



Cafcass Prioritisation Protocol

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1. **CONTEXT – the reason for this protocol**

- 1.1 The current level of demand in private law coupled with the reduced throughput and slower disposals in the family courts, means that the caseloads of too many Family Court Advisers (FCAs) have been building up to unsafe levels; unsafe for staff in terms of their health and wellbeing as well as potentially unsafe for children in terms of the impact on the quality of practice and decision making. While the current delays and excessive volumes are a whole family justice system challenge, the risks arising from both the quantum of work and the ability of the system to process it falls disproportionately onto Cafcass. This is because the applications that we are ordered by the courts to work on represent open active work to our social work practitioners. We are an important point of contact for families and children in distress and we are having to manage the decisions and incumbent risk associated with prioritising the highest ever number of open active cases. It is unlikely that the backlog and the pressures, which have been amplified by the pandemic, are going to be resolved in the foreseeable future without high levels of investment in capacity and changes in ways of working. Until that time, we are taking considered action to bring down FCA caseloads to an acceptable level and reduce the caseloads of Practice Supervisors so that they can supervise practice and support improvements in the quality of practice.
- 1.2 This protocol sets out the consistent approach we will take when, on the basis of management information we review monthly, that we will no longer be able to maintain safe caseloads and associated quality assurance within a service area without seeking extensions from the court. It sets out an approach to working with

the courts when we are no longer able to meet agreed timescales and provides an outline of our intention to work collaboratively and constructively with local partners to do three things:

- a) assess whether amendments can be made to local ways of working which will avoid the need for prioritisation;
- b) agree local arrangements for how prioritisation can practicably be implemented in the local context; and
- c) develop a plan for reducing the backlog and deactivating prioritisation.

1.3 The intention is to communicate effectively with the court and with families and children (where their age makes this appropriate and possible) so that both families and the court are clear about what we will do and when we will do it. This will help the court to make orders which are feasible. It applies to all Cafcass public law work and private law work after the first hearing. Whilst public law demand is not rising at anything like the rate of private law (a sustained 6% year on year, other than the dip in new demand experienced in Q1 only of 2020/1) the work is still affected by the ability of the family courts to cope with and make final disposals which are often characterised by long and complex hearings. It is unlikely this will change for the foreseeable future. Whilst public law work is categorised as high priority work (and therefore with only specific exceptions described in the table below, will always be prioritised for prompt allocation) in respect of the needs of the children and the risk and extent of harm they live with in their lives, it remains important to consider this work in the context of other decisions managers will be making where demand outstrips our capacity to allocate work safely.

2. SUMMARY

Summary for children & young people

Our job is to understand what life is like for you and to help the court to understand. We need to know what is important to you and how what is happening in your family is affecting you. We need to know how you feel and what you want to happen, so we can advise the courts on the best plan for you. To do that well your Family Court Adviser (FCA) needs to have enough time to get to know you and to listen to you. That has been getting more and more difficult because our FCAs have more children to help now than they did a year ago, before the pandemic. We have been talking to the judges in your area about this and we have had to make difficult decisions about which children and families the courts want us to help we should work with first. We need to work first with those children who may no longer be able to live safely with either of their parents. We know other situations can be upsetting too, and we are so sorry that this means you may have to wait longer before we can arrange for an FCA to see you. But we are still here for you. If things are getting so bad that you need someone to talk to, especially if you don't feel safe, you should contact [Allocation Hub Business Services Officer] who will arrange for someone to talk to you about what is happening and get in touch with the courts about what should happen next.

2.1 Cafcass has operated a duty allocation system for many years in order to enable the flow of allocation to FCA in a timely way. Cases held on duty are overseen by qualified social workers who can prioritise and manage the pressures and capacity safely. They provide families with a single point of contact whilst their case

awaits allocation. Service managers oversee the duty allocation system alongside a system of duty officers who will speak to families and attend urgent court hearings or provide absence cover when this is required.

