up to date.”*

They noted that on some occasions CASS+ staff would allow people to visit the courtroom before a hearing to familiarise themselves with the space and reduce anxiety.

### Support with completing directed activities

Interviewees also described that CASS+ could help litigants in person to complete directed activities such as arranging supervised contact. They provide support in sharing knowledge about where existing local contact centres are and how prices differ between them, for example, to make the practicalities of this work easier for individuals. Judges reflected that the help CASS+ provided often enabled participants to complete an order that the judge suspected otherwise wouldn’t have been achieved.

*“[The court told a litigant in person] ‘You need to go get in contact with a contact centre’ [...]. And what CASS+ said was, ‘We can help you in setting that up’ [...]. I said, ‘I think there aren’t any in Cornwall’, and the CASS+ officer said, ‘No, no. There’s a new one in Bodmin.’ And I was like, ‘Oh, that’s really good.’ So they had up-to-date information.”*

*“I see the results of that, because I see them sending in, on certain cases, you know, and I’ll go back to my GP letter example, where they’ve clearly helped a litigant in person to obtain a GP letter and then they’ve sent it into the court.”*

Another directed activity where CASS+ was seen as particularly helpful was in supporting clients to write statements.

*“As we were concluding the case, she said, ‘I’m going to find the statement really, really difficult.’ And the CASS+ officer said, ‘We can help you with that. Come and speak to us after.’ I later found out that they’d arranged a couple of days later for her to come back, and they helped her with her statement. And I just thought, ‘Wow. What is this? Absolutely amazing.’”*

This was seen as particularly relevant where a statement was needed to respond to specific allegations, where presenting and recounting relevant evidence succinctly can be a challenge.

*“If someone’s on the receiving end of a statement that sets out allegations of domestic abuse, I know that if CASS+ have looked at it, they will work through it paragraph by paragraph and they will provide a succinct response to each paragraph. [...] Very often, if people don’t have that, what you get is a great long spree [...]. It doesn’t actually answer the allegations that have been raised.”*

### Accompanying clients to court

Court staff were most familiar with CASS+ through the service’s work accompanying litigants in person to court. CASS+ was understood as taking the role of a McKenzie friend. One interviewee reported that the court had taken steps to facilitate that:

*“The judge was quite happy to waive the need of them having to fill out – they should be filling out a McKenzie Friend form every time. But [...] because [...] we want to support it, as long as we’re aware they’re from CASS+, then they can attend hearings, again, to explain proceedings to them.”*

### Emotional support

Interviewees emphasised the important role that CASS+ played as a source of emotional support for clients. At times, this could mean the difference between a parent being able to attend and participate in court rather than not showing up at all. As one interviewee recounted:

*“I was sitting in Bodmin in person one day, and the usher came and spoke to me and said: ‘mum in this case doesn’t want to come into court. She’s really, really scared.’ And I said, ‘Well, really it’s up to her, but if she doesn’t come into court and doesn’t put her case, she’s going to put the magistrate in a very difficult position.’ And they said, ‘She’s scared. She’s been into the room because she’s come in before. She’s scared. The room’s big.’ [...] So I then went into this office with these two ladies in there, CASS+ and I asked them about it. So one of them came into court, sat with her. They gave her a blanket that she could fiddle with and this mum went from, ‘I can’t do this’ to actually she was able to get through it [...]. It’s just such a small thing. And it wasn’t – although she was saying, ‘I’m cold’, in reality what she was saying is that, ‘I need comfort.’”*

One interviewee also recalled a time when CASS+ had acted to draw attention to the client’s emotional needs in a remote hearing:

*“On one occasion, I had a CASS+ officer say, ‘Could we have a moment or two?’ Put their hand up: ‘Can we have a moment or two?’ And the magistrates said, ‘What for?’ She said, ‘You can’t see it from where you are, but I think mum’s getting really emotional.’”*

### **Practical support**

Court staff also noted that CASS+ could provide a range of practical support for litigants in person in court with tasks like taking notes and managing paperwork. This practical support also allowed litigants in person to better recall and understand what had been said and decided in court by providing them with a written record of this, as well as being a resource the litigants in person could use to ask for clarification.

*“They come into court, they always have pen and paper and take a note and they write down the dates and all the rest of it. So, at least they know what’s going on.”*

*“Obviously, they help with shuffling through all the documents because some of the cases have lots of ... you know, massive bundles, so ... and that in itself is quite overwhelming, particularly if you’ve got somebody who’s not overly literate or, you know, is going to struggle with finding things in a massive paper bundle.”*

### **Supporting clients to present their case**

Interviewees stressed the limitations of how CASS+’s capacity to support clients to present their case, such as their lack of legal training and their lack of standing to address the court on clients’ behalf. They did, however, identify some ways in which CASS+ could help client in this area. This was primarily by prompting them on points they had planned to mention.

*“They do, also, at times, either interject, not usually directly, but by whispering [in] the ear of the litigant in person, ‘Don’t forget to say about whatever’, which obviously we can hear, but you know what I meant, it’s ... they don’t obviously have rights of audience, so we have to be careful that they’re not speaking on behalf of the litigant in person, but they can certainly act as a prompt.”*

Some interviewees did also identify limited occasions where a CASS+ staff member might address the court on a particular issue.

*“So, you know, if you had someone who was so nervous that they couldn’t utter a word – and that does happen – then it might be appropriate to say, ‘I’ll tell you what. Why don’t you quietly speak with the person sitting beside you and do you mind telling me what their position is?’ and do it that way.”*

However, others felt that any activity of this sort would be inappropriate due to the rules of the court.

*“I don’t know what discussions CASS+ have outside of court, but CASS+ are not advocates. They don’t speak for parties.”*

## What is the impact of CASS+?

Interviewees widely agreed that the overall impact of CASS+ was to help people participate effectively in the private family law process.

*“We have those cases where you feel like this person’s not engaging with these proceedings. And this case, I know where it’s going to go because that party’s not going to engage. It’s just too difficult for them. And CASS+ fill that gap, that void.”*

### Improved perception of fairness

There was a widely shared view that having the support of CASS+ would improve clients’ perceptions of the fairness of the court process. This was because they were supported to have a much better understanding of what was happening and therefore a much greater opportunity to participate in the process and share their perspective.

*“I think it makes a massive difference to the process. It also, I think, helps people to feel they’ve had a fair opportunity, because they’ve actually been able to get their case across in the way that they wanted to.”*

This was seen as true whether the outcome of the case was one the client was happy with or not, underlining the importance of litigants in person feeling that they have had a fair chance to participate.

*“Even if the court doesn’t decide their way, there’s something about them feeling like their voice has been better heard. And that’s really important for issues of justice, and fairness, actually.”*

### Reduced impact on mental well-being

Interviewees noted that CASS+ seemed to reduce the stress and anxiety associated with being a litigant in person and helped them to gain more confidence in themselves.

*“It must come as a relief to know they’re not entirely alone with a problem that they don’t know how to solve, because they don’t know what they’re doing. So, it’s someone that can tell them, ‘Yes, you are doing this right’ or ‘You’re not.’ So it must take quite a lot of the fear out of the process.”*

Some interviewees linked this specifically to an improved understanding of the process, allowing them to dispel some of their anxieties about it and clarify their expectations.

*“This is what’s going to happen. You’re going to get this hearing. The judge is going to give you directions. You’ll probably have another hearing after that. You’ll probably have to speak to Cafcass about....’ So, [...] telling them exactly the timeline of – or an average timeline of – a case can just give them a bit of reassurance, I think.”*

### Improved capacity to participate in the private family law process

Court staff suggested that CASS+ made a crucial difference to clients’ capacity to participate in the process. The emotional and practical support was described as key to unlocking a client’s ability to engage in the process at all in some circumstances and improving the quality of their involvement in others.

*“They’ve been a real lifeline to people. It can often be the difference between somebody being able to engage in a court process or not.”*

In particular, interviewees suggested that CASS+ clients were more able to input effectively into the court process in the way that was expected of them.

*“I think they enable the parent to have a voice, really, and make sense of what they really want to say. But to say it in a way that the court can access, as well.”*

## Impact on the outcome of cases

Interviewees disagreed on whether CASS+ support would have an impact on the outcome of cases. One interviewee suggested that by enabling participation, CASS+ avoided situations where courts would not have all the information needed to arrive at the correct decision.

*"In some cases, the people wouldn't be able to go through the process without it. Because they just can't deal with it on their own, and they need that support and help. There may be people that end up with, like I say, wrong decisions being made."*

Another suggested that the support of CASS+ might mitigate the inequality between litigants in person and represented parties.

*"We always welcome them with open arms because anything that can be done to readdress that balance between the represented and the unrepresented is a step worth taking."*

However, a third interviewee strongly expressed the view that CASS+ – or any form of support – would not have an impact on the outcome of a case.

*"I would like to think it wouldn't make any difference in terms of what the actual outcome of the case is going to be, as to how you get there. I don't think particularly it's ... it's not going to improve necessarily their case by having CASS+ or not having CASS+ or having a lawyer or not having a lawyer."*

## Impact of CASS+ on the courts

Interviewees generally agreed that CASS+ support had a positive impact on the work of the court, as well as for clients.

*"Yeah, it just helps us all around, really. It helps the parties, and it helps the court."*

## Improved hearing management

Interviewees widely agreed that having CASS+ attend a hearing with a client made hearings easier to manage. As one judge put it:

*"[CASS+] makes a big difference to us as judges because it means we can manage our court hearings in a slightly more professional way and a bit more of an independent way."*

A number of mechanisms were identified as contributing to this. Firstly, CASS+ clients would have additional support with understanding legal processes, which would reduce the burden on the court of explaining them.

*"Those court hearings tend to be shorter because I can say, 'I don't need to explain to you what a witness statement is because I know CASS+ are going to do that, right?' Then, the guy nods at me, and I go, 'Excellent. Thanks very much.'"*

Judges also noted that they could more confidently make challenging directions when CASS+ was supporting clients, with increased trust in the fact that these would be completed.

*"It makes a huge difference. I think I might feel more comfortable making perhaps quite difficult directions for people to comply with and understand. Hair strand testing, setting up contact centres, drafting statements."*

There was also broad agreement that having CASS+ present reduced the likelihood that litigants in person would become emotional or volatile during proceedings and derail progress from being made in the hearings.

*"I think it probably prevents issues from being run that are going to raise tempers but not actually achieve very much."*

One interviewee did note that some hearings started later as a result of clients seeking CASS+ support before court, but this was caveated with the assertion that it was a welcome delay, or administrative reshuffling of timings, as the impact this had subsequently, and on allowing hearings to run effectively, outweighed the inconvenience.

