

## Cafcass Commissioning Strategy and Intentions: 2014-16

### Executive Summary

Cafcass commissions a range of support services for children and families in private law cases, spending £7 million in each of the last four years. An equivalent sum is available in 2014/15 and in 2015/16. We will continue to meet the needs of individual children and families locally by ensuring the availability of customised packages of support. We will practise outcomes-based commissioning, rewarding those providers who can demonstrate high success rates in delivering positive outcomes for children.

We will continue to commission social work services from self-employed contractors (SECs) and we intend to widen the pool of available high quality contractors, particularly in the North of England.

Our model of commissioning includes internal commissioning within Cafcass, where managers of local front line teams specify the support they need from national services and from backroom services. The way in which this works is explained in the Cafcass Operating Framework.

### What's covered in this commissioning strategy?

The strategy covers the two main areas and refers to a third:

- 1) Commissioning private law services which support children and families subject to relationship breakdown.
- 2) Commissioning independent social work services, mostly in public law cases but also in a small number of private law cases.
- 3) Reference is made to the Cafcass model of internal commissioning, whereby front line teams commission support from the National Improvement Service (NIS) or other backroom services. This is covered in the Cafcass Operating Framework. Reference is made here because the same principles for commissioning apply.

### The legislative basis for commissioning

The enabling legislation supporting commissioning is Section 10 of Schedule 2 of Cafcass' founding legislation, the Criminal Justice and Court Services Act 2000.

### Commissioning principles

The aim of commissioning in Cafcass is to secure high quality outcomes for the children and families we are asked to help. Commissioning in Cafcass is underpinned by the following principles:

- An intelligent, outcomes based approach to commissioning
- An understanding of the current and future needs of children nationally and locally

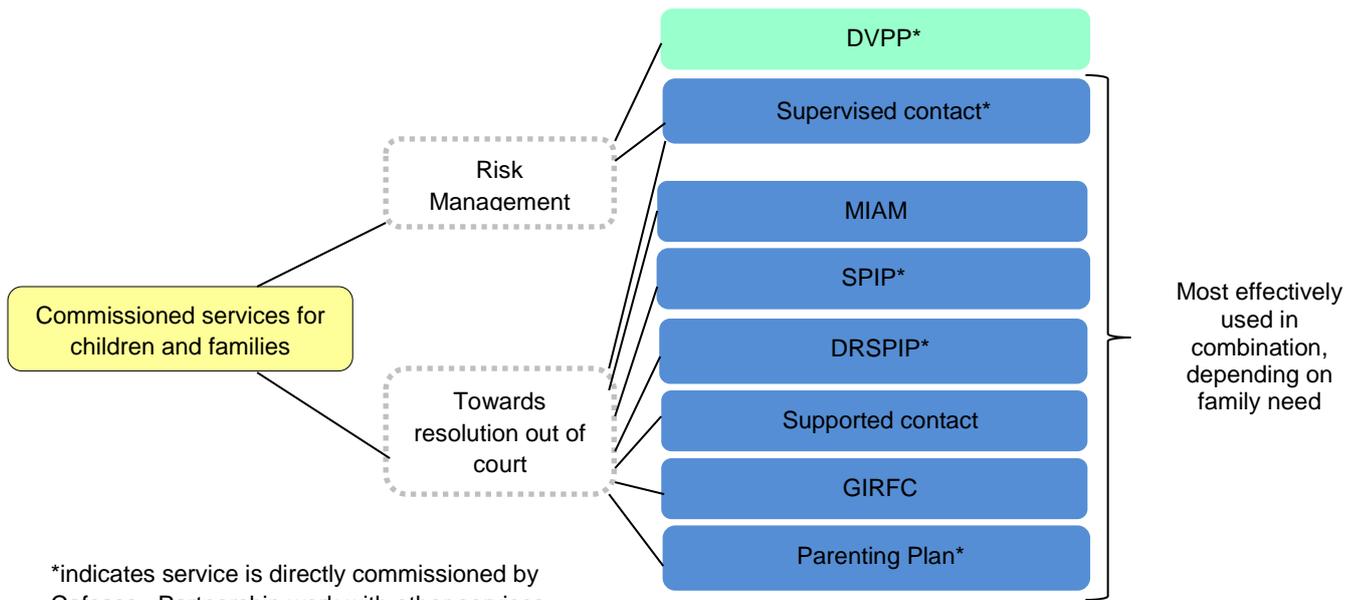
- A foundation of value for money and achievable, sustainable efficiencies
- Enhancement in overall service delivery capacity
- Service user involvement in monitoring and evaluation
- Commissioning at the most appropriate level (strategic, service, individual)
- Transparency about the financial and legislative frameworks for commissioning, procurement and service provision
- Growing markets for services which are needed but not in place and supporting stability in the market of services being provided
- Working with our providers to ensure equitable access for children and their families
- Encouraging the involvement of the academic community and other stakeholders to support a stronger evidence base about the actual and potential impact of commissioned services in place and/or as planned.

