



Your ref: CAF 15-88
Our ref: Gov/CAF 15-88

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29 May 2015

Re: Freedom of Information Request

Thank you for your seven emails of 11 May 2015, which have been collated below. You made the following requests for information:

1.
 - a. How much of the money received was then paid out in bonuses to employee's?
 - b. Can you give reasons as to why the bonuses were paid out? I.e. good performance bonus?
 - c. And please give details of the most recent year as well? Both - Funding and how much on bonuses and why?

Performance related pay (bonuses) and the reasons behind these can be seen in our [Annual Report 2013-14](#) (pages 37 – 38).

The 2014/15 accounts have not yet been audited; these will be published in July 2015 when they are presented to Parliament. This information is therefore currently exempt from disclosure under Section 22 of the Freedom of Information Act.

Section 22 Information intended for future publication

1. *Information is exempt information if— .*
 - (a) *the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not), .*
 - (b) *the information was already held with a view to such publication at the time when the request for information was made, and .*
 - (c) *it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).*

2.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





- a. Please confirm and give the evidence of family court advisors monitoring their own performance initially?
- b. Also, how do they do it as to comparison to see how well they are doing?
- c. What is the process or similar after their initial self monitoring? They show whether they've hit or met targets etc and why - Does then a manager check this?
- d. Who checks it?
- e. And how does this go to overall and yearly performance ratings?
- f. Please submit the relevant documents for annual employee performance review etc.

Section 6 of the [Operating Framework](#) and the [Supervision Policy](#) provide the framework of how performance is monitored, measured and assessed at Cafcass.

A range of routine performance management tools are used to support this process for all staff:

- myWork provides practitioners real-time personal data on their individual, team and service area performance, and how this compares to others across the country;
- Quarterly structured Performance and Learning Review (PLR) meetings between the manager and the individual, where, following each discussion, an assessment of 'good,' 'met' or 'not met' will be made of the member of staff, with learning objectives set to support their development;
- At least annual management observation of practice with service users;
- Regular case audits from the National Improvement Service on a service area, team and individual level;
- 360 feedback from colleagues, service users and other relevant stakeholders.

The [Supervision Policy](#) includes the relevant forms that are used by managers to assess knowledge and skills against the performance management framework.

- g. Also, please state and evidence what and everything involved for promotion to enhanced family court adviser.

Appointment to all permanent roles at Cafcass, including Enhanced Family Court Advisor, is subject to a competitive selection process. The Job Description for the Enhanced Family Court Advisor is attached to this response that details the competencies, qualifications and experience needed to be able to perform the role effectively.

3. Also, please show how the relevant performance levels go towards financial bonus to family court advisors.

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There are no financial bonuses that are paid to Family Court Advisors.

Family Court Advisors are paid between £36,516 (commencement salary) and £40,719 (target salary). Staff are eligible to progress to target salary upon satisfactory completion of a 6 month period. London Weighting of £4,293 is also available for those that work in the Greater London region.

4. Does the amount of successful referrals regarding service users constitute good performance? And how does this contribute to good employee performance? Also, does the detection of risks contribute to good performance? For example - If a practitioner found that drugs were a risk, how does recommending a drugs rehabilitation programme contribute to good performance? Is it on completion of the programme? Or is the identifying of the risk considered good performance?

The [Operating Framework](#) and the [Supervision Policy](#) detail what constitutes good performance for a Family Court Advisor in relation to frontline practice.

5.
 - a. Please show how Cafcass deal with [parental alienation]?

Section 4.19 of the Operating Framework makes reference to “implacable hostility” which may lead to “alienation” of a child from one parent, and sets out how we assess such issues in our cases.

Implacable hostility will be assessed under Cafcass’ framework of assessing the child’s best interests, which includes application of the welfare checklist. More information on Cafcass’ assessments can be viewed from paragraphs 1.11 onwards of [Cafcass’ Operating Framework](#), with direct references to implacable hostility as outlined above.

All recommendations are case specific and are based on the Cafcass practitioner’s professional judgement of the child’s welfare.

- b. What training is given on this?