*“People often turn up at the time of their court hearing. They don’t turn up in advance. So, when they do turn up, they need time with CASS+, which therefore means that the case doesn’t run to time [but] that inconvenience in terms of the running of the list, I’d happily have that, to have the benefit of someone from CASS+ there.”*

### **Reducing the need for adjournments**

A significant number of interviewees agreed that CASS+ support could speed up the progress of cases by reducing the number of hearings that were adjourned because directions had not been completed or the required paperwork was not ready.

*“It oils the wheels, because it means that we may not have to list yet another hearing and say, ‘Look, go away. Do it again. Come back’. It might already be in front of us.”*

*“I think it takes away [...] an element of time wasting. [When] people aren’t prepared for court, and they’ve not got the relevant paperwork, that creates adjournments.”*

### **Reduced case duration**

There was some disagreement over whether the reduction in adjournments associated with CASS+ support translated to reduced overall timescales for a case. A number of interviewees took the view that it did shorten cases.

*“We tend to get the information that we need first time, rather than the third time. Yeah. So, inevitably, it’s going to shorten proceedings.”*

Another interviewee linked this reduction in timelines to better outcomes for children.

*“We’re told to look at things in the interests of the child and refer to the timescales for the child. If we can grease the wheels, almost, to get it moving quickly through the court process ... you know, if it takes out the need for one hearing, that’s going to speed things up.”*

However, others suggested that while they thought reductions in case durations were likely, they couldn’t definitively say that they were happening. One interviewee suggested that they didn’t think that the service shortened proceedings.

*“I don’t think it necessarily shortens the overall lengths of proceedings. I think it probably makes it a bit more supported and slightly more dignified and a bit less painful.”*

### **Reducing support workload**

Some interviewees with responsibility for managing HMCTS staff suggested that being able to refer support requests to CASS+ freed up time for undertaking core responsibilities. As one put it:

*“It helps us administratively because we don’t get such the volume of people – ‘I need you to help us’; ‘Well actually, we can’t, but these people can. So contact CASS+, see what they can do to help and support you.’ Whereas before, we didn’t have that. It was just that constant frustrated conversation.”*

## CASS+ strengths and weaknesses

### Strengths

Interviewees highlighted that the core strength that CASS+ could bring to their clients was a thorough understanding of the family court legal processes. They reflected that this is ultimately what enables them to provide clients with invaluable practical support, which cannot replace legal aid but acts as a useful second-best option.

*“The judges fed back to me that, although it’s fairly new for CASS+, they do seem to understand the process and they do understand how the family court works. So we know that the advice that these people are being given is sound.”*

Interviewees also described that CASS+ generally was well adapted to working within the requirements of the system, displaying appropriate behaviour in court, and having the knowledge to avoid overstepping its boundaries.

*“By the time they come to court, they conduct themselves well, and they’ve got a good grasp of what they should be doing and what they cannot be doing in court.”*

Another key strength evoked was CASS+’s consistent relationship with clients, ensuring the same individual works with clients through the different parts of their case. Interviewees described that this allowed a more trusting relationship to form that reinforced the overall confidence of litigants in person while they were participating in proceedings.

*“It’s a strength that they come to court with parties. I think that’s essential that the person [who] has sat down and helped them produce a document is the same person that comes to court with them. They’re the one with whom they’ve got the connection, and they’re the one who understands the nuance of the case.”*

### Weaknesses

Interviewees pointed to a lack of legal training as one of the main weaknesses of CASS+. Some worried there was a risk that the service could potentially slip from providing support into giving legal advice, which they are not qualified to do.

*“The disadvantage that I could see immediately is that, as lovely as they are, the workers for CASS+ don’t or didn’t have any experience of family law at all.”*

The constraints within the legal system, which mean CASS+ does not have the status to address the court – unlike a legal representative – was identified as another important weakness. Interviewees highlighted that this meant all support still relies on litigants in person addressing and communicating with the court themselves.

*“Corresponding with the court is a biggie. They can’t correspond with the court. They can’t contact us about a specific case and ask for information. They can’t submit documents on behalf of the person they’re helping, although they could help them write it. We would never know, but they can’t actually correspond with us and submit it, and obviously, they can’t speak for them in court.”*

Lastly, restricted resources and lack of time was described as a key limitation of the service. Court staff were aware that CASS+’s funding and resources were not unlimited and meant that the time they do have to dedicate to clients can be very limited. Interviewees reflected that this could mean CASS+’s support sometimes came too late to for them to have as much of an impact.

*“Well, they haven’t got a – it’s a very short amount of time that they’ve got to give. They usually come in at the very last minute, when we’re in a bit of a stalemate situation. It’s totally dependent on whether or not they’re available. So they haven’t had the lead-in with the client, as a solicitor would have.”*

## Options for development

While, overall, interviewees spoke very positively about how CASS+ currently runs, they also highlighted options for the development of the service.

Several interviewees spoke about the potential for CASS+ to expand their role into calling attention to the opportunities for mediation in cases where this might be applicable.

*“Maybe they could help more with pointing people in the direction of mediation services so that things needn’t come to court in the first place. That would be better for everybody because I know the mediation side of things is more expensive than putting in an application to the court services.”*

One judge reflected that this would necessitate much earlier involvement of CASS+, as they currently only provide support to cases that have already come to court. They described the potential benefits of earlier signposting to CASS+, which could enable the option of mediation to be taken up by more clients where applicable, and therefore free up more court time.