### **The core purpose and objectives of the commissioning strategy**

We aim to ensure every penny within the Cafcass budget (and the DfE budgets we act as the contractor for) is spent in a way which gives the best value to the children and families we serve, the courts we report to and the taxpayer (who is the ultimate funder). This means continuous active consideration of alternative ways of working and providing services, identifying where a commissioning approach would produce more benefits, in terms of both quality and capacity. The bulk of spend on commissioned services is in private law cases, with the primary objective of resolving relationship breakdown conflict for the benefit of the children involved. Social work services are commissioned for the same reason and with the same objective.

### **How we commission services for children and families**

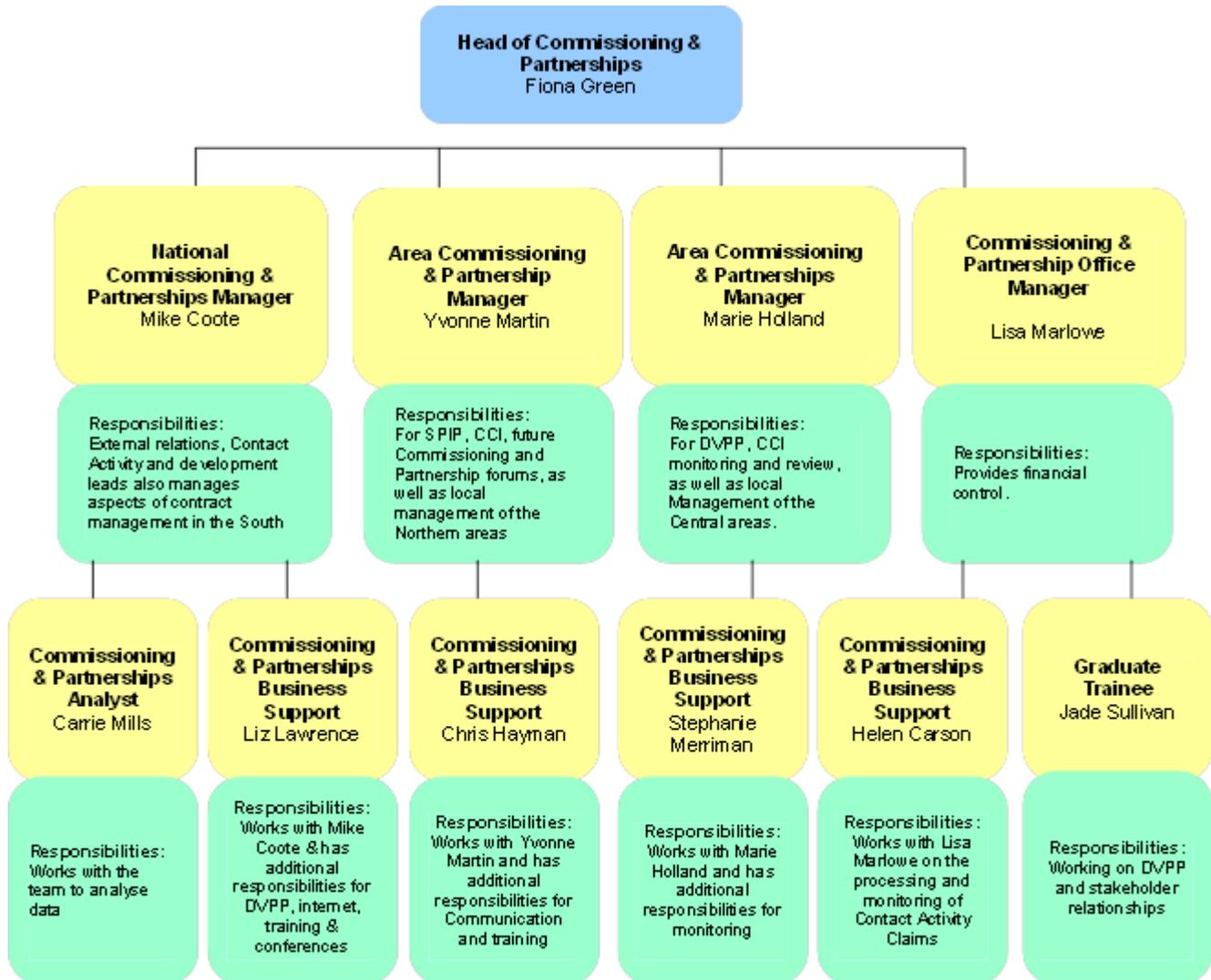
In April 2013, Cafcass went through a procurement process to set up a framework agreement to cover commissioned private law services to support children and families experiencing the consequences of a relationship breakdown that could not be resolved outside court. Successful providers are on our framework from 2013 - 16, with their contracts being annually awarded and potentially subject to annual contract variation to take account of annual performance and appropriateness of the service for the next year. The [Commissioning and Partnerships Directory](#) contains details of all the services commissioned by Cafcass. These services now give national coverage. This is the culmination of a long process to shift commissioned services from a legacy of a small number of providers only covering some parts of the country to more diverse provision operating nationwide. Cafcass is the contracting body although funding is grant in aid from DfE (MOJ from April 2014) – see below. We also assess future need on behalf of DfE and suggest future commissioning and funding priorities to them. Within Cafcass, close collaboration between operational management and the commissioning and partnerships team is key to ensuring a mutual understanding about the types of commissioned services available and how services could make a greater contribution to casework. Conferences, briefings and locally based provider forums support shared knowledge and understanding.



