

NO 18 CHAMBERS QUARTERLY CHILDEN UPDATE - 9TH SEPTEMBER 2025

LAUNCH OF THE PATHFINDER PROJECT IN HAMPSHIRE AND THE ISLE OF WIGHT

Introduction from HHJ Barlow

- The Children Act 1989 is a remarkably successful piece of legislation. Largely drafted by Baroness Hale, she describes it as one of her proudest achievements. It revolutionised the way cases concerning children were dealt with by the Courts. The sections concerning private law work well for children and are simple of understand.
- What has not been a success, particularly after the changes in eligibility for Legal Aid, is the length of time that private law cases take to work through courts. Parties get caught up in issues that sometimes seem a long way away from the needs and wishes of the children whose welfare is the Court's paramount concern.
- In Bournemouth just across the estuary in Dorset, a new way of tackling these cases – Pathfinder – was piloted. It turned the way courts deal with these cases on its head. The opening document in the case is now a child impact report reporting on that topic – the impact the parental dispute is having on the child and the best way to tackle it. It has been a huge success and with the support and enthusiasm of the President of the Family Division and considerable commitment in terms of funding it is being rolled out nationally. The fact it has come to Hampshire and IoW is a credit to us all – court staff, local authorities and CAFCASS.
- To make it work we have to clear our existing cases and learn to do things in a different way. It will be hard work but training and information and support is on hand. I look forward to working with everyone to improve outcomes for the children of separated parents in the region. It is what we are all here to do.

What is Pathfinder?

- Pathfinder aims to improve the court experience and outcomes for children and families involved in private law proceedings. The model does this in a number of ways—by centering the voice of the child; by bringing all agencies involved in family justice together in a problem solving approach to resolution; and an enhanced array of support for those who have experienced domestic abuse is provided.
- Pathfinder is a key change in culture for all involved. The Harm Panel made a series of recommendations in 2020 following a call for evidence from those in the Family Court. The Harm Panel recommended reform of the Child Arrangements Programme and Pathfinder was designed collaboratively by all family justice stakeholders. So far Pathfinder has been piloted in Dorset, Wales,

Birmingham and West Yorkshire The change of culture involves everyone working together collaboratively. This change of culture will be key both in the preparation for Pathfinder phase and after go live.

Key Changes to the Child Arrangements Programme

- Child Impact Report - Instead of a safeguarding letter, FHDRA and Section 7 reports, a CIR is prepared. The voice of the child is heard, Domestic Abuse Services support is triggered alongside meeting with parties and facilitating a multi agency approach in enhancing the risk assessment and use of the DASH (Domestic Abuse, Stalking and Honour Based Violence) Risk Identification
- Case Progression Officers—help the parties engage and understand the proceedings and ensure the process is effective
- Gatekeeping & Decision hearings—instead of multiple hearings and FHDRA's
- Problem Solving Approach—agencies working together to resolve issues and a reduction in the adversarial nature of family court
- Multi agency collaboration—additional support for victims of domestic abuse
- IDVAs (Independent Domestic Abuse Adviser)—greater use of local domestic abuse support services and IDVAs meaning victims have a less negative court experience
- Reduced delay and repeat applications—through the multi agency and problem solving approach to resolution, more sustainable orders are made in a shorter timescale

Pathfinder Local Implementation Group

- The LIG met for the first time on 9th July 2025 and involved representatives from the Judiciary, HMCTS, CAFCASS, all four Local Authorities, Solicitors, Bar and HIOW OPCC. Initial membership has been reviewed, Terms of Reference considered and sub-groups identified, The LIG will meet fortnightly and additional members will be invited including the DA provider when commissioned. Sub groups will consider training needs, protocols for CIR reports and the reduction of live cases
- A Local Implementation Manager (LIM) and Deputy have been appointed to be the key point of contact between all agencies and the MOJ who are funding the rollout of Pathfinder in HIOW. The LIM and Deputy will ensure that all agencies deliver on Pathfinder including:
- Liaising with and steering rollout on behalf of MOJ and all agencies.

- Ensuring all local partners are prepared for delivery by arranging training events, facilitating communication and supporting relationships, ensuring that essential protocols are in place and all agencies are ready
- Project Managing Pathfinder to ensure that the Practice Direction and core model are followed
- Establish and organise a Local Implementation Group (and subgroups) which steer delivery, identify and escalate risks and issues to decision makers
- Engagement by establishing effective local relationships to implement Pathfinder
- Supporting the Provision of the commissioning of DA services