*“They [CASS+] become involved when the court process has already started. What would be useful is ... there being advice to prevent people actually coming to the court, because the issue is too many applications means that there is, it increases the delay to parties in resolution.”*

The development of client resources was also identified as an area in which CASS+ could provide more support. One interviewee mentioned that they had seen visual resources used as valuable examples and tools in the past and suggested that this could be an option for CASS+ to develop.

*“I don’t know, because I don’t know what information they are providing. When I was in private practice [...] we put together a little suite of reports that showed that very visually, and, you know, they were fairly long, but they were in plain English. So, I don’t know what resources CASS+ have that they can give out in each case [...]. So, that might be a potential improvement, but I don’t know what they’re using, so I can’t say. Other useful things that they might be able to provide are examples of a statement, you know: ‘This is what a typical statement might look like’ – even silly things like, ‘You sign it, you number the paragraphs’, all those sorts of things.”*

Interviewees suggested that CASS+ could increase the resources they provide for longer hearings, noting that this seemed to be taking place less frequently.

*“I think being more able to support people in longer hearings [...] I haven’t noticed their support quite as much in, as I say, sort of longer hearings, but the needs of the litigant are still the same.”*

Ultimately, many interviewees reflected that CASS+ was a very helpful service, and their main suggestion was that the service should continue to be delivered, as well as expanded.

*“If there’s something they could do better, that would be to roll it out everywhere.”*

*“It is literally somebody who they can go to when they’re upset, stressed, need help. And I think it’s a really, really invaluable service. So, I know that we would like to see it continue.”*

*“All we ever hear is, they’re doing a wonderful job up there, and long may it continue, as far as we’re concerned. Because, like I say, it’s definitely a service that is needed.”*

## Data analysis

### Methodology

Data for this section is taken from data collected by CASS+ on clients who were supported by the service between October 2023 and March 2025. Data was collected by CASS+ staff during client contact sessions using a template developed by the Access to Justice Foundation for the IOTLS programme.

Demographic data was gathered at the point of first contact. Data about clients' progress through user journey and their capacity to progress their case was updated monthly, based on staff perceptions. Information about support activities delivered was updated monthly based on case file reviews.

There were some issues with missing data, with individual variables typically missing for 12–18% of clients as a result. Unless otherwise specified, the percentages below have been calculated ignoring missing data in order to enable ease of comparison.

### Client profile

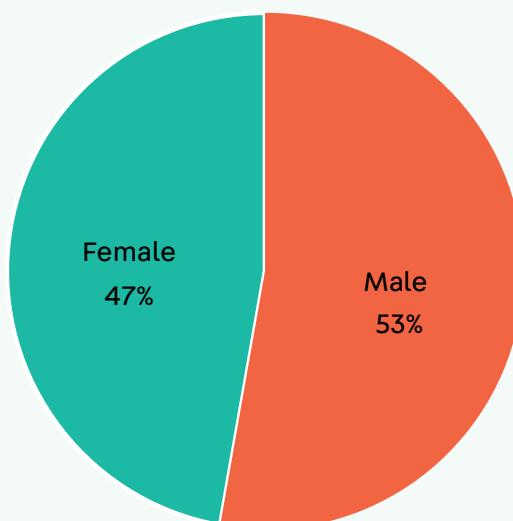
The dataset records that 390 clients were worked with over this period, although some support had commenced before the reporting period began. At the time of analysis, 280 client cases were still open, with 110 being closed. Cases were distributed across five sites as follows:

Figure 2. CASS+ clients per site

Site	Number
Cornwall (includes Bodmin and Truro)	74
Exeter	228
Newton Abbot	16
Plymouth	72
<b>Total</b>	<b>390</b>

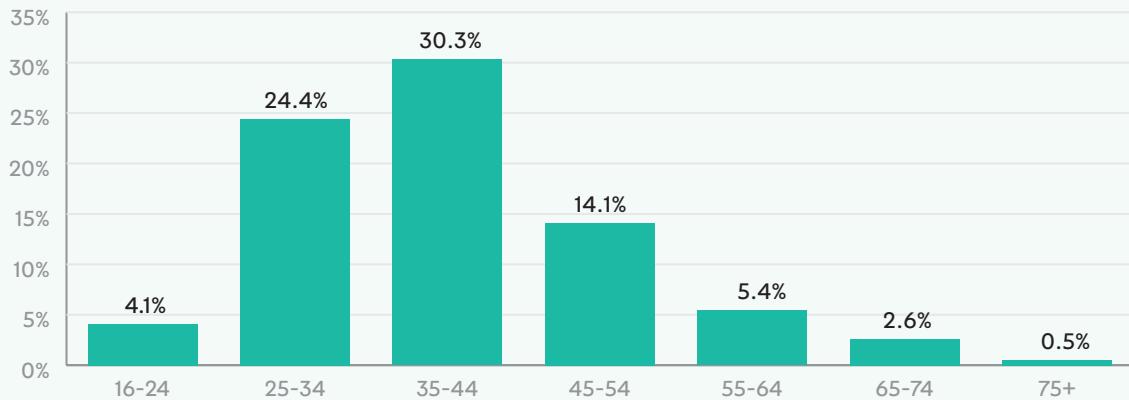
As shown in Figure 3, CASS+ has slightly more male clients than female. The slight leaning towards male clients in the recorded data may result from the fact that victim-survivors of domestic abuse, most often female, should be entitled to legal aid. However, the difference here is small, and most private family law cases do involve domestic abuse, which could suggest that there is a sizeable proportion of victim-survivors who were not accessing legal aid here.