Service	No of Providers	Grant	Contract s	Service Delivered	Team Costs
Supported Contact	+/- 200	£0.5m		National network of voluntary supported centres working to NACCC standards	
Child Contact Interventions	32		£2.4m	1,800 families annually, observed and reported contact with interventions to assist children and parents, sustaining contact while decisions are made, and indirect contact	
Separated Parent Information Programme	39		£3.0m	18,000 individuals; 4 hour group programme and supporting materials with next steps available	
Domestic Violence Perpetrator Programme	36		£1.0m	1,000 individuals (men) annually – being assessed for and where suitable and motivated accepted onto 26-32 week long group programmes for DV	
Notes	Some providers deliver more than one service type	Funded from the Cafcass allocation	Funded from DfE allocation	See Commissioning and Partnerships Directory for explanatory leaflets and notes and full provider listings.	£0.5m overall funded from the Cafcass allocation

## The Commissioning and Partnerships team

The structure of the team is set out below.



Currently the Commissioning and Partnerships team contracts for the following services:

- **Supported contact:** Working with the National Association of Child Contact Centres (NACCC) to improve care standards in supported contact centres and services. Cafcass funds 200 NACCC accredited supported contact centres throughout England. Grants are limited to £3000 per service per year. We only fund accredited centres which meet NACCC's accreditation. We enable access to the NACCC website for Cafcass practitioners to establish contact with accredited centres. NACCC is developing an online referral process for supported contact which should further improve standards and safety.
- **Child Contact Interventions:** Cafcass contracts with 32 organisations delivering Commissioned Child Contact Services across England. Our current arrangement is EU/OJEC process compliant, via a three year framework which runs from April 2013 until March 2016, with contracts reviewed annually. Providers were all subject to a full tender which included an assessment of their financial viability. The majority of contracts have a shared risk model with part block and part spot funding. All

providers must hold a current NACCC enhanced accreditation for Commissioned Child Contact Services, and this process is completed. All providers are complying with a monthly monitoring regime and provide figures on current work and performance against targets. This information is shared with local Cafcass teams monthly, and analysed quarterly and continuously for referral quality, data provision, cost, work pattern (number of sessions) and for work quality. KPIs are described in the Monitoring Guidance. All providers are obliged to complete an annual audit to ensure continued compliance with standards.