- 2.2 Since the start of the pandemic in March 2020, the number of cases held on duty has risen and it is taking longer to allocate some private law cases to an FCA. This is attributable to rising demand, longer case durations and slower throughput in the courts which has resulted in a 25% increase in open active work in the 12 months following the first national lockdown. A number of steps have been (and continue to be) taken in collaboration with our Family Justice System partners to seek collective responses to these challenges so that the best use can be made of Children's Guardians and Family Court Advisers. However, we have reached the point where it is becoming increasingly difficult to allocate work from the duty system in a timely way because the caseloads of FCAs are too high. We have also exhausted the capacity of practice supervisors because many of them are holding too many cases for them to provide sufficient practice supervision and support practice improvements. Some of our duty systems are, therefore, becoming saturated.
- 2.3 In order to respond to this growing challenge, Cafcass is putting in place a fair and transparent system for holding cases that cannot be allocated in a timely way. This system may be activated in a particular area by the Cafcass Covid-19 Board following consultation with family justice system partners and a Challenge Meeting to ensure that everything that can be done has been done to maintain the timely allocation of cases. This system will ensure careful consideration of the welfare of the child along with openness with the courts, advocates, children and families and regular communication about the progress of the case to allocation. Additional funding has been secured from the Ministry of Justice to establish regional 'Allocation Hubs' to hold less urgent work (see Annex A) that cannot be allocated within a reasonable timescale. This will help to ensure that the established duty system can continue to be used for public law care cases and private law cases where there are concerns about the welfare of a child.
- 2.4 Cafcass cannot in law restrict the amount of work that it is asked to do by the courts. The Child Arrangements Programme provides a structure for initial safeguarding in all Child Arrangements Order (CAO) applications and Cafcass has committed to continuing to undertake that initial assessment in those cases. There are some limited options within the Child Arrangements Programme for dealing with circumstances where capacity to undertake work does not meet demand. The court can subsequently make an order for a report to be prepared under section 7 and, if the court specifies a date for the filing of a report, Cafcass currently may write to the court to seek more time to do so. These extensions of time to provide a report will become more frequent because children are prioritised in terms of the likely risk of or actual harm to them rather than on the basis of being the first in time. The appointment of 16.4 guardians may not be allocated within the timescale of the proceedings and the Family Procedure Rules provide for an alternative. A number of additional flexibilities have been negotiated at local level, for example under Practice Direction 36Q.
- 2.5 This prioritisation document sets out an approach for handling those applications which cannot be allocated immediately to undertake work directed by the court after the safeguarding letter has been received by the court. There is no intention to ignore the direction from the court for a report, for example, but there will be a delay. This protocol does not recommend or instruct our staff to ignore court orders but instead to identify those children where we have concluded that there is less or no risk of harm to them. For these children and families we will work with the courts to agree a revised timetable that is achievable, taking account

of Cafcass' squeezed capacity to undertake the work, and therefore set realistic timescales for completing reports without need for further extensions other than in exceptional circumstances. The courts will be able to seek to clarify the decision making and will be able to overrule the decision to delay allocation. This protocol sets out the arrangements we need to ensure resources are placed where they are most needed and we hope to act with robust communication, strong leadership oversight, collaboration, mutual respect and ultimately in the best interests of children, their families and carers. Whilst the prioritisation system will be de-activated as soon as the measures taken to manage workloads have taken effect, it is the view of the Cafcass Covid-19 Board that the option of this system will be required – alongside other recovery measures for the family justice system as a whole - until the proposed private law reforms divert demand away from the family courts and/or enable more efficient use of the family justice system.

- 2.6 The development of the protocol has been shared with members of the senior judiciary and Cafcass recognises that the decisions about what work is necessary in response to applications to the family court are judge-led and Cafcass is not seeking to usurp the role of the court. Cafcass does not want to act in contempt of the court and ignore the direction for a report for example, but there will be a delay in being able to comply. The intention is to work with the judiciary so that when orders are made, they are done so in consultation with Cafcass about the risk, the urgency, and the timescale. The expectation is that Cafcass and the judiciary will work collaboratively, recognising the need to prioritise those children who are most at risk while maintaining a robust system of review of those cases which are delayed, and allowing for every case to be moved into a higher priority if the need arises. However, ultimately case management will remain a judge-led function.
- 2.7 Cafcass acknowledges that the decisions of the court will dictate the progress of the application and the protocol includes reference to the procedure whereby the court can challenge the decision to defer allocation of a particular case. Unless there is a change of circumstance resulting in a revised order from the Court, Cafcass expects those cases which are referred to the Allocation Hub will be substantively allocated within 20 weeks, following which Cafcass will ensure the work ordered is prioritised for completion in a focused way. It is essential that families who have had to wait for their case to be allocated to a Family Court Adviser are not subjected to further delay so there will be no further applications for extensions at this point, unless there are truly exceptional circumstances.