Figure 3. Gender breakdown of CASS+ clients



The bulk of clients (85%) were between the ages of 25 and 52. The age distribution was wider among male clients than female, with more male clients being under 25 years old (5.6% compared to 2.5% of women) or over 54 years old (11.7% compared to 3.8%).

*Figure 4. Age distribution of CASS+ clients*



The vast majority of clients (96% of those whose ethnicities were known) were recorded as White British/White other. This is broadly in line with the ethnic make-up of the South West region.<sup>26</sup>

The service recorded clients' disabilities as falling in one of three areas: learning need (equivalent to SEND); mental health; and physical health. As shown below, 43% of clients had a disability in at least one of these areas, of which the most common was mental health, affecting 31% of clients. This highlights the additional support needs faced by many clients.

*Figure 5. Cass+ clients by number of recorded disability types*

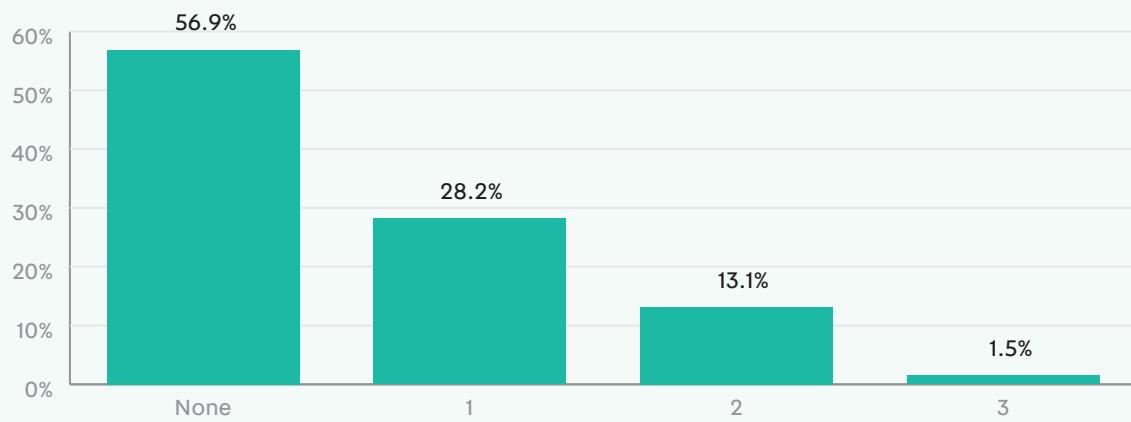
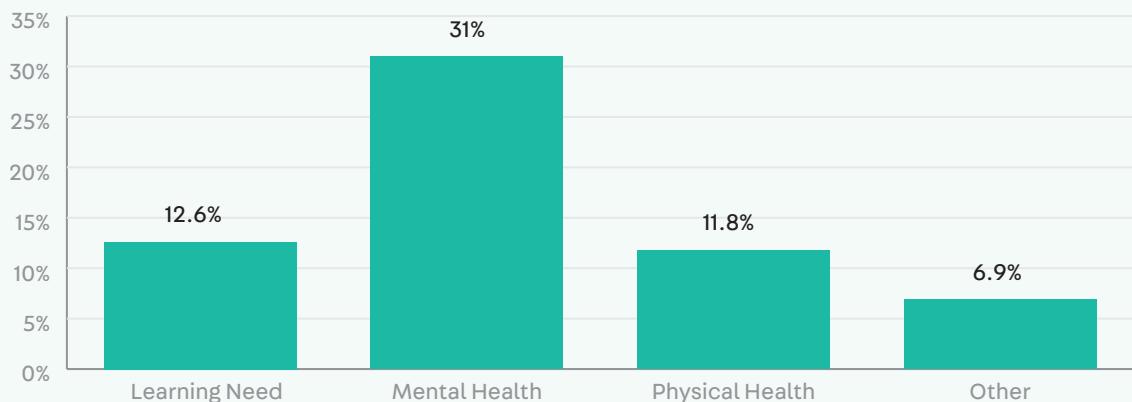


