

PA Consulting Report (October 2009) – Cafcass Issues Analysis

October 2010 Update

This update report is intended to provide information about the progress made by Cafcass in the year since the PA Consulting 'Issues Analysis' report was provided to the David Bell, the Permanent Secretary of Cafcass' sponsoring Department (the Department for Children, Schools and Families (now the Department for Education (DfE)). The update follows the headings used by PA Consulting in its report (which may be accessed via the [DfE website](#)).

1. Introduction

No update needed.

2. The context: the delivery environment

Since the publication of the report, Cafcass' statutory remit has been unchanged, though the Family Justice Review panel, which is due to publish its final report in Autumn 2011, may well recommend change. However, there have been changes in the wider delivery environment.

In particular, the President of the Family Division has published an 'Agreement' (to last one year from October 2010 – relating to the judicial management of care cases) and has implemented his revised Private Law Programme (and linked Practice Direction). Local arrangements established under the now-supplanted 'Interim Guidance' are continuing in many areas, in the light of the improvements in local communications and performance that have been facilitated by the arrangements. There is current uncertainty about the contractual arrangements through which the LSC commissions publicly-funded legal representation for adult and child parties.

3. The problem: increases in backlogs of work and a shortfall in resources to address these

The 35% increase (between 2008-09 and 2009-10) in new care cases has slowed, with April – September 2010 experiencing only a 3.8% further increase on the same period in 2009. Private law application volumes are now falling slowly. Both private and public law case backlogs are substantially reduced (care cases – 130 at end of September 2010, down from 741 cases in September 2009). Duty allocated care cases are also falling (727 at end of September 2010, down from the 1,121 peak in May

2010). Fully allocated care case numbers are at an all-time high (11,986 at end of September 2010, up from 9,415 in September 2009).

The timeliness (and speed) of provision of private law reports is also improving. As the table below shows, most late filed reports are only a few days late, which does not prevent the planned court hearing going ahead. 239 reports (out of 5,469) were filed 11 or more working days late in the period April to September 2010. Late filing occurs much less often in those court areas where the frequency with which reports are ordered is at or below the national average level, as this enables Cafcass to ensure that timely filing takes place in the vast majority of cases.

Section 7 reports filed between 1st April - 30 September 2010

Section 7 report type	Total reports filed	Total filed on time		Total filed late		0-5 days late		6-10 days late		11-20 days late		21-30 days late		31-40 days late		41+ days late	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Multiple Issue	1,516	910	60.0%	606	40.0%	369	60.9%	104	17.2%	68	11.2%	33	5.4%	13	2.1%	19	3.1%
Single Issue	2,035	1,285	63.1%	750	36.9%	433	57.7%	131	17.5%	83	11.1%	45	6.0%	27	3.6%	31	4.1%
Wishes and Feelings	1,615	1,072	66.4%	543	33.6%	320	58.9%	91	16.8%	78	14.4%	29	5.3%	13	2.4%	12	2.2%
Risk Assessment	303	211	69.6%	92	30.4%	46	50.0%	19	20.7%	10	10.9%	10	10.9%	6	6.5%	1	1.1%
Total	5,469	3,478	63.6%	1,991	36.4%	1,168	21.4%	345	6.3%	239	4.4%	117	2.1%	59	1.1%	63	1.2%

The DfE Secretary of State has established Key Performance Indicators for 2010-11 in relation to the timeliness of section 7 report filing.

The stock of open private law cases is reducing, with Cafcass having closed, during the past year, more than 500 additional cases than it has opened. However, the combination of the continuing rise in the number of new care applications and the slowing rate at which courts are concluding cases has resulted in the total care case workload (all allocated types) increasing from 10,627 in September 2009 to 12,843 in September 2010. Though three of Cafcass' 21 Service Areas report no overall growth across this period, a key current challenge facing the family justice system is the need to balance incoming and outgoing flows of care cases in all areas.

