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**REPORT BY THE
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Children and Family Court Advisory and Support Service

Cafcass's response to increased
demand for its services

Summary

1 The Children and Family Court Advisory and Support Service ('Cafcass') looks after the interests of children involved in Family Court proceedings in England. At the request of the courts, it works with children and their families and advises the court on the child's best interests. It provides an independent view of children's circumstances and plays an important part in assisting the judiciary with their decisions about children's futures. In 2009-10 Cafcass supported children and families in approximately 57,000 cases and spent £130 million grant-in-aid. It is a non-departmental public body of the Department for Education ('the Department').

2 Cafcass comprises 21 service areas across England (Appendix Two), organised into three operational regions: North, South and Central. Each service area is led by a head of service, with service managers overseeing teams of family court advisers, almost all of whom are qualified social workers. These teams and their associated family support workers and business support staff work to family proceedings and county courts, and the high court.

3 Cafcass has two main strands of work:

- **Public law:** When local authorities make care applications, Cafcass provides the court with an employed family court adviser or a self-employed contractor, whom the court appoints to represent the interests of the child and to scrutinise the local authority's care plan. Cafcass also has a role in public law non-care cases, including adoptions. In June 2010, Cafcass reported a total of around 15,000 open public law cases at varying stages, including around 12,500 care cases.
- **Private law:** The majority of these cases arise when separating parents cannot agree on contact or residence arrangements for their children. Cafcass family court advisers give advice to the courts on the interests and wishes of the child. In June 2010 there were around 28,500 open cases.

A public law care case ('care case') involves, on average, around three times the work of a private law case.

4 Cafcass is one organisation working within a complex system aiming to safeguard and protect vulnerable children and support families. Its partners include government departments, local authorities, family courts, legal organisations, solicitors and third sector organisations. Cafcass cannot directly control or limit the demand for its services, which is determined by the rate of applications to the courts. Decisions by other organisations within this system affect Cafcass's workload.

The problem

5 Cafcass experienced a significant and sustained increase in demand in care cases from late 2008 following the publicity around the Baby Peter tragedy. Many local authorities became more cautious and more likely to apply for care orders. Research undertaken by Cafcass showed that despite the increase, local authorities were still referring appropriate cases to the family courts. Cafcass received around 34 per cent more care cases in 2009-10 than in 2008-09. In the same period, new private law cases also grew by around 16 per cent. The number of care cases that Cafcass was unable to allocate a dedicated family court adviser within the three days set out in the Public Law Outline (paragraph 1.4) increased greatly, as did delays in providing advice to the courts.

6 Between December 2008 and April 2010 Ofsted inspected ten Cafcass service areas, assessing the overall effectiveness of eight as inadequate and two as satisfactory. Ofsted acknowledged the difficulties that the increase in demand had placed on service areas, but found the quality of case work to be variable and generally low. The Department has been supporting Cafcass's management in its planning and implementation of changes to tackle the systemic quality problems, and improve Cafcass's responsiveness to demand.

7 This report examines whether Cafcass:

- could have forecast the rapid and sustained increase in care cases;
- could have responded more effectively; and
- is prepared for reasonable variations in future demand.

8 We have used a range of quantitative measures (**Figure 1** overleaf), interviews and documentary evidence to evaluate the effectiveness of Cafcass over time, where possible comparing service areas.

Figure 1
Quantitative measures of performance

Measure	Description	Good performance
Cases		
Unallocated cases	Cases referred to Cafcass by the courts, where Cafcass has not assigned a family court adviser to complete the work required.	Low level of unallocated cases; short duration of unallocated time.
Caseload	Average number of cases fully allocated to each family court adviser.	Caseload at reasonable level.
Public law work		
Duty allocated cases	Cases allocated to a duty family court adviser to react to incoming information and review the status, needs and priority of the case at appropriate points.	Low level of duty allocated cases; short duration of duty allocated time.
Fully allocated cases	Cases allocated to a family court adviser to see the case through to completion. Includes producing and executing a case plan and other work or reports requested by the courts.	Minimum delay in full allocations.
Private law section 7 reports on a child's circumstances, prepared by a family court adviser when ordered by the court.		
Timeliness	Proportion of section 7 reports filed by the filing date set by the court.	High proportion of reports filed on time.
Ordering of section 7 reports	Proportion of cases requiring a section 7 report.	Ordering a section 7 report only if required by the issues in the case. A reduction in the ordering of section 7 reports can represent an improved relationship between Cafcass and judiciary.
General performance		
Sickness absence	Average number of days lost per employee through sickness.	Reducing sickness absence levels.
Spend versus budget	Cafcass's spend against its annual budget, set out in advance.	Spend within budget.

