

# A View from The President's Chambers

April 2026

This View, written a short time before my retirement on 13 April, does not find me looking in my rear-view mirror. Whilst there is much to see from that angle, I wish to look forward.

## Child Focused Courts

The big news, now and for years to come, is that the Government has committed some £82 million to support the roll-out of the Pathfinder model for private law cases to each of the remaining 32 court centres over the course of the next three financial years.

As 'pathfinder' is a common name for pilot projects, this new way of working will henceforth be called the 'Child Focused Model' ['CFM'] or 'Child Focused Court'. We have become accustomed to the word 'Pathfinder'. Any new label would seem odd, but I believe that once the CFM is up and running everywhere the label will drop from use. No one now describes our current approach as the CAP ('Child Arrangements Programme'), it is just business as usual and I think, in time, 'CFM' will fade from daily use.

Readers of this View do not need me to explain the CFM in detail. It was developed in response to the MOJ 2020 'Harm Panel' recommendations that a new model of working was required.

In essence, the CFM turns the CAP on its head by moving the stage at which the court and the parties receive a detailed report about the child from CAFCASS/Cafcass Cymru, including an account of the child's views, from the end of the process to a time before the first court hearing. That report is called a 'Child Impact Report' and the focus of the first hearing is on the impact of the current dispute and circumstances on the child, with the question 'what are we going to do to make things better?' being the primary focus. In addition, the CFM brings professional domestic abuse professionals very regularly into proceedings to support victims and to advise the parties and the court on issues of abuse.

Those currently working with the CFM describe making decisions for children which feel safer and which are made sooner. The model has widespread support, including, importantly, from Dame Nicole Jacobs, the Domestic Abuse Commissioner. I believe that this way of working will allow the Family Court to serve the needs of children and families far more effectively where there is dispute between separated parents or other family members.

In the first year, the CFM will be launched in 8 court centres in the North and Midlands. They will join the 10 courts that are already operating the model. The remaining 24 court centres will take it up between April 2027 and March 2029.

From April 2026 onwards, training on the CFM will be an integral aspect of all Judicial College induction and continuation private law children courses.

From now on the CFM cannot any longer be seen as a 'pilot'. The time has come for all parts of the family justice system to recognise CFM as part of business as usual and adapt their ways of working to accommodate its structure.

### **What can the rest of us do while we wait for CFM?**

The answer to the above question is 'a lot'. We have learned a good deal from the early adopter courts in terms of how best to address a substantial backlog of private law cases. Getting the backlog down to a manageable size is an essential preparatory step before implementing the CFM in a new court centre. Mrs Justice Knowles and others have harvested the good practice that has been developed in these courts and brought it together in a small pack of tips and advice which, after Easter, is to be sent to every salaried, fee-paid or lay judge sitting in the Family Court. In addition, the DFJs in the non-CFM courts will be given specific advice on how to address the backlog in their area. Some local and national training will also take place.

Part of the approach that is described in this guidance is based on the CFM and, in this way, every court will begin to adopt the new thinking, although the key elements of an early Child Impact Report and enhanced professional domestic abuse support will not yet be available in their area.

### **How are we doing more generally?**

The available data shows that, with respect to each of the four national Family Justice Board goals for this year for public and private law children cases, we are progressing at some pace in the right direction. The arrows on the charts are all green, in contrast to two years ago. This is a real achievement, and I am very grateful to each and every one for the part that they have played to turn things around. In three regions, the number of care cases concluding in under 26 weeks is at or over 50%. There has been a 30% decrease in the number of public law cases open for more than 90 weeks. Similar progress has been made in private law. In December 2022, the average case duration for public law was 39 weeks and for private law was 46 weeks. In December 2025 these figures were 32 and 35 weeks.

This positive direction of travel has been maintained for some time, but, in recent months there has been an increase in the volume of new cases being issued. This is, to a degree, regional, and, in public law, the volume may now be dropping back.

If, in your area, there has been an increase in the number of new public law cases, then that is no justification for local authorities to step back from applying the pre-application strictures contained in the Public Law Working Group's recommendations. On the contrary, a rise in volume should increase the need for sound case preparation, assessment and planning before any court application is made. Equally, where there is an increase in business in a court, the need for tight case-management (either under the Public Law Outline or in private law) is all the more important.

### **Sitting Days**

By the time this View is published, each region will have received notice of the allocation of sitting days that it is to be given for Family work for 2026-7. In broad terms, the national figure is close to that for 2025-6, but there is no longer a strict requirement to allocate 45% of all days to public law. Instead, a bespoke allocation and target has been developed for each region according to business need and judicial resources. In particular, it is anticipated that there will be some increase in the number of full-time family judges in London and the South East, which will equate to some up-tick in the number of days allocated to those two regions.

There is a strong case for the allocation of more days for financial remedy (FR) work to London, which takes the 'big money' cases from the rest of the country and where the proportion of complex and/or international cases is higher than elsewhere. In like manner to the Business and Property Courts, which benefit the national economy by drawing disputes from across the world into London, so, too, does the London FR List. I am pleased that the allocation for London FR work has been increased this time round, but there is work still to be done to meet what is needed there.

### **Domestic Abuse Injunction Guidance**

Revised guidance on applications for domestic abuse injunctions came into force on 12 January 2026. The guidance was a result of consideration by a broadly-based group (the 'Domestic Abuse Roundtable') that I established with Mrs Justice Knowles as its chair. How the court should engage with the early stages of a domestic abuse injunction application, where the applicant seeks an order without notice to the other party, has proved to be a difficult issue. I heard from many District Judges when visiting courts that the previous guidance caused significant difficulties. I therefore asked the Roundtable to look at the issue. The resulting guidance, which has been the subject of consultation, is widely seen to be an improvement.