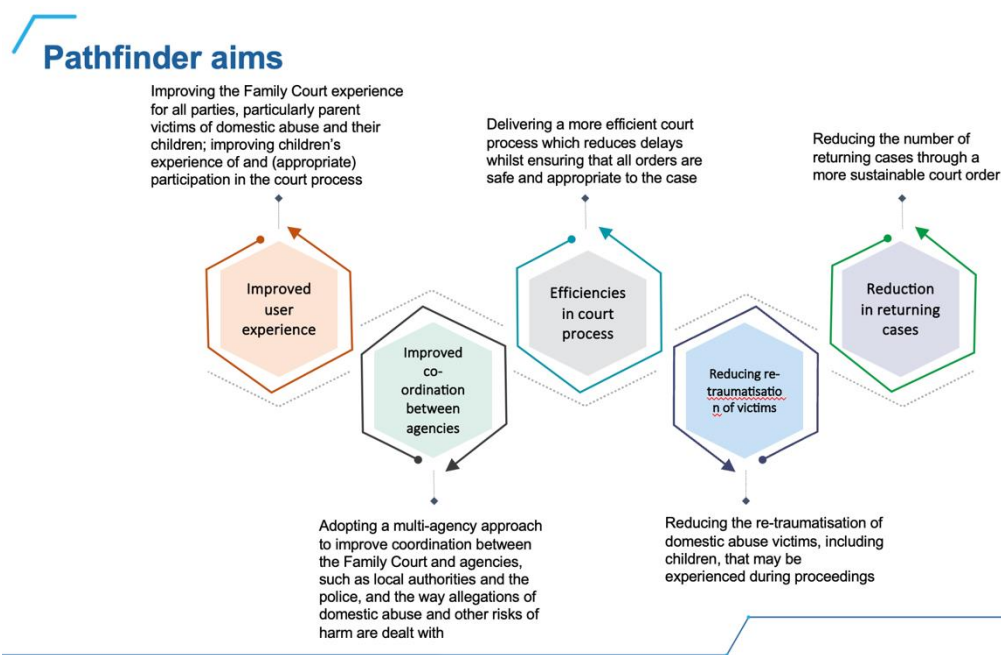
Preparing for Pathfinder: District Judge Samuel

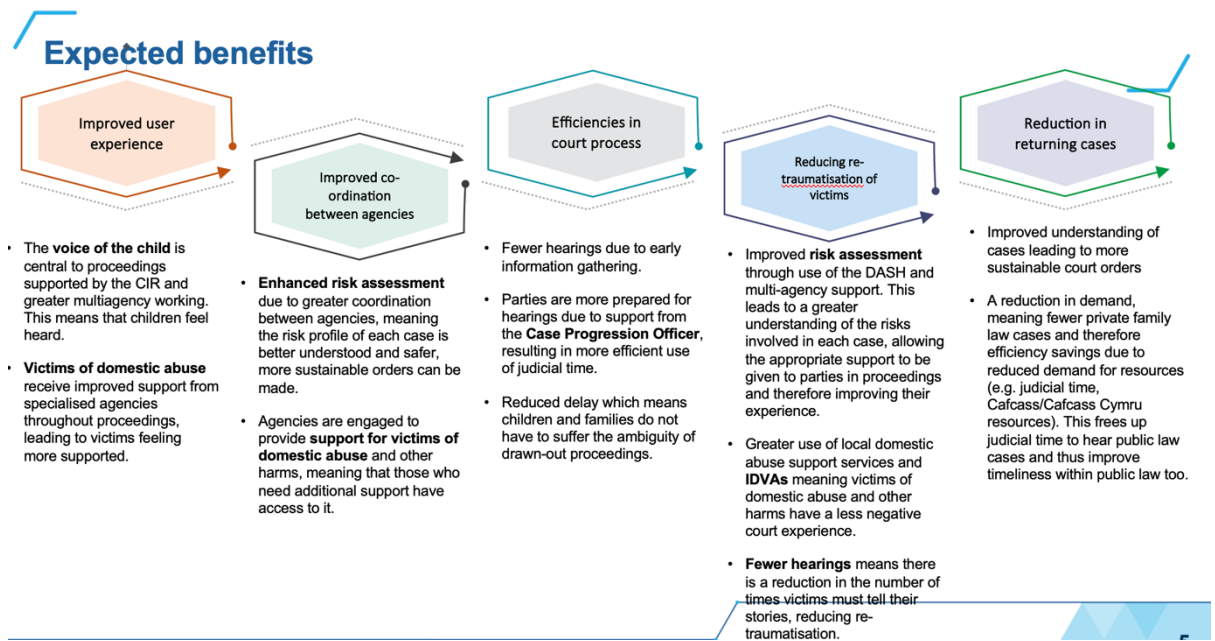
- District Judge Rachael Goodall and I are currently coordinating a process of review hearings for all private law cases in the cluster (Portsmouth, Southampton, Isle of Wight, Winchester, Basingstoke and Aldershot). All cases are being listed for a short hearing to consider whether final decisions can be made at that review hearing whatever timetable might previously have been put in place.
- This is being done because we are required to attempt to reduce (what are described as) legacy cases. But also because it benefits the parties, and more importantly, the children if earlier decisions can be made – provided the right decision is made.
- We recognise that listing cases, sometimes at relatively short notice, places a burden on the parties' representatives and the parties themselves but the benefits of resolving matters at an earlier stage justifies that burden.
- Cases are being listed at a number of the courts in the cluster and are being heard by full district judges, deputy district judges and recorders.
- Funding has been made available so that there are extra sitting days for the review hearing lists and for early final hearings.
- In our experience, making it clear to parties that we will be looking at whether final orders can be made at a review hearing, has meant that parties come to court with the mind-set of trying to do just that – particularly if they have representatives. In all cases we have found that with judicial encouragement and indications it has been able to make final decisions.