Source: National Audit Office

Key findings

Forecasting the increase in demand

9 Neither Cafcass, the Department nor other partner organisations predicted the sustained impact that the publicity around the Baby Peter case in November 2008 would have on demand for care cases. Demand had temporarily increased then fallen back following previous tragedies involving children, and Cafcass and partner organisations expected the same. By April 2009, Cafcass's management concluded that demand was not falling back and that action to meet the sustained high level was required.

10 Cafcass and its partners within the system for safeguarding children and administering family justice do not collectively gather and synthesise intelligence on case numbers on an ongoing basis, nor attempt month-on-month assessments of trends. It is uncertain, however, whether additional knowledge would have enabled Cafcass to predict the persistence of the increase given the lack of a precedent.

11 **We conclude that Cafcass's management could not have been expected to recognise earlier than they did that the increase in demand would be sustained.**

Impact of increased demand

12 The available budget limited Cafcass's flexibility to engage additional family court advisers, for example by employing external staff. Unallocated public law cases built up from around 250 to 1,250 between November 2008 and August 2009. Cafcass increased the caseload of its employed staff. Solicitors reported delays in allocating cases in many areas. Increased costs could result when hearings made less progress than would be the case if the family court adviser had already been allocated; for example in private law cases, some courts commissioned advice from outside of Cafcass. Delays put additional stress on children and their families.

13 In 2008-09 Cafcass spent £3.6 million more than its original budget allocation of £114.9 million. The Department re-profiled Cafcass's funding in September 2009, bringing forward £4.6 million from future years to cover the overspend in 2008-09 and additional demand in 2009-10. The Department provided a further £2.5 million for the London area and for management restructuring. In November 2009, Cafcass sought approval for a predicted overspend of £2.3 million in 2009-10. The Department gave approval, accepting that Cafcass had taken steps to improve its capacity.

14 We conclude that the budget increases were a necessary consequence of Cafcass's efforts to meet the increase in demand.

Response to increased demand

15 Though Cafcass has experienced fluctuating demand over its nine year history, the increase in demand from autumn 2008 was unprecedented. Cafcass was formed in 2001 from three bodies, (the Family Court Welfare Service, the Guardian ad Litem services and the children's division of the office of the Official Solicitor) with different cultures and working practices. Practices still differ between areas and standard management requirements are not always complied with. For example, at 15 July 2010, four of the twenty-one areas had still not submitted business plans for 2010-11 to the Director of Finance. Cafcass only introduced a systematic performance management framework in October 2008. Around the same time as Cafcass had to cope with the increased demand for services, around 150 employees left or chose to retire following assessment of their performance as poor.

16 Cafcass and other organisations working in the family justice system are interdependent and Cafcass's response to the problems caused by increasing demand needed to complement actions by partners in the system. Cafcass began revising its operating priorities, at the same time as the former President of the Family Division developed Interim Guidance to judiciary.

17 In August 2009 Cafcass issued revised operating priorities to local service areas which sought to reduce work on cases to a safe minimum. Following the development of local arrangements, these took effect from 1 October 2009.

18 The President's Interim Guidance also took effect from 1 October 2009. It set out temporary arrangements, for example, to prioritise new and delayed cases according to the welfare needs of children, and to limit the amount of work courts requested of family court advisers to levels proportionate to the issues in each case. The speed and form of the implementation of the Interim Guidance was tailored by local judiciary. Cafcass supported them by providing comparative statistics to illustrate variations in the amount of work requested of Cafcass by different courts. In the majority of areas judiciary implemented the Guidance fully. In a few areas local arrangements took longer to agree, reflecting local circumstances, and in some of these, arrangements have yet to be fully implemented. The President will not extend the Interim Guidance beyond September 2010.

19 Cafcass's data record that the proportion of unallocated cases fell from peaks of around 9 per cent of care cases in August 2009 and 35 per cent of private law cases in May 2009, to 2 per cent of care cases and 5 per cent of private law cases in June 2010. The reduction is due to initiatives including the revised operating priorities, the President's Interim Guidance and the increasing use of duty allocation in some areas. Improvements vary between areas. The proportion of unallocated public law cases has returned to pre-autumn 2008 levels.

20 Though duty allocations in care cases provide a means for managing demand, they are unpopular with some Cafcass staff, courts and local authorities, because work on a case assessed as relatively low risk may be delayed. Ofsted inspections and Cafcass's own audits have raised concerns about the effectiveness of some areas' duty procedures.

21 In private law, judicial cooperation in reducing the proportion of cases where a report is ordered under section 7 of the Children Act (1989) appears to have contributed to improving Cafcass's capacity, but this is not reflected in the other measures of its performance that we have examined, for example timely filing of section 7 reports.