In summary, when a 'without notice' application is made, there is a choice of three procedural options. The court may:

- (a) If it is satisfied that sufficient evidence has been provided to meet the merits test for a without notice order, and if it is otherwise just and convenient to

do so, make a without notice order on the papers in the terms sought or as deemed necessary and proportionate by the judge, listing a 'return date' hearing in no more than 28 days, or

- (b) Refuse the application for a without notice order on the papers with reasons and list the application on notice in no more than 21 days. The applicant may seek a without notice hearing for reconsideration of the application within 2 working days, which should be listed within 5 working days. Where the bailiff is to serve the order, the order should specify the date from which the bailiff can attempt service allowing time for the applicant to seek reconsideration, or
- (c) List a without notice hearing to be attended by the applicant within 1 working day to enable them to give such evidence as may be required to enable the court to determine the application. Consideration should also be given when listing, particularly in cases with an applicant representing themselves, to any further directions necessary for the without notice hearing. Court lists should not include the details of the parties.

Alongside the new guidance to courts, the Family Justice Council has issued Best Practice Guidance for Practitioners on Making an application for a Protective Injunction under the Family Law Act 1996, aimed at achieving consistency in professional practice of those acting for applicants.

I am very grateful to all involved in the Roundtable and the FJC Domestic Abuse sub-group for the thought and effort that has been put into improving our practice in this important and busy area of work.

## **AI and the Family Court**

This year's FJC Conference, held in Birmingham on 5 March focused entirely on the impact of AI on the work of the Family Court. The keynote 'Bridget Lindley Memorial Lecture' was given by Dr Lisa Harker, Director of the Nuffield Family Justice Observatory. Her very thoughtful address *'Improving children's lives: Holding on to what matters during the technology revolution'*, is published on the NFJO website<sup>1</sup>.

## **Gatekeeping and Allocation**

New Allocation and Gatekeeping Guidance was published on 31 March 2026 and will come into effect on 5 May 2026.

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<sup>1</sup> <https://www.nuffieldfjo.org.uk/news/bridget-lindley-memorial-lecture-2026>

This Guidance combines allocation and gatekeeping for public and private law cases into one document. For the first time provision is specifically made for the allocation of cases to family magistrates. The tabular schedules in the 2014 guidance documents have been replaced by lists of case types for each tier of judiciary (Magistrates, District Judges and Circuit Judges) in the Public Law Schedule and in the Private Law Schedule. The essential aims of the Guidance are threefold:

- (i) to ensure that public and private law cases are allocated to and heard by the appropriate level of judiciary;
- (ii) to ensure that the family justice system makes the most effective and efficient use of all available judicial resources; and
- (iii) to assist gatekeeping teams to make the appropriate and proportionate allocation decisions as efficiently as possible.

### **Spare a thought**

A few months ago, I was delighted to visit the offices of Not Beyond Redemption, a charity of which I am the patron. I was impressed by the vital work they are doing to support mothers in prison who need to engage with Family Court proceedings regarding their children yet have lost any legal aid as a result of their prison sentence. I was struck by the profound impact legal support can have in transforming the lives of those who would otherwise struggle to represent themselves in court and have their voices heard. Many mothers in prison have been victims of domestic abuse and trauma and the link between that and their involvement in the criminal justice system is well acknowledged. The team shared the experiences of some of their clients, and I left the visit encouraged by the huge difference organisations like Not Beyond Redemption can make, particularly as they are unique in providing this critical work.

More generally, the Family Court benefits significantly from the work of Support Through Court and other charities. I have been very pleased to promote and encourage the work of Support Through Court at local courts and nationally. In a different context, Lawyers Who Care, which seeks to provide mentorship and advice to care-experienced young people who wish to embark on a career in the Law, is a most inspiring organisation. I could go on and list a good number of charities that are active in our field, and which deserve our support and would benefit from our involvement.

### **Change is in the air ....**

Recently, in the course of two weeks, I attended the funeral for Sir James Munby, the Memorial Service for the life of Sir Stephen Brown, a jolly lunch attended by many retired Family Division judges and clerks, and the last gathering of the DFJs and Family Presiders before I retire. The process of choosing my successor is well advanced, albeit that the 'lucky winner' may not be announced until after my retirement date. If that is

the case, any gap will be short and the Presidential reins will be in the safe hands of Mr Justice Keehan, supported by Lady Justice King.

Thus, change is certainly in the air, but it is change which sits in a solid context of continuity. Touching ground, over such a short time, with the world of the 1980s and 1990s when Sir Stephen was President, hearing Baroness Butler-Sloss speak at the memorial, thinking so much, as I have done, of James Munby, but then meeting up with the old guard the day before then immersing myself with the current DFJs, brought home to me that we are all working as part of a continuum – and in our world it has been, and is, a continuum of quality people.

I am retiring at a time when I am still very much enjoying the role of PFD. I shall miss the people that I currently see and work with regularly. I shall miss the court work, the development of projects and (although I thought that I would never feel this) I shall even miss the Rule Committee. I am not going for negative reasons. There is a rhythm to life, and a time for every purpose. With the start of the three year cycle to implement the CFM, and after nearly 8 years at the helm, it is time for me to turn the page and start a new chapter.

I leave with a true sense of gratitude towards all who have been involved in the important, collective endeavour of delivering justice in Family cases during my time. There is much for us all to be proud of, particularly the way that the Family Court was able to remain in operation from Day One and throughout the Covid time. As I step away, I wish each of you the best for the future. I do so with confidence based on the good shape that we are currently in, the hope that accompanies the rollout of the CFM and the knowledge that you will be in the very experienced and safe hands of my successor.