All Cafcass training for practitioners focuses on being child centred, and taking into account risk factors, evidence-based assessments, and diversity issues.

We have a tool ([‘Impact of parental conflict tool’](#)) for use in direct work, as well as access to resources and new research via our in-house library service, to assist practitioners in being able to assess the presence of implacable hostility in private law cases.





- c. And what then are the options if initial attempts from Cafcass to solve it, didn't work?

As stated above, Cafcass will assess the child's best interests and make recommendations to the court. All practitioner recommendations are case specific and are based on their professional judgement of the child's welfare. However, it is the court, and not Cafcass, that makes decisions in family court proceedings. Cafcass can only become involved and complete work, including any further work, on a case at the request of the court.

6. That means give evidence of what measures and similar are put in place and what is used to deal with Parental Alienation? And give evidence of the training involved please, via training manuals, books, classes or similar?

Please see our response to question 5.

7. What's your protocol for cases that you deal with, that have previously been dismissed? Or even when cases change practitioners for what ever reason? Do the new or even same practitioners as before use the original case logs etc?

When we receive a private law application from the court, part of the screening process will identify whether the parties are known to Cafcass. All applications have an individual case file, though practitioners may refer to previous case files where relevant to the current application.

Information on Cafcass' policy regarding case transfers can be found in paragraph 2.13 of the [Operating Framework](#). The overriding principle in any transfer of cases within Cafcass should be what is in the best interests of the child, which will inform discussions and decision making about the transfer of cases, with a view to avoiding delay in proceedings.

8. Please confirm that family court advisers can recommend mediation and ex-couple's counselling and similar avenues of progress, regardless of nature of Section 7? For example, even if it's a risk assessment, family court advisers can recommend mediation and ex-couples counselling? And they DON'T have to recommend Domestic Violence Perpetrator Programmes and MARAC referrals?

Cafcass practitioners are required to assess risk when the court orders a risk assessment as part of a Section 7 report if it feels that there is some risk to any child subject to proceedings; furthermore, under [s16A](#) of the Children Act 1989 Cafcass practitioners are under a duty to undertake a risk assessment whenever they have cause to suspect a child subject to proceedings is at risk of harm and to pass this information to the court. Please see section 2.40 – 2.42 of the Cafcass [Operating Framework](#) for information relating to when MARAC referrals may be made; for more information please also see our [Child Protection Policy](#).





Cafcass practitioners make recommendations to the court for how a child's welfare and best interests can be promoted and safeguarded. When considering [Commissioned Services and Contact Activities](#), the recommendation to the court will be based on what the Cafcass officer assesses is in the child's best interests in that specific case. This will be based on their professional judgement and will be different in every case.

Please see our [Operating Framework](#) sections 4.39 - 4.46 for more information on the activity directions which could be recommended by a Cafcass practitioner (Separated Parents Information Programme, or Domestic Violence Perpetrator Programme); Family Mediation can be considered at any time where considered appropriate.

9. I also request the relevant information from Cafcass's formation be provided on ALL matters and along with the documented changes and dates of such, if there are any, and up until today's date, please?

You are requesting documentary evidence of all policy changes relating to the above issues since the formation of Cafcass in 2001. As this is a very broad request relating to a number of items, the cost of compliance in order to look at all documented changes of these would exceed the appropriate limit which for Cafcass is £450. All information provided has been up to date; if there is anything specific you would like to see a historic version of, please let us know.

In our estimation the cost (a flat rate of £25 per hour provided by the FOI Act) would exceed the appropriate limit which is 18 hours for Cafcass, in order to complete one or more of the following activities permitted to be accounted for, which are:

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

A response to this request is therefore exempt under Section 12 of the Freedom of Information Act.

[12 Exemption where cost of compliance exceeds appropriate limit.](#)

1. Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit. .
2. Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit. .
3. In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases. .





4. *The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority— .
 - (a) by one person, or .
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.*
5. *The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office (www.informationcommissioner.gov.uk):

Post

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Fax

01625 524 510

Tel

0303 123 1113

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casework@ico.org.uk

Yours sincerely,

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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive