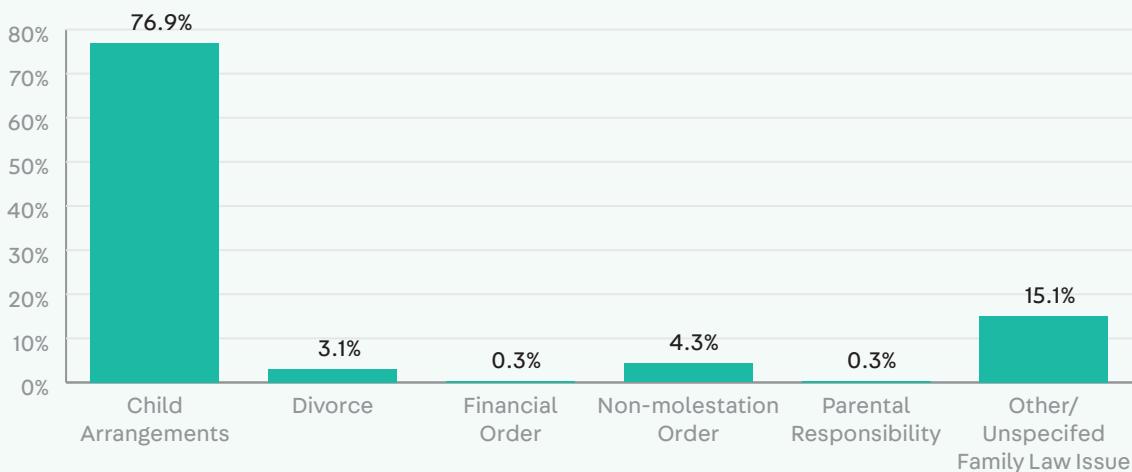
Figure 6. Recorded disabilities by type



## Clients' support needs

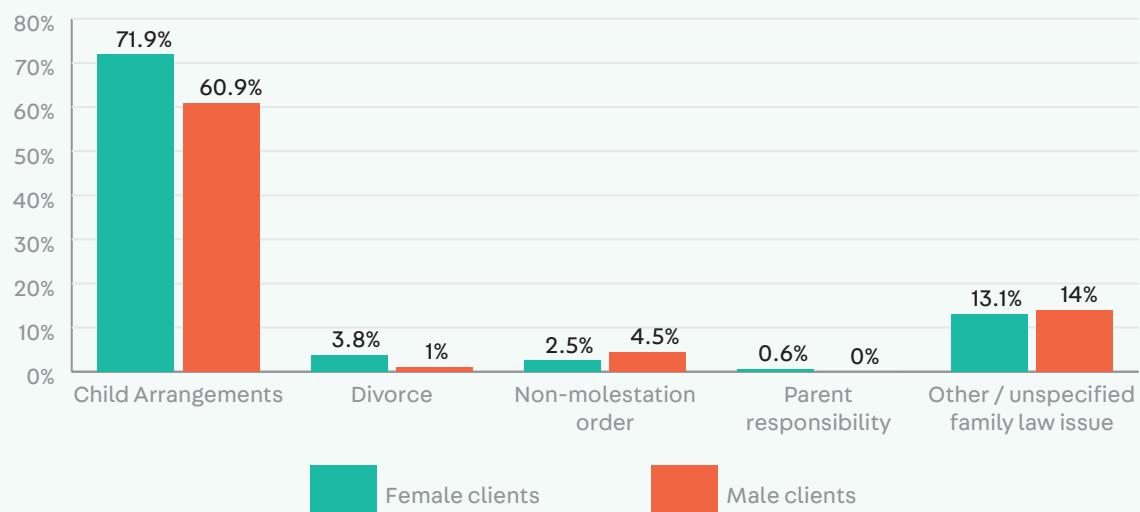
According to data collected by the service, the bulk of CASS+ clients were seeking support with child arrangement orders, with applications for non-molestation orders and divorce representing the only other significant named categories.

Figure 7. Breakdown of reported family justice issues



The picture was broadly similar across both male and female clients, although male clients were more likely to be seeking help with non-molestation order hearings. This may indicate that they are the potential subjects of these orders due to allegations of abuse or harassment, as individuals seeking a non-molestation order are more likely to be recognised as victim-survivors of domestic abuse and therefore have access to legal aid. More broadly, given the high prevalence of allegations of domestic abuse in private family law cases noted above, and the gendered patterns of abuse, it is likely that a significant proportion of CASS+'s male client base are facing allegations of abuse.

Figure 8. Family justice issues reported by gender



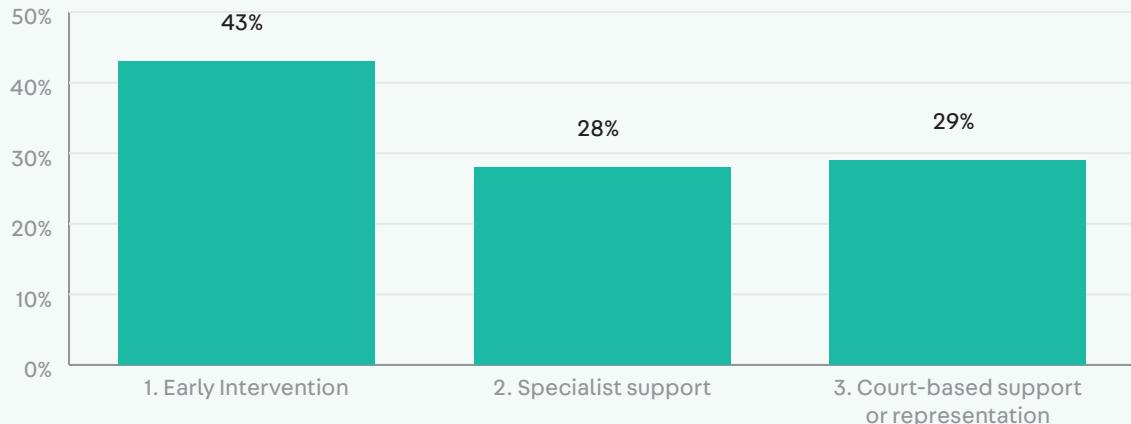
The service also made monthly records of clients' progress through the court process based on a schema developed by the Access to Justice Foundation. Progress was split into three stages.