2.8 This protocol and annexes set out:

1. The principles and national standards underpinning prioritisation
2. Process for activating prioritisation in a local area
3. How an Allocation Hub will operate, including oversight of cases and communications
4. How Allocation Hubs will be monitored and de-activated

3. PRINCIPLES AND NATIONAL STANDARDS UNDERPINNING PRIORITISATION

3.1 In developing this protocol and prioritisation matrix, the following principles have been developed through discussion with our partners:

- a) The need for a prioritisation system is understood and agreed by family justice partners on the basis that there is a need for an upper threshold to practitioner caseloads in order to maintain the safety and quality of work in the interests of children, alongside a need to protect Service Manager and Practice Supervisor capacity to support and oversee the safety and quality our work.
- b) The prioritisation system must not become a permanent structural or cultural feature of the family justice system.
- c) Case-management remains a judge-led function, drawing on the advice of Cafcass and other family justice professionals about the needs of the child and family.
- d) Courts will take into account the available resources of Cafcass locally when ordering work by FCAs.
- e) Courts will consider Cafcass advice on its capacity and ability to meet the court timescale.
- f) Courts will consider the assessment of Cafcass as to the relative priority of the case before ordering work.
- g) The decision to activate an Allocation Hub will only be made following consultation with the relevant Designated Family Judge(s).
- h) An Allocation Hub will not be implemented – i.e. with some cases held in the Hub rather than allocated to an FCA - unless and until all measures to reduce workloads in a short timescale have been explored and tested.
- i) Public law care and supervision applications will be exempt from this system
- j) The prioritisation system will be subject to some national standards (see Para 3.2 below) to support a consistent approach, but will be tailored to the local context, through negotiation with the local judiciary and courts.
- k) While it accepted that implementation of prioritisation means delay for some children and families, Cafcass will work with courts to ensure that there is as much certainty as possible about revised timescales. There will be clear communication to children and families affected about the implications for their case
- l) There will be a clearly defined route to challenge through the courts, namely by the parties to proceedings making an application to the family court.
- m) The operation of the protocol will be reviewed, and learning shared with the National Recovery Group

3.2 The prioritisation system will be subject to the National Standards to support a consistent approach:

- i. Only cases in priority categories 2,3,4 (as set out in Annex A) can be transferred into the Hub providing that the following features are either not present or remain unresolved:
 - o Significant risk is present that needs assessing
 - o Connected children who require safeguarding
 - o Unclear arrangements that may be unsafe for the child
 - o Diverse or specific needs of adults or children that may increase vulnerability (such as significant mental health needs)
 - o I6.4 is likely to be necessary or a view on this has been requested
 - o I6a or referral to LA has been felt appropriate by EIT

- ii. The maximum period a family will remain in the Allocation Hub before being allocated to a substantive Family Court Adviser will be 20 weeks
- iii. The maximum filing time for a s7 report will be 26 weeks from point that the requirement is communicated to Cafcass by the court. Extensions will only be sought in exceptional circumstances and with at least 4 weeks' notice.
- iv. Children and families affected will receive a letter from Cafcass within five working days of a decision to allocate their case to the Hub. This will explain offer reassurance that the children and family are important to us, that there will be oversight of the child's case and will provide detail of the process for this. It will provide details of who to contact for advice, if they have a concern or wish to share information. Where appropriate, it will offer a referral to the Separated Parents Information Programme. It will also provide the date when they will be contacted again to give an update.
- v. The child (age appropriate) and family members will be updated at least every 6 weeks on progress towards substantive allocation to a named FCA.
- vi. All cases held within the Hub will be reviewed a minimum every 2 weeks by the Practice Supervisor. According to the risk/RAG rating a child's case may be reviewed more frequently. The review will be recorded in the contact log and will provide the rationale for the case remaining within the Hub.
- vii. Receipt of an alert on a child's file will trigger a review within one working day and appropriate action, which may result in a change of Priority Status and transfer back to the local team for substantive allocation.