- Separated Parents Information Programme (SPIP), as a contact activity, on behalf of the Department for Education (DfE). There are currently 39 SPIP providers. This early intervention programme is currently provided to in excess of 18,000 participants annually. Our aims are to consolidate practice, maintain and improve take up of services across the country, and develop links to mediation and out of court resolution services. Outcome research by Liz Trinder was published in summer 2011<sup>1</sup> and we are following through the recommendations. The programme is now revised and links to Behaviour Modelling Training (Getting it Right for Children – GIRFC) are being put into place as the expected next step for all SPIP participants. There is a current programme of Masterclasses for SPIP providers underway. These are run jointly with providers and focus on aspects of best practice defined through a peer assessment of services undertaken in 2012. A pilot programme is underway for a non-court based SPIP, called a Dispute Resolution (DR) – SPIP. This seeks to assist parents to make an arrangement without the involvement of the court, wherever safe to do so, and unlike current SPIP provision, is available before an application is made to court. The pilot is being evaluated as it progresses.
- Domestic Violence Perpetrator Programme (DVPP), contact activity, on behalf of DfE. There are currently 39 DVPP providers. There is a continuing dialogue with partners about service provision in currently underprovided areas but these are now very limited. It is our aim to have a service available in all areas. However, we are dependent on the availability of providers to deliver a complex long term programme for which DfE funding alone is unlikely to be sufficient. Our aims are to consolidate practice and ensure that partnership working is safe and effective, increasing the number of providers to enable a service to be available across England. The referral and reporting back process has been revised and new guidance has been issued in line with the Cafcass Child Protection Policy. There is a current Practice Development Group running with providers engaged, aiming to advance the quality of practice (engagement with children's issues, report writing, service delivery, women's support services) at the next provider event in February 2014. Probation trusts are moving to deliver a revised programme, Building Better Relationships, from this year. Probation trusts are also engaged in major structural reform. They will become Community Rehabilitation Companies from April 2014, under private/voluntary/mutual control. The shape of the future service and our contracting arrangements will emerge over the next year, as the appetite of these transitional and non-governmental organisations to provide DVPP for the family justice system is unknown. A protocol with Respect also sets out that Cafcass will only contract with providers of domestic violence programmes who are accredited by Respect.

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<sup>1</sup> Building Bridges? An evaluation of the costs and effectiveness of the Separated Parents Information Programme [www.education.gov.uk/publications/](http://www.education.gov.uk/publications/)

- Mediation Information and Assessment meetings (MIAMs) are available as a contact activity, funded by the Legal Aid Agency. The Commissioning and Partnerships team no longer contract for mediation services, this being an LAA responsibility. The team does, however, encourage partnership working with Mediation Services as a follow-up service for SPIP and Commissioned Child Contact Services, because of the growing evidence base that if a SPIP is followed up by a service such as a mediation session, it has more chance of resolving a contested court case. The Commissioning and Partnerships team has also facilitated research with a face-to-face communication skills session for parents. This research will report in February 2014.

### **Quality assuring commissioned services**

Cafcass uses data from a range of sources to ensure that its approach to commissioned services is fit for purpose, resilient, agile and that value for money solutions are developed to respond to the legislative mandate, the demands of the family justice reform process and to manage finite resources within the context of a demand-led service. Effective services are assured by the use of independent quality assessment of providers and continued in-house monitoring, audit and review of cases including referral quality, safeguarding concerns raised, service users' feedback, complaints, efficient return of monitoring data, and the outcomes achieved in cases.

Many of the services that we deliver are at a relatively early stage of development, and we are continually self-assessing as part of a continuing learning process that we are sharing with providers. An example of this is our significantly improved monitoring and reviewing process for commissioned child contact services in 2013/14.

We will be developing outcome measures for commissioned services as part of the wider work we are undertaking in 2014 to develop a suite of outcome measures such as added value statements at the point of case closure.

### **Value for money in commissioned services for children and families**

#### **Allocations to service areas**

Resources for Child Contact Interventions (CCIs) are currently allocated to local Cafcass service areas using a national formula based on the number of cases and the numbers of referrals to courts. This is reviewed quarterly to ensure that provision meets demand. As the shape of overall commissioned services continues to develop, some work will be needed to ensure funding allocations not only support local provision but also incentivise commissioning activity in response to local changes in demand. The Commissioning and Partnerships team holds the responsibility for delivering value on these contracts.