Stage	Point in legal process	Goals for support <sup>1</sup>
<b>Stage 1: Early Intervention</b>	Prior to any scheduled court hearing or any paperwork being completed, a client is aware of an issue with child contact and approaches CASS+.	Support early intervention through community and online engagement, providing guidance and information to identify specific legal issues, available remedies and next steps.
<b>Stage 2: Specialist support</b>	The start of court proceedings, e.g., completion of C100 forms/court fees forms.	Provide specialist advice and support, casework or digital tools/information/ resources to move the case towards resolution, or provide guidance for court/tribunal proceedings to help prepare clients to self-represent.
<b>Stage 3: Court-based support or representation</b>	Court processes have started, a hearing date has been scheduled.	Provide services at court/tribunal, including supporting applications, preparing for proceedings, emotional support and/or legal representation for those seeking to use the court system to resolve their issue.

Significant numbers of clients entered the CASS+ service at each of the three stages, although the most common point was stage 1, highlighting the potential long duration of the service's involvement with many clients.

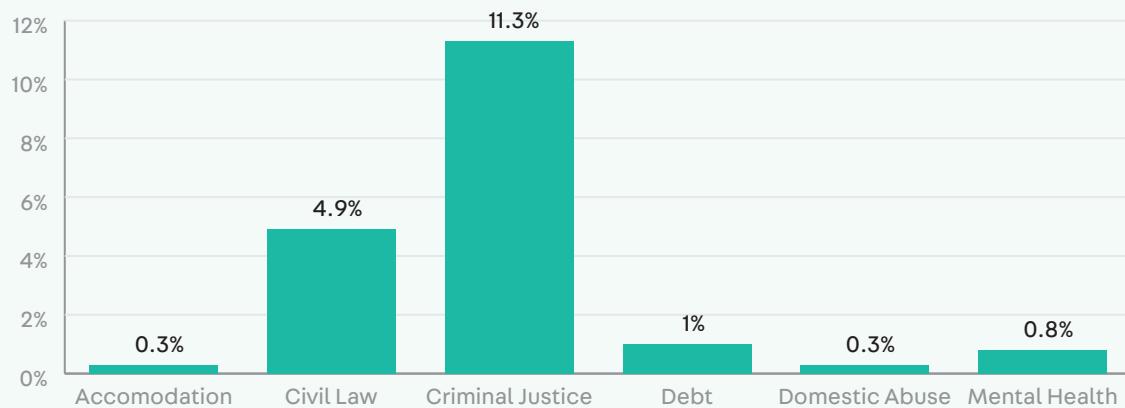
1. The definitions of support goals are for use across the IOTLS programme and not all of them may apply to CASS+ in particular.

Figure 9. Support stage at point of entry to service



The service also recorded when clients sought support with issues outside of family law. The most common of these were around other legal jurisdictions, most frequently criminal justice but also civil law.

Figure 10. Non-family justice issues



## Support activities

The bulk of clients came into contact with the service either through a self-referral (55% of clients) or referral by court staff (27%). Other notable routes included referral by probation (4%), a family or friend (3%), or being approached by a member of CASS+ staff in the court (2%).

The service also recorded the support activities they provided to clients in five categories, which were again shared across the whole IOTLS programme. These were:

- **Phone calls:** these might be either with clients or with other professionals on a client's behalf.
- **Emails:** again, these could be either with clients or on their behalf.

- **One-to-one meetings with clients:** These might be advice sessions but would also include other more substantive contacts such as accompanying a client to court, which might represent three to four hours' work, including preparation and debriefing.
- **Signposting:** directing a client to another source of support while still continuing to support them. Other sources of support might include a law clinic for legal advice or support with a chronic need such as drug or alcohol support.
- **Referrals out:** fully handing the case over to another organisation.

Figures for the number of referral activities demonstrate the focus on meeting legal need within the team. Support for an average client involved several phone calls and emails, as well as two to three meetings. However, only three in five clients were signposted to any additional support and only one in five had their case referred to an alternative support organisation.

*Figure 11. Recorded support activities*

Support activity	Number	Average number per client
Phone calls	1,490	3.8
Emails	1,991	5.1
One-to-one meetings	932	2.4
Signposting	242	0.6
Referrals out	95	0.2

Clients whose cases had been closed had been in contact with the service for an average of 7.6 months. However, this varied significantly, with one in six clients (17%) being with the service for three months or less and one in eight (13%) being with the service for a year or more.

## Impacts

Clients' progress was recorded against five criteria defined by the Access to Justice Foundation for the IOTLS programme:

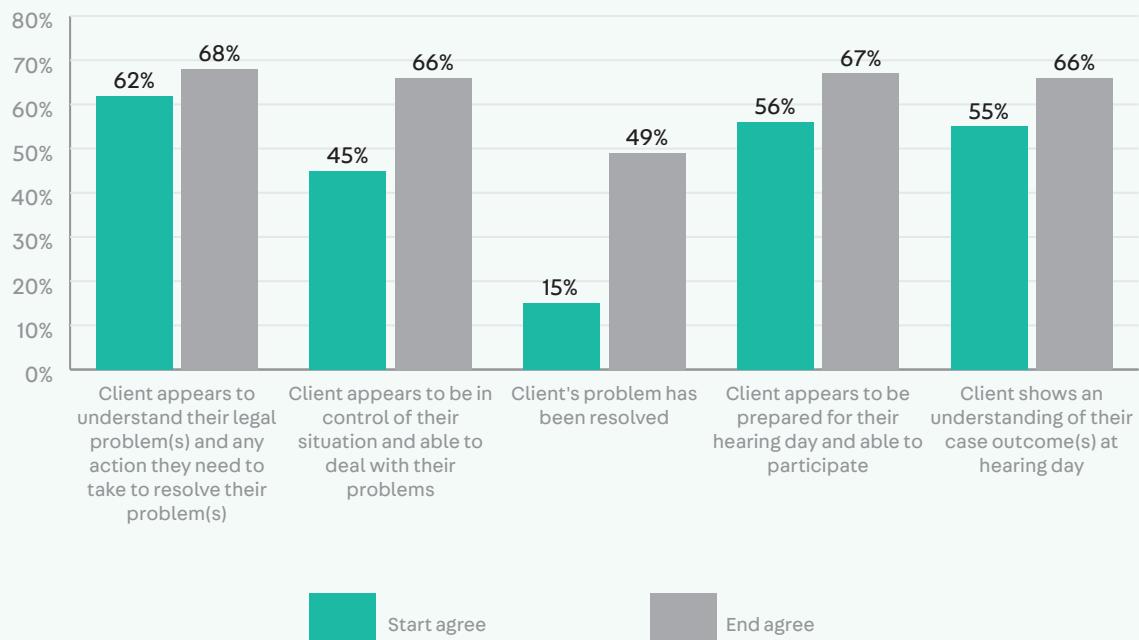
- Client appears to understand their legal problem(s) and any action they need to take to resolve their problem(s).
- Client appears to be in control of their situation and able to deal with their problems.
- Client's problem has been resolved.
- Client appears to be prepared for their hearing day and able to participate.
- Client shows an understanding of their case outcome(s) at hearing day.

Progress against the criteria is recorded monthly based on the CASS+ coordinator's judgement using a four-point scale ranging from "strongly disagree" to "strongly agree". Criteria 4 and 5 are only completed when relevant.

Figure 12 below shows the percentage of clients scoring "agree" or "strongly agree" against each criterion at the point that the first record is made for that criterion (usually after their initial appointment for 1–3 and after their hearing is scheduled for 4–5) and at their last record.

This data shows that clients improved across all criteria after receiving support from CASS+. The greatest increase was in clients feeling that their problem had been resolved, and the second-largest change was in clients feeling in control of their situation and able to deal with their problems.

Figure 12. Clients' progress recorded against IOTLS criteria



## Conclusion

The number of litigants in person has grown significantly since the changes to eligibility introduced in LASPO, and there is significant evidence that this poses a problem for both the courts and for the individuals impacted. The CASS+ family court support service aims to support litigants in person in private family law cases in understanding and participating effectively in the legal process.

In this evaluation, we have sought to understand the need that the service is seeking to address, the ways that it is working and the impact that it is having for both clients and the courts. In order to do so, we have looked at data collected by the service as well as the views of stakeholders from both HMCTS and the judiciary.

On the basis of the evidence collected, we can conclude that:

- **There is a significant need for better support for litigants in person in the family courts.** Stakeholders noted that, without support, litigants in person can struggle to understand and participate in the court process, creating stress and anxiety for litigants and meaning that their views are not always taken into account. This is reinforced by the data collected by the service, which suggests that at the point of entry only 45% of clients appear to be in control of their situation and able to deal with their problems.
- **The lack of support for litigants in person is having a negative impact on the courts.** Stakeholders universally agreed that unsupported litigants in person create challenges, including hearings that are difficult to manage, additional adjournments and challenges in balancing the neutrality of the court with the necessity of helping litigants to navigate the service.
- **The CASS+ team are viewed as having the skills and knowledge to effectively support clients.** Stakeholders spoke positively of the legal understanding and client support skills of CASS+ staff. However, they did note that the team's lack of legal training and standing to address the court meant that they were not able to fully reproduce the support available to those who can access legal representation.

In terms of the impact of the service, the lack of a comparison group for the quantitative measure of outcome and the reliance on stakeholder viewpoints means that judgements should be understood as indicative rather than conclusive. Within those limitations, however, our data suggests that:

- **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 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. There was more disagreement as to whether having support would reduce the overall duration of the case. These improvements have the potential to produce resource savings for the court service by reducing the number of hearings per case.

Given these findings, we recommend that:

- The CASS+ service should continue to operate in family courts in Devon and Cornwall.
- CASS+ should look at options to ensure that the team have access to training and information around legal processes.
- CASS+ and the courts service should ensure that there is a robust shared understanding of the limits of the support that CASS+ can provide clients,
- 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.
- Given the majority-male CASS+ client base, the gendered patterns of domestic abuse and the high prevalence of domestic abuse within private family law cases, it is likely that a significant number of CASS+ clients are facing accusations of domestic abuse. The service should therefore ensure that staff and volunteers have access to training and support that allows them to support domestic abuse perpetrators without the risk of enabling ongoing abuse.
- A robust outcomes evaluation of the CASS+ model should be implemented, looking at impact on client well-being, perceptions of procedural fairness, satisfaction with case outcomes, numbers of hearings, case duration and returns to court.

The difficulties faced by litigants in person in a private family law system designed around represented parties creates an urgent need for new models of support. Initiatives such as the Pathfinder pilots are demonstrating the growing interest in new ways of improving the experience of litigants in person. In this context, CASS+, with its affordable model that makes use of non-legally trained staff and volunteers, represents a promising concept that should be maintained and subject to a fuller evaluation, in order to consider whether it is suitable for wider roll-out.

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