22 Cafcass has now improved its capacity to manage the increased caseload. In our view, however, Cafcass had not achieved the organisational cohesiveness required to put it in a strong position to respond as demand increased. Cafcass could have reacted more quickly and cost-effectively had management made more and faster progress in resolving the organisational challenges they were aware of prior to November 2008.

Meeting future demand

23 Cafcass continues to face an enormous challenge. The number of open care cases, which require the greatest work effort, is steadily building. By June 2010 Cafcass was working on more than 4,600 (44 per cent) more open public law cases than in November 2008. Cafcass estimates that on average, for every extra month in the duration of a care case, staff must input an extra ten hours of work effort.

24 At the same time Cafcass is undertaking a major programme of service reform. In mid-2009, the Department commissioned a review of Cafcass to assess the gap between its current capacity and that needed to meet the increased demand, and to recommend a course of action to improve efficiency. Subsequently, Cafcass has brought together current and new initiatives into a single transformation programme. The Department granted Cafcass £10 million to begin delivery of the programme in 2010-11.

25 The transformation programme will require substantial changes to the way family court advisers work but the communication strand of the programme lacks detail and was the last to be developed. Staff morale is good in some service areas but remains low in others. Cafcass has developed existing managers and brought in new managers with the required skills in supporting teams, although some areas still lack leaders with the ability to help staff through change.

26 Cafcass's staff had a high sickness absence rate in 2009-10 of around 11.6 days on average, an increase of 2.2 days since 2007. Family court advisers missed 16.1 days each on average in 2009-10 – 17,000 days in total. Cafcass has recently begun to address long-term sickness absence.

27 Historically Cafcass only recruited experienced social workers and now 12 per cent of staff are approaching retirement. Cafcass's response is to develop a broader workforce strategy including a three-year development programme for newly qualified social workers, and increasing the number of family support workers to 85.

28 Throughout this report we have used Cafcass's case management data for our analysis. Cafcass has found variations in accuracy in its data audits, Ofsted has observed significant examples of data being incorrect, and we identified varying levels of accuracy in our own validation exercise. While data quality is improving and in our view the data are useful for identifying trends, caution should be exercised in the use of absolute values.

29 The widespread use of paper records in the family justice system limits Cafcass's ability to make optimal use of IT. Cafcass management also have substantial concerns about the fitness for purpose of the main office IT systems, sponsored by the Cabinet Office and run by external contractors. These factors hamper Cafcass's use of IT in its efforts to monitor performance and improve its management and cost effectiveness.

30 Cafcass is now implementing changes that should allow it to better deal with future demand fluctuations. It needs to improve the planning and communication of the changes, and overcome continuing difficulties with management information, IT systems, and in engaging all staff.

Conclusion on value for money

31 Cafcass has had to cope with a very large growth in demand for its services, and the consequent cost increases do not represent a failure of value for money. However, management had only partly resolved known organisational challenges by the time demand started to increase in November 2008, which restricted its ability to respond as efficiently and effectively as it otherwise could have done. To this extent Cafcass was not well placed to deliver good value for money, and the negative impact of the increase in demand on Cafcass's performance could have been less.

Recommendations

32 Our recommendations are framed around the further work needed if Cafcass is to meet the challenge it still faces and better serve the children and families it supports.

- a** **To be successful the transformation programme requires greater organisational cohesiveness and improvements in staff morale.** Increased workload and high pace of change in working practices over recent years have undermined the morale of some staff, some of whom already had low levels of affiliation with Cafcass. The communication plan for the transformation programme, not yet well developed, is essential to win the confidence of staff. There must be clear communication of the rationale for and implications of the programme, and opportunities for staff to shape implementation.
- b** **Sickness absence remains high.** Managers must provide the high level of staff support needed to manage the tensions inherent in their jobs and the changes they are experiencing. Cafcass should include important related indicators such as staff retention and sickness absence as part of managers' individual accountability.
- c** **Relationships with partner organisations are good in some areas but poor in others.** Areas where relationships are good should pay particular attention to sustaining them, and especially to preserving improved working with the courts when the President's Interim Guidance ends. Cafcass should work with partners to improve relationships in other areas through a combination of developing its managers in building relationships and increasing the timeliness and quality of service, so that Cafcass is seen as a reliable and trusted partner.
- d** **Cafcass faces continuing high demand for its services and pressure to improve responsiveness.** The Department should consider whether it requires additional, formal indicators to oversee Cafcass to add transparency to existing monitoring. All service areas should undertake effective business planning, including contingency planning for challenging scenarios.
- e** **Cafcass's data accuracy needs further improvement to strengthen the reliability of management information and performance indicators.** The Department should request an assessment of Cafcass's data accuracy. Cafcass should make the accuracy of case management data a high priority. Service managers should hold Cafcass staff accountable for data accuracy in supervision sessions.