Prioritisation Protocol

What is this protocol for?

1. The Prioritisation Protocol is a mechanism to support system recovery in an area where delay, capacity and/or the duration of children's family law proceedings are impacting the effective management and oversight of Cafcass' work with children and families. Senior operational leaders at Cafcass regularly review management data and information with a summary presented at Cafcass' Recovery and Improvement Board. Where capacity or performance becomes a concern in an area, a process of challenge and oversight is triggered to identify options for targeted support. One option for targeted support where capacity has become saturated in an area is to activate the prioritisation protocol.

2. The protocol establishes a process to agree a revised and achievable timetable with the judiciary and courts so that when orders are made in private family law proceedings, they are done so in consultation with Cafcass about the risk and the urgency. This supports Cafcass to manage caseloads effectively and protect capacity for work with children in public law proceedings and in private law proceedings where risk is higher. When the caseloads of Family Court Advisers (FCAs) are too high in an area it can impact on the quality of practice and decision making for children and on the health and wellbeing of Cafcass practitioners. It can also undermine the capacity of Cafcass social work managers to provide the necessary levels of management oversight and supervision. The protocol seeks to address this.

Why is this important for children?

3. Delays in family court proceedings can mean children waiting longer for permanent care and living/contact arrangements, increasing risk of harm, anxiety, instability and disrupted friendships or education. The prioritisation protocol allows Cafcass to prioritise those children who are most at risk while maintaining a robust system of review and a realistic filing time for those children who are lower risk, so that there is as much certainty as possible for children and their families. It is recognised that activating the prioritisation protocol in an area will mean delay in starting assessments for some children and families. It is for this reason that the protocol will only be deployed when all other options have been exhausted to address demand and capacity challenges that are impacting the quality of Cafcass' work with children and families.

Overview of the protocol

4. When prioritisation is activated in a Cafcass Operational Service Area, Cafcass works with the judiciary and courts to agree a revised and achievable timetable for work 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, the judiciary and the courts will work collaboratively, recognising the need to prioritise those children who are most at risk while maintaining a robust system of review for those children's cases where it is determined that there is less or no risk of harm to them. Case management remains a judge-led function.

5. Children's cases that are assessed as having less or no risk of harm are transferred into an **allocation hub**. Assessments are based on the priority status matrix at Annex A. Children and families affected receive a letter from Cafcass within five working days of a decision to allocate their case to the hub, providing them with a named single point of contact and reassurance that there will be continued oversight while the child's case is waiting to be allocated to a named FCA.

6. **All children's cases held in the allocation hub are reviewed every 2 weeks.** An initial review by a Cafcass social work manager or Consultant Family Court Adviser (CFCA) will determine the work that needs to happen over the first 6 weeks including what work can be completed by a Business Services Officer and what work requires social work oversight. Reviews will still be undertaken fortnightly. A Cafcass social work manager or CFCA will continue to undertake an ongoing risk assessment of the child's situation and monitor any additional information and alerts about changes in circumstances that could affect the welfare of the child. If an assessment indicates that a child's case has become a higher risk, it will be passed to the local team for allocation to a named FCA in the normal way.

7. The maximum time a child's case can remain in the allocation hub is to be agreed locally between Cafcass, the judiciary and the courts, based on local management data and information, but **no child's case will remain in an allocation hub for longer than 20 weeks, and work ordered by the court will be completed within a maximum of 26 weeks.**

8. Allocation hubs can only hold children's cases in private family law proceedings where further work for Cafcass has been ordered after the first hearing. **Children's cases in public law proceedings are never held in an allocation hub and are always allocated to a FCA in the usual way.**

Activating prioritisation

9. Cafcass operates a cycle of performance support and oversight with senior operational leaders and managers regularly reviewing and reporting on **management data and information** for their area. The National Director of Operations provides a regular summary update on performance and capacity across all operational service areas to the Cafcass Recovery and Improvement Board, chaired by the Cafcass CEO. If there are concerns about performance in an area, the National Director of Operations will advise the Cafcass Recovery and Improvement Board that a **Performance Challenge Meeting will take place, sharing the assessment of quantitative and qualitative performance measures**. Once the National Director of Operations has raised a formal concern about any area's performance to the RIB, there will be four weeks before which the first Performance Challenge Meeting and recommendation to the RIB must take place. Prioritisation is just one possible intervention to support an area, and other options will be explored to provide additional resourcing and corporate support. Further oversight is provided through the Cafcass performance and accountability cycle.