4. PROCESS FOR ACTIVATING PRIORITISATION IN A LOCAL AREA (see annex B for flow chart)

4.1 Senior operational managers in Cafcass regularly review a range of data to assess whether the capacity of a local area is becoming saturated and provide an early warning system where it is becoming increasingly difficult to allocate cases safely. This data set includes:

- Current demand (average over last 4 weeks) compared to the average for the last 6 months
- The numbers of cases held on duty and the average days taken to achieve allocation
- The proportion of FCAs with over 25 cases
- The capacity of Service Managers to provide management oversight of the quality of practice and decision-making
- The capacity of Practice Supervisors to provide practice supervision
- A staffing summary of leavers and starters
- The impact of high caseloads and increasing demand on the quality of practice and decision making as assessed through routine quality assurance audits of casefiles and through management oversight of case plans and case closures.
- The budget forecast

- 4.2 This data set is scrutinised by the Director of Operations who provides a monthly update to the Cafcass Covid-19 Board on the overall pressure and capacity across all 8 Cafcass regions, including any recommendations to hold a first Challenge Meeting. The Director of Operations will make a recommendation to the next available Cafcass Covid-19 Board to hold a first Challenge Meeting if the situation is becoming untenable (in that the local area can no longer allocate cases in a timely way without overwhelming FCAs). Prior to so recommending, the relevant Cafcass Assistant Director will have met with local leadership judges to share the data set out above and to explore ways of reducing demand on Cafcass. The Cafcass Covid-19 Board makes the final decision to hold a Challenge Meeting, giving the Assistant Director and the local management team 2-3 weeks to meet and consult with the FDLJ, local DFJ(s) and HMCTS. The President of the Family Division is informed about the pending risk of prioritisation in a local area(s). Once a first Challenge Meeting has been held, it would typically take at least a further 7 weeks before cases start to be held in an Allocation Hub, including a Checkpoint Challenge Meeting to assess the impact of measures to reduce workloads.
- 4.3 Local judicial consultation prior to the first Challenge Meeting will involve the relevant Cafcass Assistant Director setting up a meeting to review relevant local data to explain the specific capacity issues; identify possible solutions and develop a draft local response plan. The local response plan should include the adoption of relevant measures set out in the President’s ‘Private Law Ways of Working’ guidance [forthcoming] and might include additional targeted action to review case lists – for example those held on duty prior to allocation, and cases where Cafcass has completed its work and has been ordered to attend a future hearing – to reassess whether Cafcass involvement is still essential.
- 4.4 The first Challenge Meeting is held between the Cafcass Director of Operations, the relevant Cafcass Assistant Director, and the local Cafcass management team. It provides the local management team with an opportunity to:
- Set out all the measures they have taken to respond to the data reviewed by the Cafcass Covid-19 Board prevent prioritisation. Explain any further measures planned as a result of consultation with local partners (with timescales)
 - Assess the potential of the measures being taken to prevent prioritisation within a reasonable timescale
 - Consider the options and alternatives to prioritisation (within available resources)
 - Prepare a report to the Cafcass Covid-19 Board with a recommendation on whether or not to activate prioritisation
- 4.5 The report is considered at the next meeting of the Cafcass Covid-19 Board and a decision is made whether or not to activate prioritisation in the local area. If the decision is taken to activate, a minimum of 5 weeks is given for the Chief Executive to inform the Cafcass Board, the President of the Family Division, the Ministry of Justice, Her Majesty’s Courts & Tribunals Service and Ofsted. The Assistant Director uses the 5 weeks to liaise and work with the local DFJ(s) and other relevant partners to continue to work on local plans to reduce the workload pressures in a way that enables Cafcass to allocate cases safely within normal timescales.

Notification letters to: Cafcass Board, PFD, MOJ, DfE, HMCTS, Ofsted, ADCS (national)	Chief Executive
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Notification to: local FDLJ, DFJ(s) and local authority Director(s) of Children’s Services & ADCS (regional). Liaise with DFJ(s) to agree approach for wider local communication, including LFJB.	Assistant Director
Meetings with: local DFJs and senior judge(s), local authority Director(s) and Assistant Director(s) of CSC	Assistant Director

- 4.6 At the end of the 5 week period, a Checkpoint Challenge Meeting is held to enable the Director of Operations to ascertain whether there has been a significant improvement in the situation, and then advise the next Cafcass Covid-19 Board whether to confirm that the Allocation Hub should now be opened and start to take cases from the existing duty system or whether the decision can be deferred. The Cafcass Covid-19 Board meets on a Friday and if the decision is to proceed, implementation will be a minimum of 2 full weeks later to allow for local arrangements to be finalised and for the issue of final confirmation letters, briefing of local judiciary and courts. A period of at least 3 weeks between the Checkpoint Challenge Meeting and the opening of the Allocation Hub allows for final decision-making, communication and preparation to take place. This means that the period from initial decision by Cafcass Covid-19 Board to hold a first Challenge Meeting, to the final decision to open an allocation hub is likely to be 10-12 weeks and may be longer.
- 4.7 It is recognised that activating the prioritisation protocol in an area will mean delay for some children and families. It is for this reason that it will only be deployed when there is clear evidence that demand exceeds capacity and all other options have been exhausted, short of overwhelming FCAs with unsafe caseload levels and undermining the capacity of service managers and practice supervisors to provide the necessary levels of management oversight and supervision. The arrangement will be kept under constant review by Director of Operations with regular reports to the Cafcass Covid-19 Programme Board so that any unintended consequences can be addressed and Cafcass can respond flexibly to any change in circumstances.

5. OPERATING ARRANGEMENTS

- 5.1 The Operating Model for an Allocation Hub incorporates national standards for overseeing children's cases and communicating with courts, advocates, children and families. The allocation of public law care and supervision applications are not affected by this protocol. An Allocation Hub is staffed by a social work qualified Service Manager or Practice Supervisor and a Business Services Officer, who are accountable on a day-to-day basis to a Head of Practice. Cover is provided by the local management team and the operation of the Hub is monitored by the Assistant Director. The social work qualified staff undertake dynamic risk assessment of children's cases, following triage by the Early Intervention Team and again following the First Hearing and Dispute Resolution Appointment. The staff monitor additional information, including any alerts to changes in circumstances that could affect the welfare of the child. The priority status of the case can be changed and passed back to the local team for allocation in the normal way. No case will remain in the Allocation Hub for more than 20 weeks, after which work ordered by the court will be completed within a maximum of 6 weeks. Our preference is to agree local arrangements where a realistic filing time is agreed with the court at the outset, so that there is as much certainty as possible for all concerned and especially children and families.
- 5.2 It is important to note that the court retains the ultimate responsibility for the progress of the application and the prioritising of those cases which Cafcass assesses as those where the child is at risk is only feasible with the support of the court. It is hoped that there will be collaborative decision making and regular communication between Cafcass and the court about cases which remain in the Allocation Hub. Cafcass remains bound by court orders and if the court disputes the risk assessment undertaken as part of the prioritisation process, it is the courts assessment which prevails. Where the court appoints a 16.4 guardian Cafcass will confirm with the court the likely timeframe for allocation in order for the court to consider alternatives.
- 5.3 Regular discussions will take place between the Assistant Director and the local DFJ(s) to monitor the impact of agreed measures to reduce demand pressures and to keep the courts appraised of the current and near future capacity of Cafcass to get back to normal arrangements.
- 5.4 The Operational Director will provide an update monthly to the Cafcass Covid-19 Board on the operation of the Allocation Hub, the impact of any additional measures intended to reduce demand pressures and progress towards de-activating prioritisation. This forms part of the Operational Director's monthly update to the Covid-19 Board summarising pressure across Cafcass operational areas, focusing in particular on any areas that are likely to require a Challenge Meeting to assess the need for prioritisation, and those areas where an Allocation Hub has been opened.
- 5.5 In addition to providing the President of the Family Division with regular updates, the Chief Executive will provide the Cafcass Board and the National Recovery Group with a monthly summary of the prioritisation status of each Cafcass Service Area and will alert them if a decision to hold a Challenge Meeting is made in between the monthly reviews.

5.6 All allocated cases will remain allocated and every effort will be made to complete the work in a timely way, without compromising the quality of practice. Supervision and management oversight will be maintained. The re-allocation of cases (including an application to the court to change the child's guardian) will only occur in exceptional circumstances such as sickness absence or maternity leave. Partner agencies and the judiciary will be kept informed of our approach to existing work.

6. HOW ALLOCATION HUBS WILL BE MONITORED AND DE-ACTIVATED

6.1 The Director of Operations will scrutinise the data set out at 4.1 above to assess the continued need for prioritisation, the impact of joint measures to reduce demand and progress towards de-activation of the Allocation Hub, and report to the Cafcass Covid-19 Programme Board every four weeks for any area with an activated Allocation Hub. The Chief Executive will provide the Cafcass Board, President and Ministry of Justice with a summary of this information and update the National Recovery Group monthly.

6.2 The Assistant Director will meet with the local DFJ(s) at a frequency agreed locally during the activation process, and provide a data summary to the Cafcass Covid-19 Board on a monthly basis, together with a statement of assurance from the Director of Operations that the Hub is operating in line with the arrangements set out in this protocol and its annexes. As part of the monitoring process, once the data demonstrates significant and sustainable improvement in demand and/or capacity, a further meeting with the local judiciary is held. If there is confidence that the workload pressures have reduced sufficiently and look sustainable, the relevant Assistant Director will request a Review Challenge Meeting, with the Director of Operations. A recommendation will be made to the Cafcass Covid-19 Board, as to whether to de-activate the Allocation Hub and return to the normal allocation processes. The recommendation will take account of the views of local judiciary, and local and national partners will be informed of the decision.

6.3 The policy will be formally reviewed after the first year of operation, and the review will consider the available data on the impact on staff, children and families with protected characteristics to assess whether any direct or indirect discrimination arises from this policy change.

Date agreed: 18 June 2020

Updated: 21 May 2021

11 June 2021

12 July 2021 –

Approval for 1st release *Expected at Covid-19 Board 16 July 2021*

Date for review: June 2022, but with an initial review 3 months after implementation of first Allocation Hub.

Owner: Director of Operations

ANNEX A: PRIORITY STATUS MATRIX

Priority Status 1	Priority Status 2	Priority Status 3	Priority Status 4
Emergency Protection Orders	Appeals	Parental Orders	Specific issues including name change, change of school, etc
Care and Supervision Order applications will continue to be allocated	Removal from jurisdiction	Discharge of Care Orders which do not come within priority status 1, Placement Orders or Special Guardianship Orders	Child arrangements application where there is an allocated social worker
Forced Marriage Protection Orders and Female Genital Mutilation Orders	S7 Reports that have been advised by Cafcass either in the safeguarding letter or agreed with the judiciary in discussion with a service manager, where interim arrangements are safe	Private, international or stepparent adoption reporting officers and guardians	Cases suitable for redirection to mediation
Termination or application for contact with a child in care	16.4 cases where interim arrangements have been risk assessed and there is no local authority involvement	Child arrangements applications disputing quantum of contact only	Education Supervision Orders
Deprivation of Liberty	Child Assessment Orders	S7 reports not advised or discussed with Cafcass and safeguarding issues not identified	Unpaid work enquiries
Recovery Order and Secure Accommodation Order	Enforcement Orders within six months of last order and where no new safeguarding allegations are made	S7 ordered with fact finding scheduled (to be considered for allocation after fact finding is concluded)	Family Assistance Orders
Reporting officer for relinquished babies		Cases suitable for dispute resolution, including some returning cases with no new safeguarding issues.	Monitoring Orders
Placement Order application or leave to oppose Adoption Order		Orders for addendum reports within 12 months of the previous S7	Enquiries from foreign courts

Private law cases where there a real possibility that a public law order, S47 referral or 16A risk assessment is required		16.4 cases where the local authority is also involved	
16.4 cases where interim arrangements may be unsafe and there is no local authority involvement		Stand-alone special guardianship applications with an allocated social worker	
Appeals from Placement Orders or Adoption Orders		Applications from anyone who requires leave to apply (to court to deal with this before Cafcass allocation)	
Private law high court cases including medical, reporting restriction, Hague abductions and stranded spouse		Orders which likely require DAPP or CCI (where the reality is that these services will have no or limited availability)	
Non-subject child protection referrals			
Discharge of Care Orders, Placement Orders or Special Guardianship Orders assessed as urgent in context of circumstances and risk.			