- If final orders cannot be made at review hearings, then thought is given to whether an earlier final hearing can be listed or whether a further review hearing should be listed at which it would be possible to make final orders.
- In our experience it has been possible in many cases to make final orders at review hearings. If that does not happen, it is often possible to narrow the issues and find a way to reach a final decision sooner than was originally intended.
- The response from parents has generally been very positive and many are greatly relieved and pleased that a decision has been made to bring the court proceedings to an end.
- The review hearings will continue for the rest of the year and possibly into the new year depending on available resources and the number of legacy cases that remain at the start of 2026.
- If anyone has any questions or comments about the process please feel free to contact DJ Goodall or DJ Samuel.

Pathfinder Training

- 26th November (Portsmouth) & 3rd December (Southampton) Partnership Events - more information to follow.
- For those that can't attend these dates No 18 Chambers will be delivering the training on a date to be confirmed but likely to be early to mid December.





Blitz Reviews

- Feedback from the other areas that have piloted Pathfinder has been that it is more difficult for everyone involved if there are significant numbers of pre-pathfinder legacy cases and pathfinder cases open. Everyone has to work to two ways of dealing with Private Law cases. There is therefore a push to reduce the number of open cases that we have now and any that are issued before go live on 6th January 2026. All agencies are actively involved in reviewing and reducing the number of open cases.
- This means a number of cases are being brought in for review to see if resolution can be achieved earlier.
- I have received feedback from other members of the bar, local solicitors and professionals about the effectiveness of these review hearings. There has been positive and negative feedback.
- I recently attended a meeting with DJ Samuel to discuss the feedback received and the key points arising from that meeting are as follows:
 - The blitz cases are working on the majority of cases and a large number of cases are being settled and the Court acknowledges the pressure this is putting on solicitors and advocates.
 - The Court will moving forward try and give 2 weeks notice for a blitz case - if this is not happening please let me know.
 - Where a blitz review is listed and a final hearing is already listed the final hearing should not be vacated prior to the review hearing. If this has happened

please email details of the case and I will raise with DJ Samuel.

4. Any isle of wight cases that are to be heard on the mainland for a blitz list there will be permission for the parents to attend remotely - this should be included in the standard order now listing the hearing but if it is not the solicitor should email the Judge.

5. If solicitors/counsel think a case is not suitable for a review/bitiz list then an email should be sent to DJ Samuel or DJ Goodall explaining why the case is not suitable for a blitz review and consideration will be given to this.

6. If a section 7 report is due after the blitz review, CAFCASS have said they will speed up their enquiries and if they can give a recommendation for the review hearing they will do so but it may not be in a full report.

7. Judge appreciate the pressure on advocates and will do what they can to accommodate advocates having other cases in the diary that day - please let the Judge know if you need to be done by a certain time to deal with another case. The expectation however is that these review hearings will involve negotiation with the hope of settlement and so will be treated like an FDR/IRH where an indication is given and time allowed to try and settle. This means although the hearing is listed for an hour, if there is scope to settle, the case will be put over to the afternoon and so you may be there for most of the day. Judge's will do what they can to accommodate if an advocate has another case that day as they know there is a shortage of advocates.

8. If a bit longer is needed to try and negotiate the wider issues e.g birthdays etc then let the Judge know and they will try and accommodate this or if an indication would be helpful then ask.

9. Court will be moving on to look at the new cases and so any FHDRAs listed for October onwards are likely to be called in for a blitz hearing if it is to do with a specific issue order or for example if it is just the quantum of time that is in issue with no safeguarding concerns. In those circumstances there will be a direction for parties to file detailed position statements setting out clearly their proposals on the issues eg. Term time, holidays, special occasions etc.

10. If you have any further feedback either now or moving forward or experience any particular difficulties on a case please let me know and I will feed this back to DJ Samuel. I have weekly/fortnightly meetings at the moment on the pathfinder project and legacy reduction so can provide feedback on a regular basis.

Sara Chalk

No 18 Chambers

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