10. While the Performance Challenge Meeting process is underway, the Cafcass Assistant Director will continue their regular meetings with the local Designated Family Judge(s) (DFJ) and HMCTS to review the management data and information and explain the specific capacity and/or performance issues for the area. The Cafcass Assistant Director will make the DFJ(s) and HMCTS aware that prioritisation is one option to be considered for targeted support in the area. Discussions between local partners will focus on possible solutions to resolve pressures and might include additional targeted action to review case lists – for example those held on duty prior to allocation, and children's cases where Cafcass has completed its work and has been ordered to attend a future hearing – to reassess whether Cafcass involvement is still essential.

Criteria for a Performance Challenge Meeting

Examples of quantitative and qualitative criteria are below. The National Director of Operations will review a vital signs dashboard showing the key metrics by which performance is monitored which will be supplemented by the qualitative measures.

- The impact of the current context on the **quality of work** and experiences for children and families through learning from complaints, feedback, significant incidents and quality assurance.
- Short-term demand measures and how this is impacting the ability of an area or region to effectively allocate **public law children's cases** in a timely way and provide oversight to work with children and families.
- The ability of an area to effectively allocate **deprivation of liberty** applications which can place unplanned pressure on management and practitioner capacity.
- The ability of an area to effectively allocate **higher risk private law applications** including for children where there is known or suspected risk of significant harm requiring a referral to the local authority.
- Available workforce capacity, including levels of **vacancies, sickness and other absence**, and actions taken to address absences.
- Indicators of management oversight and supervision supported by the assessment of practice quality and decision making through routine case file audits.
- The **level of unallocated work** and average times to allocate.
- The level of reallocated work awaiting allocation.
- Average caseloads (for public law, and for work to and after first hearing in private law), including a review of inactive work and the proportion of practitioners carrying higher workloads in an area, to minimise any risks related to over-saturation.
- The proportion of social work managers holding a higher number of children's cases and the impact on their capacity to provide practice supervision
- Indicators related to timeliness and efficiency including report filing times, conversion and extension rates in private law.
- Indicators of delay including the proportion of children on long running cases and closed case durations.
- Impact of culture in the area and how this aligns with Cafcass' Together values.

11. The Performance Challenge Meeting is held between the National Director of Operations, the relevant Assistant Director, and the local Cafcass management team, supported by Analytics and HR. The National Director of Operations will chair the meeting to assess the data, actions already taken, and hear from the management team about where they need additional help and support. The Assistant Director and local management team will set out:

    - Latest data and management information to demonstrate capacity, demand and performance.
    - The measures they have taken to respond to pressures, and any further measures planned with the local judiciary and HMCTS.
    - Their assessment of the potential for the measures being taken to improve pressures within a reasonable timescale.
    - The form of targeted support that may be appropriate.

12. The National Director of Operations will then prepare a report to the Cafcass Recovery and Improvement Board with the findings of the Performance Challenge Meeting and recommendation on next steps. If the recommended next step is prioritisation, the Cafcass Recovery and Improvement Board will make the final decision on whether or not to activate prioritisation in the local area.

Prioritisation Implementation Timeline

13. If the decision is taken to activate prioritisation, 4 weeks is given for partners to be notified and for further actions to reduce pressures to be explored:

    - The CEO notifies the Cafcass Board, the President of the Family Division, the Ministry of Justice, HMCTS (CEO), Ofsted and the Association of Directors of Children's Services (ADCS).
    - The Assistant Director notifies the local DFJ(s), the Family Division Liaison Judge (FDLJ) for the area, HMCTS, and local authority Director(s) of Children's Services.