Annex B: Local liaison arrangements

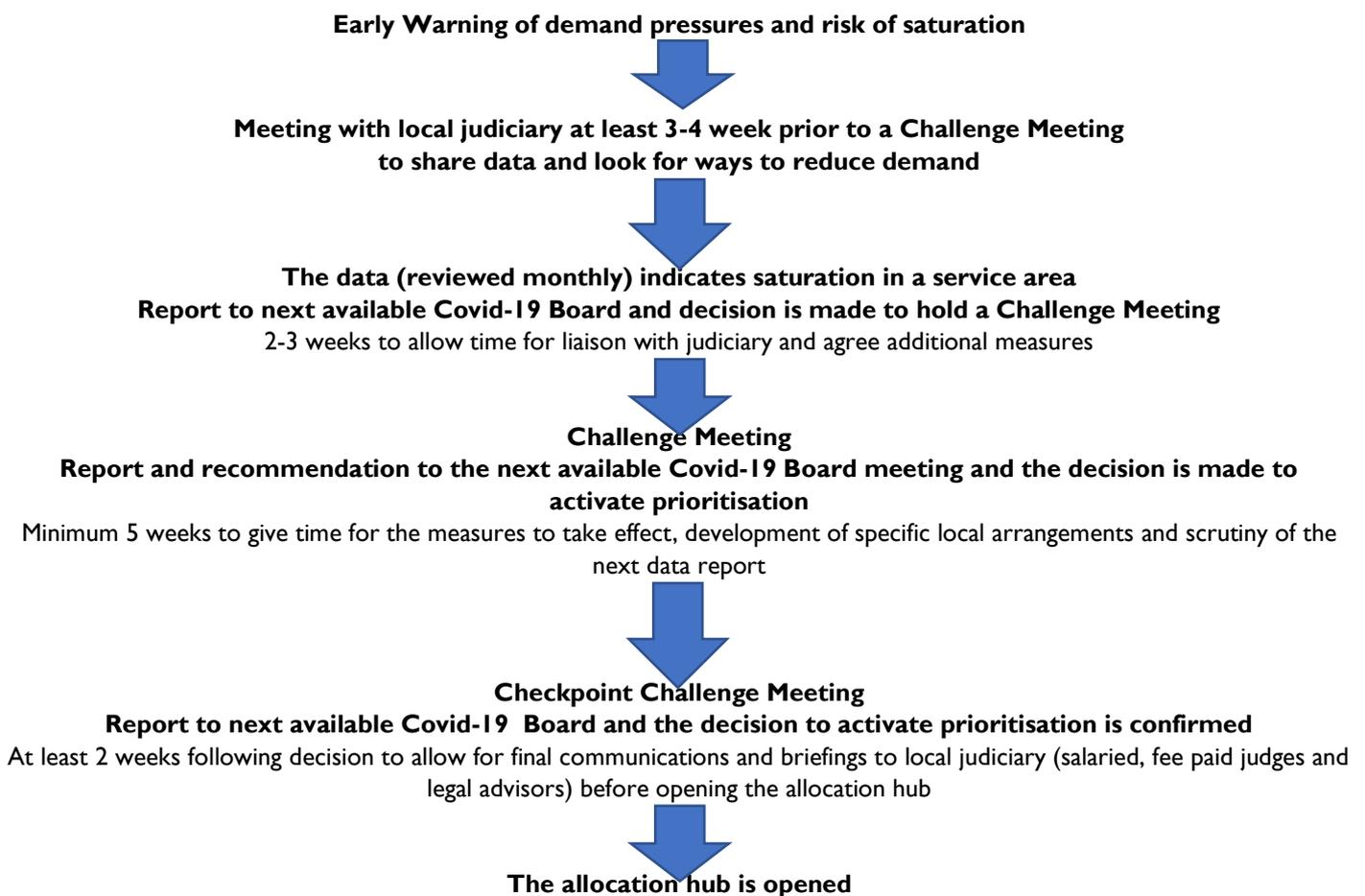
I. Working together to prevent prioritisation

Intent

Cafcass is intent on doing all it can within its authority and available resources to prevent the activation of prioritisation. Learning from experience shows clearly that the more work that can be done before a service area reaches the limit of its capacity to allocate children's cases safely within normal timescales (saturation) the more likely that prioritisation can be prevented. The effectiveness of the local partnership between Cafcass and judiciary through local liaison meetings that are focused on the data and practice to reduce workload pressures is key to preventing prioritisation.

Flow chart

Whilst the flow chart is based on the worst case scenario that at each decision point the decision to proceed to prioritisation is agreed, **the reality is that it is just as likely that a decision will be made not to proceed if the measures to reduce demand are taking effect.** The timescales are subject to a very small degree of flexibility due to the timing of the pre-scheduled decision-making meetings.



2. Model agenda for meeting between Cafcass and local judiciary after an Early Warning Meeting and following a decision to hold a Challenge Meeting

Purpose of the meeting

The purpose of the meeting is to work together to explore and take all reasonable and practicable steps to try and prevent prioritisation. Cafcass will share the data indicating saturation as the basis for agreement about the nature of the problem and suggest immediate actions that could help to reduce demand pressures in line with the President's note on 'Ways of Working'. It is important to note that while many of the reasons for pressure are common, there are specific local issues such as court capacity, judicial availability and staffing shortages.

Model agenda

1. Attendees and apologies
2. Review of the data indicating saturation
3. A record of the measures already taken to prevent prioritisation
4. Discussion about what additional measures could help prevent prioritisation*
5. Views about the potential of the measures to reduce pressures over the next 4-6 weeks
6. Identification of task and finish group involving judiciary, HMCTS and Cafcass to develop specific local arrangements for how prioritisation will work
7. Agreement of the next steps in the decision-making process
8. Arrangements for liaison during the activation process, including date and time of next meeting
9. Cafcass officers will make a note of the meeting and send to the DFJ for agreement

***Learning to date indicates that reducing the duration of cases and increasing court disposals to clear the backlog is likely to be the most effective way of reducing saturation and freeing Family Court Advisors to take new cases within normal timescales without overloading them.**

3. What happens when an allocation hub is opened

Judicial authority and case management

An allocation hub is only opened in local areas where the duty system has become saturated because cases cannot be allocated safely on receipt and management capacity is absorbed managing the process rather than providing support to Family Court Advisors about the safety and welfare of children.

Cafcass staff respect unequivocally the authority of the Family Court and are bound to follow the orders made by the judiciary. Opening an allocation hub does not mean ignoring any order of the court but rather enables a more transparent liaison with the court about timeliness and urgency of ordered work. In areas where prioritisation has been activated, ordered work is accepted in the normal way, there are immediate conversations and correspondence about filing times and agreement about communication with the family and where appropriate the child.

The ways in which judicial authority and case management is maintained include:

- a) A list of cases held in the Hub is provided to the relevant court.
- b) There will be a temporary increase in requests to the court for extensions to filing dates. If the case cannot be allocated in time to meet the filing date, an application will be made no less than 4 weeks prior to that filing date.
- c) There may be an increase in parties or their representatives writing to the court or making an application to have their case allocated. Cafcass managers will liaise closely with the court in these matters to agree a way forward.

Management of the Hub

The Hub is managed by an experienced practice supervisor, with the support of a business services officer under the line management of a Head of Practice. The Assistant Director for the service area closely monitors the operation of

the Hub. The operating model for the Hub is based on the long-standing and tested model for managing cases in duty allocation.

Criteria for holding cases in the Hub

All public law cases and all private law cases deemed by the court and/or Cafcass to be urgent or where there are significant risks to the welfare of the child are allocated in the normal way, including cases with a direction for a report imminently. Private law cases that have been assessed as lower risk and less urgent and which cannot be allocated to an FCA without taking them over safe case limits are transferred to the Hub, starting with those that are currently held in the saturated duty system (see Annex A of the Prioritisation Protocol: Priority 2-4). This process of prioritisation applies to existing cases and new cases falling into priority categories 2-4.

Liaison with courts

The Courts are informed when the decision is made to activate prioritisation and will be given notice of at least 2 weeks once a final decision is made to open a Hub. During this time Cafcass will work with the FDLJ and DFJs to brief local judiciary and legal advisers on the operation of the Hub.

In the first working week in which the Hub is open the courts are provided with the point of contact for the Hub in case the court needs to communicate speedily about a case held in the Hub. The courts are sent an initial list of those cases that have been transferred to the Hub, including where possible the likely impact on filing times. The relevant court is kept up to date, through the provision by Cafcass of weekly lists (unless another frequency is agreed locally) detailing new cases (with court reference numbers) allocated to the Hub, and any that may be ready to be transferred out of the Hub and allocated to a Family Court Adviser to progress the work ordered. For cases ready to be transferred out of the Hub, requests to extend filing dates are made no less than 4 weeks prior to the court ordered filing date.

Liaison with families

Families (including children where appropriate) are informed by letter that their case cannot be allocated within normal timescales and provided with a contact point. If indicated as appropriate in the Safeguarding Letter, families are offered access to the Separated Parents Information Programme. Families are kept informed with updates every 4-6 weeks about progress of their case to allocation.

Cases held in the Hub are reviewed every two weeks as a minimum. The receipt of further information or 'alerts' results in a review of the case and a decision whether to continue to hold the case within the Hub or to allocate it. If the risk to the child has increased the court is informed and the case is passed back to the team for allocation. The case may also be allocated if the court accepts the representations of parties to have their case allocated. Children's cases are held in the Hub for a maximum of 20 weeks.