The Commissioning and Partnerships team works to deliver value for money in its operations by having clear and agreed budgets with effective monitoring of all services against forecast, with analysis of unit costs. Payment arrangements since 2010-11 have been modified to allow a more accurate reflection of the actual work involved in a case, which has reduced costs. Providers are working to fixed fees from April 2013 with a reduction in unit costs particularly for CCIs. This was achieved by taking a more proportionate approach to the staffing needs for supervised contact in safe circumstances. Unit cost is analysed quarterly, as the data on closed cases builds. Contracts can be modified in the light of findings about value and quality. Added value is contributed by

providers who offer additional services or resources, and with whom we can work to establish improved services (for example safe supported contact). Information related to Social Return on Investment will be incorporated dependent on the requirements of the Office for Civil Society, and the degree of difficulty involved in producing data, given our large number of small providers. Monitoring arrangements and guidance are set out in the additional documents list, which is available upon request. The Commissioning team is currently subject to an internal Business Assurance review which will assess our control mechanisms.

Our monitoring processes check the efficiency of operations with time defined interventions, monitored waiting and completion times, with limits on continued work. We issued revised CCI guidance in the summer of 2013.

We have increased effectiveness through the revision of areas for service delivery in SPIP (from April 2013) making available easy to access interpreter services through the Cafcass contract, the new CCI pattern of interventions, including out of centre contact, and the payment of travel costs for DVPP together with the development of DVPP services for women perpetrators and 1-1 services.

### Commissioning independent social work services

We contract with some 90 self-employed contractors (mostly to act as a children's guardian in a public law care case). A small number of SECs work on private law cases.

A pool of 132 SECs has been utilised on a no obligation (to provide work) basis as part of our flexible workforce, in order to respond to volatility in service demand. Responsibility for commissioning SECs sits with local service managers. National responsibility for co-ordinating and developing the service provided to Cafcass by self-employed contractors sits with Ana Popovici, Assistant Director, with support and day to day management from Vicki Heywood, Service Manager. SECs welcome the single point of contact approach, so we will retain and develop this model.

- The majority of SECs are located in and around London. Generally they have been allocated public law cases only, and more recently private law case work (both Work to First Hearing and Section 7 reports).
- A business support team has been allocated to the centralised unit responsible for all SEC administration. An enhanced practitioner has also been appointed with recruitment for a second underway.
- The commissioning intention is to increase the pool of good independent social workers (ISWs). A target of recruiting a further 13 ISWs by April 2014 has been set.
- A revised and updated contract for services is in place, for all new cases allocated after 1 November 2013.

### Hourly rates and fees

**SECs are paid £33 an hour.** In exceptional circumstances, the contract manager may agree on a *case by case basis* to pay some expenses in addition to the hourly rate/fixed fee.

**The agreed national rate for our preferred agency suppliers** is £32 per hour and £35 per hour in London. Agency staff also incurs additional overhead costs as employed staff (IT, office space and expenses).

**For Private law work**, SECs are paid £100 for a Schedule Two Letter and £550 for Section 7 Reports.

### Future commissioning intentions

- 1) Cafcass will continue to look for innovative provision to help us in the implementation of this commissioning strategy, e.g. relationship-based or therapeutically-oriented interventions; and devolved budgets for local commissioning where needs can be better met that way, as long as the provider chosen has been assessed for our framework. A supplementary local commissioning model will be developed and integrated with the central and national commissioning model we will continue to use for the bulk of provision.
- 2) A further commissioning intention is to grow and stimulate the market. This could take place, for example, by commissioning a range of interventions where separation and/or divorce have featured intimate partner violence, or another form of domestic abuse or post-separation control. Having a range of programmes of varying length and intensity available will be better value for money if the gradations in the programmes are evidence-based and professionally sound. These include the potential for a Parenting Information Programme tailored to lower impact domestic violence cases (following assessment) and a programme for women perpetrators.
- 3) The team is working with the MoJ to see how existing and innovative interventions can address and assist children and families where the dispute is entrenched. Potential services include using SPIP within an 'enforcement' framework: use of dispute resolution coaching with a parent or parents over a longer period of time than can usually be sustained: and working with the parties in a case from a case progression standpoint, to combat delay and drift.
- 4) Cafcass welcomes independent social workers and voluntary organisations who wish to offer core social work services to us, and we will maintain links with the main organisations in our field and sector, so that we are aware of all possible contracts or partnerships. However, at the time of writing and in relation to 2014/16, soft market testing carried out in mid-2013 showed that the major national voluntary child care organisations do not see our services as services they would bid to provide in whole or in part. Even those expressing cautious interest did not think they could match our current rate for self-employed contractors. It was clear from this soft market testing that, provided well, our current mixed economy of provision represents good value for money. So for social work services, Cafcass will continue as a provider organisation with a top-up commissioning function.
- 5) Service user involvement will continue to be sought in the evaluation of commissioned services and in planning for the future.

## Cafcass commissioning strategy and intentions

### Glossary

**Block and Spot Contract:** How the payment for services is arranged. A block payment is made in advance of services being provided, and often constitutes half the contract value (depending on the perceived risk), spot payments are made for services delivered beyond the block payment: if the work does not take place, there is no payment. The arrangement balances risk between commissioner and provider.

**Cafcass Operating Framework:** This document can be viewed [here](#) and sets out Cafcass' internal policy procedures and processes.

**Child Contact Interventions (CCI):** Interventions intended to support parents and children to establish safe and beneficial contact. Cafcass FCAs assess needs and make referrals to the CCI provider. Interventions include: facilitating indirect contact, sustaining contact, setting up supervised or observed contact. Interventions are intended to be short term and purposeful, linked where possible to other resources (e.g. SPIP and GIRFC)

**Contact activities:** Court Ordered activities which are intended to promote contact in private law cases. Cafcass guidance refers to 3 types of contact activity: SPIP, DVPP and a court ordered Mediation information session, a MIAM. See below for definitions.

**DVPP: Domestic Violence Perpetrator Programme:** A programme for male perpetrators of DV, including work with the victim. Programmes are commissioned from providers across England, from the voluntary and commercial sector and from Probation Trusts.

**Enforcement:** Where a court order, to which a warning notice is attached, is considered to have been breached, an application for an enforcement order may be made. If the court is satisfied beyond reasonable doubt that a party has failed without reasonable excuse to comply with the order, it may make an enforcement order imposing a specific requirement on the non-compliant party, which is aimed at encouraging compliance with the order.

**GIRFC: Getting it Right for Children:** An intervention developed by One Plus One which helps parents identify and develop the key skills that they need to parent effectively after separation. The programme is internet based and links to the Parenting Plan.

**MIAM: Mediation Information and Assessment Meeting:** The preliminary meeting for both parties with a Mediation service, to give information about the service and can provide information on the costs of and the availability of legal aid for mediation. This can be a step taken prior to or instead of applying to court or as a court ordered Contact Activity, or voluntarily at any stage of proceedings.

**Outcomes-based commissioning:** Evaluation of commissioned services and commissioning of services based on their effectiveness at achieving agreed outcomes that seek to meet the needs of individual service users.

**Private Law:** Private family law cases deal with issues following the breakdown of family relationships. For Cafcass, this generally involves applications for contact and/or residence. It can also include applications about specific issues to do with the exercise of parental responsibility such as moving abroad or changing a child's name.

**Public Law:** Family proceedings where the state steps in to investigate concerns, protect children, and sometimes make applications to the courts for care, supervision, emergency

protection and child assessment orders. Cafcass will represent the child in most care and supervision applications by local authorities and, if a child cannot return home or go to live with a relative, there may be an application for a placement order, and a subsequent adoption process.

**Section 7 Report (s7 report):** A report ordered by the court from either Cafcass or a local authority, pursuant to section 7 Children Act 1989, to report about “such matters relating to the welfare of the child as are required”.

**Self-employed contractor:** Self-employed contractors are experienced social workers who work for Cafcass on a self-employed basis.

**SPIP: Separated Parent Information Programmes:** A Contact Activity ordered by the court; both parents attend separate short courses intended to increase their knowledge and understanding of the effects of conflict and the child’s perspective, and develop skills to encourage dispute resolution. Appropriate for cases where there are no significant safeguarding or welfare issues. Links to MIAMS and GIRFC

**Work to First Hearing:** The work carried out by Cafcass after receiving an application from the court and before the First Hearing Dispute Resolution Appointment (FHDRA), to ensure that the court is in receipt of sufficient information prior to the first hearing to enable a safe decision. This includes screening of documents and, undertaking necessary checks with the police and local authority according to the Private Law Programme and may include contacting parties.

**Work after First Hearing (WAFH):** In private law cases, Cafcass practitioners may be directed by the court to carry out work after the first hearing. This might consist of the production of a section 7 report or, alternatively, in a small number of cases a Children’s Guardian may be appointed under rule 16.4 of the Family Procedure Rules 2010.