Cafcass is fully on track to meet the DfE's productivity requirements at national level. In private law work, the number of case closures has, for the past three months, been running ahead of the number of new cases, with the result that the overall stock of private law cases being dealt with is reducing. Further local action is needed in most areas to narrow the capacity gap arising from volumes of care cases currently before the courts.

4. The levers through which Cafcass can reduce the ‘resource gap’

Cafcass has sought to utilise all of the potential levers identified by PA Consulting. The revised private law practices have enabled earlier first hearings, which are routinely attended by Cafcass court duty officers and have available to them the results of pre-first hearing work to obtain safeguarding information and to screen cases for risk and harm concerns. This has, in turn, enabled the courts better to focus their requests for post-first hearing reports, and to make much greater use of specialist separated parents information programmes (900 used in 2009-10, with 12,000 expected in 2010-11).

Capacity is being improved by reductions in staff sickness levels. The current sickness rate for Family Court Adviser staff is running at a rate of 13 days a year in 2010-11, with the trend suggesting there will be future improvements (in 2009-10, the figure was 16 days). Early intervention has been of assistance in responding to sickness absence, with 95% of staff who are absent for 20 days or more now being referred to occupational health.

A (Future) Operating Model, in the form of a brief manual, is being developed during 2010-11 (funded by the Transformation Programme) to ensure that there is clarity and certainty about Cafcass’ operational processes, many of which are in the process of being simplified. For example, the frequency with which the performance of most staff is assessed is being halved, and the number of performance descriptors against which they are assessed has been reduced by two thirds. A workload weighting system is being developed, in partnership with trade union partners (to replace the current 2004 model), to ensure that there is fairness in workload allocation practices between and within teams, and that individuals and teams work within agreed limits, in terms of workloads.

4. The enablers: improved change management and the tackling of barriers to change

Throughout 2010-11, a formal Transformation Programme is in place, with specific DfE funding, underpinned by formal programme management disciplines across each of its strands. These comprise nine individual projects, which are subsumed within two lead projects the Future Operating Model and the National Business Centre.

The ‘engagement’ strand is of particular importance, though active involvement of frontline staff is an element of all programme strands. Staff are actively involved in focus groups and workshops, to assist the shaping of tools to reduce bureaucracy and improve consistency in practice – such as

developing an Electronic Case File. The 'Exchange', a two-way monthly briefing process, has been introduced to improve communication and promote feedback.

5. The system: improving capacity through a coordinated multi-agency approach which addresses system-wide issues

Both the Government (in particular, through new local performance monitoring groupings) and the President of the Family Division (through the new Private Law programme and 30 September 2010 (public law-focused) 'Agreement') are helping to address system-wide capacity issues. However local leadership and involvement, both by Cafcass and others, will be essential if the potential benefits of these initiatives are to be fully realised. The new 'Agreement' is to be supported by the quarterly provision to local areas (and the 40 Designated Family Judges) of combined Cafcass/HMCS performance information.

The continuing increases in care case durations (average 57 weeks), together with the linked increases in the 'stock' of care cases in 18 out of 21 Service Areas, remains problematic for Cafcass and others. The President's recent judicial guidance about active judicial case management and continuity is a particularly important and welcome initiative. If implemented, significant further inroads can be made into the remaining aspects of the 'resource gap' identified by PA Consulting.

6. The response: both by Cafcass initiatives and those by others (Cafcass, the Department and partners)

Cafcass has derived most of the potential benefits from the initiatives under way in autumn 2009. Some, such as public law duty advice systems, are in the process of coming to an end, while others, such as the National Business Centre and the (Future) Operating Model/Manual, are still being developed and implemented. Others, such as performance management and leadership development programmes, are necessarily ongoing in nature. The proposed wider 'system reform' is currently being explored by the Family Justice Review panel, chaired by David Norgrove. Cafcass is active in providing evidence and information to assist the work of the reviewers.