    The Assistant Director uses the 4 weeks to continue to liaise with the local DFJ(s) and other relevant partners to agree wider local communication and continue to work on local plans to reduce the workload pressures in a way that enables Cafcass to allocate children's cases safely within normal timescales.

14. At the end of the 4-week period, the National Director of Operations assesses whether there has been any significant improvement that is sustainable to prevent prioritisation, and then advises the Cafcass Recovery and Improvement Board on whether an allocation hub be established or the decision deferred pending further potential for agreed measures to improve the local situation.

15. If/when the Cafcass Recovery and Improvement Board agrees to go ahead with prioritisation, the allocation hub is established a minimum of 2 full weeks later to allow for local arrangements to be finalised and for the issue of final confirmation letters and briefing to local partners including the judiciary, HMCTS and local authorities.

An allocation hub will not be established unless and until all measures to reduce workloads in a short timescale have been explored and tested. A summary of the process for activating prioritisation is at Annex B.

Allocation hubs and how they will be monitored

16. Children's cases that are assessed as having less or no risk of harm are transferred into an allocation hub, based on the priority status matrix at Annex A. Children and families affected receive a letter from Cafcass within five working days of a decision to allocate their case to the hub, providing them with a named single point of contact and reassurance that there will be continued oversight while the child's case is waiting to be allocated to a named FCA.

17. An allocation hub is staffed by a combination of social work managers/CFCAs and business services officers/case progression officers, who are accountable on a day-to-day basis to a Cafcass Head of Practice. The operation of the hub is monitored by the Cafcass Assistant Director.

18. When a child's case is transferred to the allocation hub, an initial review is completed by a Cafcass social work manager or CFCA to determine the work that needs to happen over the first 6 weeks, including what work can be completed by a Business Services Officer and what work requires social work oversight. **All children's cases held in the allocation hub are reviewed every 2 weeks by a social work manager/CFCA.** The priority status of a child's case can be changed at any time and passed to the local team for allocation to an FCA in the normal way. **Timescales are to be agreed locally between Cafcass, the judiciary and the courts but no child's case will remain in the allocation hub for more than 20 weeks, and work ordered by the court will be completed within a maximum of 26 weeks. The court retains the ultimate responsibility for the progress of the application.**

19. It is intended that there will be collaborative decision making and regular communication between Cafcass and the court about children's 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 court's assessment which prevails. Where the court appoints a rule 16.4 guardian, following consultation between the judiciary and Cafcass about the suitability of the order, Cafcass will confirm with the court the likely timeframe for allocation to support the court to consider alternatives.

20. All children's cases allocated to an FCA before prioritisation is activated 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 reallocation of children's cases (including an application to the court to change the child's FCA) 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.

21. The Assistant Director will meet with the local DFJ(s) at a frequency agreed locally (but at a minimum quarterly) and provide management data and information to monitor progress towards reconciling demand and capacity across the local system, and any further adjustments needed to local ways of working.

22. The National Director of Operations will provide regular updates to the Cafcass Recovery and Improvement Board with a dedicated performance review every 6 weeks on all Cafcass areas receiving targeted support, and the progress achieved. For areas in prioritisation, the updates will include the operation of the allocation hub, the impact of any additional measures intended to reduce demand pressures, and progress towards deactivating prioritisation.

23. The CEO will provide updates to the Cafcass Board, the President of the Family Division, the Ministry of Justice, HMCTS, Ofsted and ADCS when the prioritisation status of any Cafcass operational area changes. A list of the areas currently in prioritisation will be available on the Cafcass website.

De-activating prioritisation – Summary at Annex C

24. Once prioritisation is fully operational, the Assistant Director will work with the National Director of Operations to devise a local exit plan to be agreed by the Recovery and Improvement Board within 4 weeks of the allocation hub being operational. This will cover:
    - the conditions that led to prioritisation, focusing on demand, capacity, performance, and ways of working,
    - the conditions that will be required to exit prioritisation, including any specified minimum levels across three key indicators (timely allocation of public law, FCA caseloads and saturation, capacity of social work managers), and how sustainability will be achieved,
    - the actions Cafcass has taken, and intends to take, with expected impact on key indicators,
    - actions requested of the courts and judiciary,
    - the earliest target date for exiting prioritisation.

25. The National Director of Operations will continue to monitor the exit plan, management information and data to assess the continued need for prioritisation. As part of the monitoring process, once the management data and information demonstrate there is collective confidence that the system has been brought back into balance and the improved trends look sustainable, the National Director of Operations will arrange a **Performance Challenge Meeting** and the Assistant Director will prepare a deactivation implementation plan for review at that meeting.

26. The deactivation plan will set out the timetable over which no new children's cases will be transferred to the allocation hub and the expected date when children's cases in the hub will have been allocated to an FCA to undertake their assessment; any amendments to the local operating model following deactivation; and the local communication plan. The deactivation implementation plan will then be discussed at Assistant Director level with the local DFJ(s) and FDLJ to inform the recommendation to the Cafcass Recovery and Improvement Board.

27. The National Director of Operations will make a recommendation to the Cafcass Recovery and Improvement Board, as to whether to de-activate the allocation hub and return to the normal duty processes, and the proposed implementation plan and timetable. If the decision is taken by the Cafcass Recovery and Improvement Board to de-activate prioritisation, 4 weeks is given for effective communication with local and national partners, and with children and families affected. As with activation:

    - The CEO notifies the Cafcass Board, the President of the Family Division, the Ministry of Justice, HMCTS (CEO), Ofsted and ADCS.
    - The Assistant Director notifies the local DFJ(s), the area FDLJ, HMCTS, and local authority Director(s) of Children's Services.

Prioritisation must not become a permanent structural or cultural feature of the family justice system and Cafcass and the courts should continue to work together to find alternative ways of responding to the increase in children's cases.

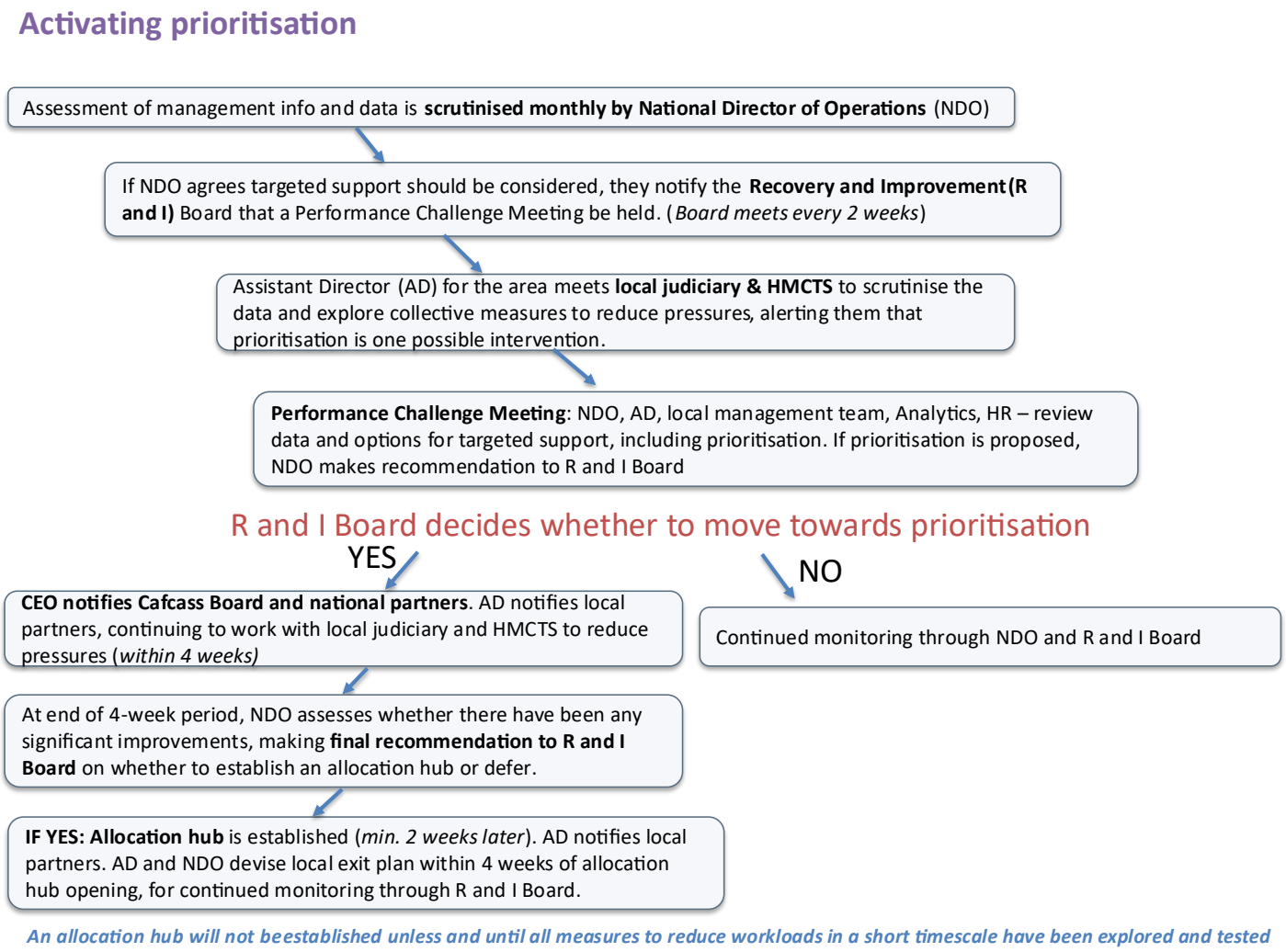
Owner	National Director of Operations
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Version	2 • Shorter and sharper drafting with flowcharts added • Updated governance to align with the current governance model • Addition of the thematic criteria operational leaders consider when assessing capacity in an area. • Adjustment so that the 26-week deadline for work ordered by the court is the upper limit • The requirement for local areas to agree the circumstances for an exit plan when prioritisation is triggered • Clarification that national partners will be alerted when the prioritisation status of a Cafcass area changes.
Next review	November 2027

Annex A: Priority Status Matrix

Public law cases are all priority status 1 and may not be transferred into an allocation hub. The decision for any children's case in priority status 2, 3 or 4 to be transferred to an allocation hub will be subject to review by a Cafcass Manager to confirm there are no additional risks that would require it to be prioritised. These might include: a significant risk is present that needs assessment; connected children who require safeguarding; unclear arrangements that may be unsafe for the child; diverse or specific needs of adults or children that may increase vulnerability (such as significant mental health needs); a rule 16.4 appointment is likely to be necessary or a view on this has been requested; 16a or referral to LA has been felt appropriate by the Early Implementation Team.

Priority status 2	Priority status 3	Priority status 4
Appeals	Parental Orders	Specific issues including name change, change of school, Parental Responsibility
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
Section 7 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
Rule 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
Child Assessment Orders	Section 7 reports not advised or discussed with Cafcass and safeguarding issues not identified	Unpaid work enquiries
Enforcement Orders within six months of last order and where no new safeguarding allegations are made	Section 7 ordered with fact finding scheduled (to be considered for allocation after fact finding is concluded)	Family Assistance Orders
	Cases suitable for dispute resolution, including some returning cases with no new safeguarding issues.	Monitoring Orders
	Orders for addendum reports within 12 months of the previous Section 7	Enquiries from foreign courts
	Rule 16.4 cases where the local authority is also involved	Cases where the report should have been ordered to the local authority under joint Cafcass/ADCS protocol
	Stand-alone special guardianship applications with an allocated social worker	
	Applications from anyone who requires leave to apply (to court to deal with this before Cafcass allocation)	
	Orders which are likely to require referral to a commissioned service such as Enabling Family Time but where the service will likely have no or limited availability	
	Addendum reports not recommended by Cafcass and where there has been no material change since the Section 7 Report	
	Section 7 on returning cases where there has been no material change since the previous proceedings	

Annex B: Summary process for activating prioritisation



An allocation hub will not beestablished unless and until all measures to reduce workloads in a short timescale have been explored and tested

Annex C: Summary process for de-activating prioritisation

