

MCSI Inspection of Court Services

*Children and Family Court Advisory
and Support Service (CAFCASS)*

Tackling Delay

Report of an inspection carried out during

January 2004

MCSI Inspection of Court Services

MCSI has a remit to inspect and report to the Secretary of State in the Department for Constitution Affairs. Its legal powers and duties covering inspection of CAF/CASS are set out in section 17 of the Criminal Justice and Court Services Act 2000. Following changes announced in June 2003, departmental responsibility for CAF/CASS moved to the Department for Education and Skills (DfES). Under the Transfer of Functions Order 2003, MCSI reports on CAF/CASS to the Minister for Children, Young People and Families in the DfES.

MCSI's first phase of inspection, from June to December 2001, was summarised in an Overview Report '*Setting Up*' (March 2002). A second Overview Report '*Setting a Course*' (March 2003) covered a programme of six baseline inspections undertaken in 2002 and a third report '*Towards Year Three*' (April 2004) covered all MCSI's inspections of CAF/CASS during 2003.

Tackling Delay is MCSI's first report in a new programme of inspecting CAF/CASS. The following members of MCSI were involved in the inspection:

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Chief Inspector's Foreword

Recently, Parliament, key stakeholders and the media have been critical of CAFCASS for not delivering its services as quickly as the court, children and their families should reasonably expect. Because of this, CAFCASS has tried to prioritise its attention on delay and take steps to put things right. After all, perceptions about CAFCASS are determined by its ability to deliver a service that safeguards children and promotes their welfare.

Tackling Delay is an inspection report on the actions taken by CAFCASS Headquarters to reduce delay and their effect on one English Region (Greater London) and CAFCASS Cymru. It does not compare and contrast London with Wales, as they are very different from one another – indeed, their differences outweigh any similarities. However, it does identify lessons that should be learned across the organisation.

CAFCASS is but one part in the process of family justice, and delay in the family justice system is a tricky issue. Its causes are difficult to identify systematically, and there is, as yet, no way of measuring the effect of delay on children and families, courts and key stakeholders. Tackling delay effectively is difficult, even for the most long established or mature parts of the family justice system, and CAFCASS was formed relatively recently in April 2001. Nevertheless, the Children Act 1989 sets the general principle that “*any delay* (in determining the question about the upbringing of a child) *is likely to prejudice the welfare of the child*”. This general principle has guided this inspection.

So, did MCSI find signs of improvement in CAFCASS as it endeavours to tackle delay effectively? My conclusion is that there is some evidence that, where this issue is dealt with through a clear strategy combined with strong, resilient management, then progress can be made. For example, in Wales, delay has been virtually eradicated. Whether progress can be sustained is a rather different matter. Sustained progress depends on both a wider appreciation of the various factors that contribute to delay and a coherent strategy to tackle it in the longer term.

This inspection found that, whilst CAFCASS is increasingly successfully managing backlog, it is not tackling delay effectively. Consequently, MCSI makes two recommendations that seek to effect change in both the short and the long term.

I am grateful to staff in CAFCASS Headquarters, Greater London Region and CAFCASS Cymru for their co-operation throughout the inspection process. I am also grateful to the judiciary, local authority staff and family lawyers who discussed their views with MCSI during this inspection. Finally, I should like to thank Rory Worthington (CAFCASS Headquarters), Steve Adams (Greater London Region) and Barbara Norris (CAFCASS Cymru), who acted as liaison officers, gathered together the briefing material in advance of the inspection and arranged on-site meetings.



Dr Stella Dixon
HM Chief Inspector
MCSI Inspection of Court Services
May 2004

Inspection Findings 1: Strategy and Performance Management

This section assesses the degree to which CAF/CASS has established a pertinent direction for service delivery, complemented by a staged plan of action and mechanisms for implementation and review of its strategy to manage delay effectively.

In order to fulfil this key function, CAF/CASS at centre, region and Cymru is expected to:

- ❑ show clear leadership in determining strategic direction and determine effective plans of action to tackle delay
- ❑ communicate the strategic direction effectively, both inside and outside CAF/CASS
- ❑ set and monitor standards of performance about delay
- ❑ have an effective organisational structure to deliver the strategy to tackle delay
- ❑ collaborate with other agencies to manage delay.

Overall assessment

CAF/CASS Headquarters views the management of delay as an overarching priority for the organisation and MCSI is aware that each Directorate makes a contribution to that overall goal. There are plans and initiatives that connect with delay, such as the opportunities arising out of convergence and harmonisation. However, while these plans indicate potential for change, these activities do not sufficiently connect together to form a coherent strategy for tackling delay in the longer term or for managing any backlog in the shorter term.

CAF/CASS Cymru developed an effective strategy for the management of delay, and eliminated it by October 2003. However, because of the unpredictable nature of demand and hard-to-fill staff vacancies, this situation was described as fragile.

In the Greater London region, efforts have been made to plan strategically for change, and significant improvements have been made in reducing the backlog – but there is still some way to go. Performance management is at an early stage of development, although the Department for Constitutional Affairs (DCA) Performance Board has begun to explore performance across the family justice system in local authorities, CAF/CASS and the courts. Inter-agency fora have recently been set up with the potential to aid communication and understanding about delay, its causes and solutions.

Inspectors recognise the effort that has gone into strategic planning and preparation for future change to arrangements for tackling delay in London. Whilst the duty guardian system, the bank scheme and convergence have not yet translated into tangible benefit, they may indicate potential for a future contribution to the elimination of backlog in CAF/CASS Greater London Region.

Leadership in determining and communicating strategic direction about tackling delay

CAFCASS Headquarters

- 1.1 Members of the Executive Team are clear that the prompt allocation of cases and delivery of reports to courts is a basic aspect of the quality of service CAFCASS provides, and tackling delay is seen as an overarching priority for all Directorates. There is also a recognition that external perceptions of the effectiveness of CAFCASS are highly dependent upon it demonstrating success in reducing delay.
- 1.2 In November 2003, the *CAFCASS Business Plan and Work Programme* was revised in response to the Select Committee report, which was published in July 2003 and identified delay as one of the major problems facing CAFCASS. The first section of the *Business Plan* (Improving Service Delivery) sets out three specific actions to reduce delay:
 - i. set up a Working Group to assess what further action can be taken including assessment of resource implications, and report initial findings to the Chief Executive by March 2004 with a final report in May 2004
 - ii. a review of practitioner capacity against service demand, supported by Regional Delivery Plans and aligned to budget allocation 2003/04, with a recruitment plan and action plan by December 2004
 - iii. implement the Judicial Protocol in November 2003, review improvement by March 2004 and by April 2004 agree a target of the percentage of cases allocated within two days for 2004/05.
- 1.3 Senior managers identified some key approaches to tackling delay, such as:
 - the potential within the Judicial Protocol
 - the ability to meet demand by increasing capacity
 - working to improve relationships with self-employed practitioners
 - the benefits of professional development
 - the opportunities arising out of harmonisation and convergence
 - the need for a performance management culture
 - innovative and specific responses (such as a duty guardian system)
 - the need for a broad professional debate about the best use of resources
 - the need for sufficient funding was an underpinning feature.
- 1.4 Some of these are in place, such as the Judicial Protocol and aspects of professional development (through the *Interim Practitioner Training Programme*¹) and others are under current development, such as the duty guardian system in Greater London Region. Others, such as a broad professional debate, remain aspirational.
- 1.5 As yet, these activities do not form a sufficiently coherent overall strategy, with associated plans of action, to tackle delay across the whole of CAFCASS. Instead, tackling delay is seen as one part of the overall strategy to improve services to children and families. A

¹ *The Reflective Practitioner* Interim Practitioner Training Programme CAFCASS Summer 2003.

major plank of this strategy is convergence², which, it is believed, will bring about a number of longer-term gains. Convergence is based on the idea that there are sufficient transferable skills and similarities in practice (such as assessment, safeguarding children, mediation, conflict reduction) that are common to all CAF/CASS practitioners³. As such, separate teams and staff for public and private law may not be necessary. In a converged team, cases could be allocated more flexibly, enabling better management of case allocation, and contributing to the reduction of delay. However, convergence requires training, so in the short term there will be a reduction in practitioner capacity to enable staff to expand their experience and expertise. This will affect the ability of CAF/CASS to meet demand during the transitional period. The service is planned to be fully converged by December 2006, five years after the creation of CAF/CASS in 2001.

CAF/CASS Cymru

- 1.6 In Wales, however, the Wales Management Team (WMT) devised a strategy linked to a clear staged plan to tackle delay in CAF/CASS Cymru and to redress the inequities in service delivery in one area of the country.⁴ The strategy included the creation of a team of self-employed practitioners, the development of an All Wales Waiting List scheme (AWWL) and a Prioritisation Panel. Inspectors were impressed by the strategy, in that it had an identified goal with specific steps to achieve it and ways to measure success. MCSI found that the WMT were contributing successfully to the achievement of the strategy by providing leadership and emphasising communication, negotiation and inclusion with staff and stakeholders, so that there was ownership of the common problems. By the end of January 2004, delay was almost eliminated in Wales with, for example, only 0.2% of the public law workload remaining unallocated, and 9.2% of the private law workload (against national averages of 2.7% and 18.9% respectively). Staff in Wales took pride in the fact that they had tackled the issue of delay together. However, given the unpredictability of demand and some hard-to-fill staff vacancies, the situation was seen as fragile.
- 1.7 Inspectors concluded that CAF/CASS Cymru was successful in implementing the AWWL and linked procedures because:
- it had a clear strategy and, in the AWWL, a system to deal with delay
 - the WMT paid specific attention to the detail of the scheme, devised a set of clear procedures for its operation and provided resources (a manager and administrator) to run it
 - the scheme was introduced by negotiation with staff, unions, professional associations and stakeholders. There was good communication throughout
 - the scheme operated with a spirit of ownership of a common problem
 - there was transparency about the process and the decision making within it
 - there was strong leadership and accountability built in. The Director of CAF/CASS Cymru took personal oversight of the scheme, including the maintenance of discipline and a corporate management approach to managing delay.

² *Converged* practice is the ability to undertake or manage work in both public and private law. *Combined* practice is related to team make up, where public and private law practitioners work side by side but do not hold a converged caseload.

³ It is a common misconception that private law practitioners are not qualified in social work.

⁴ Delay did not feature in North, Mid and South Wales (excluding Swansea) because public law practitioners took on employed status early in the process.

CAFCASS Greater London Region

- 1.8 London Region is in a different, and more difficult, position from the rest of England and Wales with regard to reducing delay. In particular, the dispute between CAFCASS and self-employed practitioners leading to Judicial Review had a significant impact in London, where the proportion of self-employed practitioners in the region is particularly high. There was further loss of capacity when self-employed guardians became employed practitioners⁵. However, overall, the number of public law practitioners has increased. London Region has taken several positive steps to tackle the waiting list, including:
- implementation of a priority waiting list⁶ which is checked and updated each week by an Allocations Officer, overseen by the Regional Manager
 - improved management systems such as tracking allocation against case closure, linking self employed practitioners with a contract manager and robust monitoring of the waiting list
 - regular liaison with courts to update on likely waiting times
 - staff recruitment and the use of agency staff.⁷
- 1.9 While delay remains problematic in Greater London, there have been some successes. For example, from a high of 245 in July 2003, the number of unallocated public law cases fell to 131 by January 2004, considerably reducing the backlog.
- 1.10 London Region has worked hard on two other initiatives that it predicts will also have a significant impact on managing delay in the short and longer term. First, a duty system⁸ will operate from summer 2004, the likely impact and practicalities of which were subject to speculation during the inspection. Secondly, in line with CAFCASS policy overall, the planning documents seen by MCSI indicate that the region is committed to achieve convergence by April 2004. This means that *teams* will be converged from that date

⁵ The situation pre CAFCASS was 127 self-employed and eight employed children's guardians. By February 2002 this had changed to 119 self-employed and 41 employed, an increase overall of 25 practitioners.

⁶ In January 2002 CAFCASS issued a priority allocation system according to the following criteria:

- 1 Secure accommodation applications
- 2 Children under two years
- 3 Section 31 (care) applications when the children remain living at home and where there are child protection concerns
- 4 High Court cases
- 5 Section 31 (care) applications where there are indications of sexual or physical abuse. Cases meeting one or more of the criteria are placed on the priority list; otherwise, cases go onto the general list. A case moves to the priority list after 12 weeks on the general list.

⁷ Inspectors note that the decision to use agency staff between July and December 2002 was particularly effective when 144 extra cases were dealt with. There is, however, an increased financial implication when agency staff are used because they attract a higher hourly rate additional to the fee paid to the agency. Some of the agency staff have taken up employed or self-employed contracts. At the time of the inspection, there were 13 whole-time equivalent vacancies in Greater London Region.

⁸ The decision to set up the duty guardian system was reached by agreement with the President of the Family Division after discussion with judiciary from the Royal Courts of Justice, the Principle Registry of the Family Division and the Inner London and City Family Proceedings Court. The duty guardian (team) will be available for assistance and advice to the court, attendance at first directions or care hearings and for immediate appointment as guardian in emergency protection orders, secure accommodation and adoption (reporting officer) applications.

with a longer term, phased approach to converged *practitioner working*.⁹ The region plans to use the Bank Scheme¹⁰ to cover the reduced capacity of practitioners during their convergence training. The move to convergence will be incremental, monitored and subject to regular review.

Setting and monitoring standards of performance about delay

- 1.11 MCSI has noted in its previous reports that CAFCASS inherited a performance management culture that did not include systems and attitudes focusing on evidenced outcomes and efficient and effective working practices. CAFCASS Headquarters has taken steps to begin to collect and use management information with a view to improving performance where this is necessary or possible. Teams are required to complete monthly statistical returns to Headquarters and it is now possible to identify performance at Region, area, team and individual practitioner level. This element of performance management is at an early stage of development and there is much to do in the process of managing change, including standard setting and improvement targets.

CAFCASS key performance indicators relevant to delay

- 1.12 Data collection is set within the overall context of the CAFCASS key performance indicators (KPIs) relevant to this inspection. In 2002/03, CAFCASS prepared reports in about 35,000 private law cases and in almost 14,000 public law cases¹¹. The former Lord Chancellor's Department (now the Department for Constitutional Affairs) set the following KPIs (and targets) for CAFCASS regarding allocation. CAFCASS collects information about the overall KPI and numbers the allocation targets KPI One to Five. Not all KPIs correspond equally across public and private law.

Public law

- **KPI One** 80% of allocations should be within seven days.
- **KPI Two** The number of cases unallocated after seven days should be no more than 5% of the workload for allocation in the month.
- **KPI Three** In any one quarter the ratio of cases allocated against requests should not drop below 95%.
- **KPI Five** The ratio of completed cases should be not less than 80% of requests during the month.

Private law

- **KPI Two** No more than 15% of requests for reports should remain unallocated less than ten weeks before the court filing date.
- **KPI Four** No more than 5% of the workload should be allocated less than ten weeks before filing date.
- **KPI Five** The ratio of completion should be not less than 95% of requests during the month.

⁹ This means that Public and Private Law practitioners will be part of the same (mixed) team. Service Managers are already 'converged' in the sense that they manage a mixed team.

¹⁰ The Bank scheme comprises a list of practitioners who will be available to take on extra reports if required. The scheme will replace other arrangements such as the use of sessional contractors.

¹¹ The actual figures as set out on page 9 *CAFCASS Annual Report and Accounts 2002/03* are 34,815 (private), 13,815 (public).

- 1.13 A new KPI concerned with the Judicial Protocol allocation requirements was set from October 2003. Data relating to the key performance indicators is set out in Annex A.
- 1.14 MCSI has seen average figures of performance against the KPIs from April to December 2003 and specific figures about the performance of Wales and London in January 2004:
- Wales is slightly below target in KPI 5 (private). It has performed better than the target in KPIs 1, 2, 3 & 5 (public only) and the new KPI.
 - Wales is also better than the national average performance in KPIs 1, 2, & 5 (public) and the new KPI.
 - London has performed considerably below target on KPIs 1, 4 and the new KPI. It is better than or equal to the target in KPIs 2, 3 and 5 and it is above the national average performance in KPIs 1 and 5.
- 1.15 In the period from July 2003 to January 2004, the number of public law cases awaiting allocation in London has reduced by 47% from 245 to 131, with the greatest decrease being between December 2003 and January 2004. Between the beginning of August 2003 and the end of January 2004, there was a total of 887 public law referrals and 983 allocations. A total of 2,092 cases was being worked on at the end of January 2004.

Communication about delay inside and outside CAF/CASS

- 1.16 CAF/CASS is a member of the Department for Constitutional Affairs (DCA) Programme Board on delay. The Programme Board triangulates information about the performance of the court, local authority and CAF/CASS. Inspectors were told that this triangulation “*makes the broader context more transparent. Some of the figures are inaccurate and there are areas where we all have problems or some where the court, local authority or CAF/CASS is at fault*”. MCSI welcomes the opportunities that will arise from membership of the Programme Board, in particular the potential to appreciate the wider context to delay as set out and discussed further later in this report.
- 1.17 There has been early communication at a strategic level between CAF/CASS Headquarters and the Department for Education and Skills (DfES). This includes discussion about the potential contribution that budget analysis and demand forecasting may make to assist CAF/CASS in the management of delay.
- 1.18 Further opportunities for communication with key stakeholders and with service users continue to be developed on a number of strategic fronts by CAF/CASS Headquarters, such as:
- The Judicial Group. This group is at the planning stage and its membership will comprise of senior judiciary, CAF/CASS Legal and the Executive Team to consult on, give advice and discuss a range of relevant issues, including delay.
 - The Legal Liaison Group comprising membership with CAF/CASS of the Law Society, Solicitors Family Law Association, Association Lawyers for Children, Family Law Bar Association, Local Authority Lawyers Group and the Legal Services Commission. This group is set up to consider a similar range of issues.
 - Service Users Interest Group, comprising membership, with CAF/CASS, of Parentline Plus, Families Need Fathers, National Youth Advocacy Service, National Association of Child Contact Centres, One Parent Families, Children’s Legal Centre, National Family and Parenting Institute, Grandparents’ Association, UK College of Family Mediators and Women’s Aid. This group was set up for liaison and advice on service issues.

- 1.19 These groups were recently established by CAF/CASS and, whilst it is too soon to comment on their outputs, liaison mechanisms offer some prospects for future development across the whole of service delivery, including delay.
- 1.20 Inspectors note that communication links have been established with adult service user groups but not yet directly with children and young people. Communication arrangements between courts, local authorities and CAF/CASS Cymru were reported to be good by such stakeholders but to be variable by similar stakeholders in London Region. In Wales, the staged plan to tackle delay included specifying the responsibilities for communication with stakeholders.
- 1.21 Systems for internal communication within CAF/CASS are not designed specifically to address the single issue of delay. Nevertheless, delay will often feature in meetings at all levels, emails, monthly bulletins and on the intranet.¹² Each of these has its merits, depending on circumstances, and if used effectively by staff. However, CAF/CASS cannot only rely on the use of email or intranet communication in London Region or in Wales to address delay. Inspectors noted the extent to which staff said they were too busy to open all their emails or who were not familiar with the use of IT or the CAF/CASS intranet. This is a skills and training issue that needs addressing within the CAF/CASS culture.

Effective organisational structure to deliver strategy to reduce delay

- 1.22 Previous MCSI reports¹³ have reflected the experience of CAF/CASS set up and subsequent developments. That history is not repeated in this report other than to set the development of strategy regarding service delivery and delay in a wider context. CAF/CASS Headquarters has been building up its capacity and structure to develop strategy, devise policy and deliver practice since April 2001 and, during that period, some key positions have been filled with temporary appointments¹⁴.
- 1.23 MCSI expects CAF/CASS structures to be organised in a way that supports service delivery and promotes improved services to children and families. As regards delay, this would mean that the activities of all Directorates are shaped and focused into assisting the Operations Directorate to tackle delay. The management structure at CAF/CASS Headquarters is developing its capacity to deliver services through:
- senior appointments that have been made to head up Policy and Practice Development within the Operations Directorate
 - a new divisional structure within Operations and Human Resources. Since January 2004 the nine CAF/CASS regions have been organised into three divisions each headed by a Divisional Director (Operations) with specific line management and policy responsibilities. These posts will also provide line management and support to Regional Managers. Wales is not part of a division and different line management arrangements apply. MCSI expects this structure to contribute to improved performance and enhance lines of communication between CAF/CASS Headquarters, Cymru and the English Regions.

¹² The CAF/CASS website was awarded *Plain English Campaign Website of the Year 2003*.

¹³ *Setting Up* March 2002, *Setting a Course* March 2003.

¹⁴ For example, until the appointment of the Director of Operations in April 2002 that Directorate had been run by temporary appointments for the previous eight months.

1.24 It is planned that responsibility for CAF/CASS Cymru should be devolved to the Assembly for Wales under provisions in the Children Bill.¹⁵ At this stage, it is not possible to judge whether such arrangements may impact on service delivery generally and delay in particular.

Collaboration with other agencies to manage delay

1.25 While CAF/CASS can manage some aspects of delay internally, it cannot tackle it all alone. It makes up just one part of the family justice system, together with the local authorities and the courts. In public law, the Judicial Protocol is an important opportunity for CAF/CASS to work proactively with other agencies to reduce delay and develop any joint performance management and multi-agency action plans. The practices of stakeholders such as courts and local authorities are outside the direct responsibility of MCSI inspections but are, over time, within the influence of CAF/CASS.

1.26 It was evident from this inspection the extent to which there is an overlap¹⁶ between the activities of some public law practitioners and some local authority social workers. This overlap seems to be influenced less by the nature of the case and more by the practitioner approach. MCSI sees merit in encouraging CAF/CASS to take steps that would help clarify the boundaries and accountability issues between CAF/CASS and local authorities. Better co-ordination and reduced overlap should also contribute to the reduction in, or avoidance of, delay.

1.27 The fifth element of the Judicial Protocol is that there will be *rigorous control of experts*. There is a widely held perception of an increasing use of experts within the family justice system. However, it is not known the extent to which CAF/CASS contributes to this perception or whether CAF/CASS practices increase the demand for specialist resources, including experts or residential assessments.

1.28 MCSI believes it is vital that all professionals in the family justice system recognise that CAF/CASS's current position is that it is a cash-limited non-departmental public body. As such, it is not in the position enjoyed by some of the former organisations (specifically some probation services and local authorities) to meet demand through recourse to other funds. CAF/CASS is coming out of a difficult period of 'set up' and acknowledges that some mistakes that were in its control were made during 2001/02. In *some parts of some regions*, there is delay and in those areas CAF/CASS is still failing to meet *local* demands. However, not every issue is within the control of CAF/CASS. It is only one part of the family justice system. Therefore, care and sensitivity need to be exercised by other key agencies before voicing public criticism of CAF/CASS and its staff regarding delay.

¹⁵ Children Bill [HL35] March 2004.

¹⁶ MCSI was told by practitioners that in those local authorities where there were staff shortages or a high turnover of social workers, some children's guardians would undertake tasks that were more within the responsibilities of the local authority than of CAF/CASS. This is not to say that there was evidence of duplication or inappropriate intervention and this inspection did not enquire into such activities. However, it does raise issues about boundaries and accountability which merit further consideration and clarification by CAF/CASS with local authorities.

1.29 This inspection again highlights the absence of any national agreement with courts, such as a set of guiding principles or thresholds that must be reached to order a private law report. Without such guidance, it is not possible to identify whether CAFCASS resources are being used efficiently or to influence demand where this is practical. Inspectors are also concerned that there is no systematic mechanism to collect information about the orders made by courts after CAFCASS has prepared a private law report. Consequently, CAFCASS is unable to demonstrate effectiveness or any correlation (or otherwise) between proposals made in reports and eventual outcomes. MCSI concludes that these are missed opportunities to influence demand and a recommendation about improving arrangements in private law is set out below.

1.30 MCSI believes that CAFCASS could do more to reduce the level of demand in private law through:

- defining the parameters to practice¹⁷ more specifically
- clarifying the purpose of staff attendance at court for directions hearings¹⁸
- agreeing protocols and thresholds for the ordering of section 7 reports¹⁹.

Recommendation 1: In order to influence demand, ensure fair access to services and help manage delay, MCSI recommends that CAFCASS Headquarters should:

- ***develop a priority system for allocating cases in private law with an agreed set of criteria, such as identified need or risk***
- ***agree protocols with courts that define the thresholds and parameters for ordering section 7 reports.***

¹⁷ For example (a) guidelines on seeing children (b) guidelines on recommendations by practitioners for addendum or supplementary reports (c) promoting the use of standardised assessments such as *Goodman Strengths and difficulties questionnaire* (Goodman 1997, 2001) or from the *Framework for the Assessment of Children in Need and their Families* Department of Health, Department for Education and Employment, Home Office 2000 The Stationery Office.

¹⁸ As discussed fully in *Seeking Agreement* MCSI December 2003.

¹⁹ For example, practice regarding the ordering of (a) addendum or supplementary reports and (b) issues concerned with prioritising of reports such as the different priority associated with the *principle* of contact over the *quantum* of contact in dispute.

Inspection Findings 2: Care of Service Users

This section assesses the degree to which CAF/CASS provides a courteous, helpful and appropriate service to all CAF/CASS users about delay in their cases.

In order to fulfil this key function, CAF/CASS at centre, region and Cymru is expected to:

- follow up complaints about delay and change practices where necessary
- ensure service users have access to information about delay in CAF/CASS and court proceedings.

Overall assessment

Although a complaints policy has been in operation since March 2003, few complaints are made and delay is not a category of complaint that is monitored. CAF/CASS is therefore unable to use its complaints procedures to help assess the degree of user dissatisfaction about delay or to show any remedial action it has taken. CAF/CASS has no systematic arrangements or expectations for informing service users about delay in their cases.

Complaints (about delay) are followed up and practices changed where necessary

- 2.1 The CAF/CASS *Comments, Compliments and Complaints Policy* has been in operation since March 2003. In relation to the high volume of cases involving CAF/CASS, very few formal complaints are made by service users.²⁰ From the last available figures (April to June 2003) there were six complaints in CAF/CASS Cymru, all of which were dealt with at stage 2. In Greater London Region there were ten complaints, of which eight were dealt with at stage 2 and two were investigated at stage 3. For the reasons explained below, it is not known if any of these complaints related to delay.
- 2.2 Delay is not a category of complaint²¹ monitored by CAF/CASS, so the organisation is unable to use this helpful source of consumer feedback to help assess or understand the nature of concerns about delay from a user perspective, or to show any subsequent action taken to improve matters.

²⁰ There are four stages to the complaints process. At stage 1, CAF/CASS considers whether the complaint falls within the procedure. At stage 2, CAF/CASS seeks to achieve a resolution without formal investigation. At stage 3, the complaint is investigated and a report is prepared for the Regional Manager (in English regions) or Director (in Wales). At stage 4, appeal is to a member of the CAF/CASS Board and Regional Manager independent of the region complained about. If, having completed the process, complainants remain dissatisfied, they can raise the matter with the Parliamentary Ombudsman through a sponsoring MP.

²¹ Complaints are identified into categories, rather than categories emerging out of an analysis of complaints. The categories devised by CAF/CASS are (a) practitioner bias (b) report content (c) racial (d) practitioner conduct (e) communication.

Service users have access to information about delay in CAF/CASS and court proceedings

- 2.3 Although the Judicial Protocol requires CAF/CASS to give the court an explanation when the appointment of a guardian is delayed, there is no systematic policy or procedure in CAF/CASS about informing children and their families about delay in their cases. CAF/CASS staff at Headquarters, in Wales and in London all reported that it is assumed that solicitors will tell service users of any delay. However, as there is no such agreement with solicitors, or system to monitor that this will be done, CAF/CASS cannot know if this is a reasonable assumption. Inspectors did observe one service manager in private law who took the initiative of writing letters of explanation to parties whose cases had been subject to delay. At an organisational level, CAF/CASS cannot be assured that children and their families are informed of delay, whether caused primarily by CAF/CASS or for other reasons. MCSI wishes to encourage CAF/CASS to adopt a more customer-focused approach and a recommendation is made to that effect.

Recommendation 2: In order to improve communication with children and families about delay, MCSI recommends that CAF/CASS Headquarters should:

- ***develop and implement procedures to ensure children and their families are systematically informed about significant developments, such as delay in their cases.***

Inspection Findings 3: Welfare of Children

This section assesses the degree to which CAF/CASS ensures co-ordination of professional practice, procedures, policies and strategies throughout the whole organisation, and demonstrates that these elements are all aimed at safeguarding and promoting the welfare of children who may be the subject of family proceedings or who are in receipt of other CAF/CASS services.

In order to fulfil this key function, CAF/CASS at centre, region and Cymru is expected to ensure that:

- cases are allocated promptly
- there is fair access to services
- quality assurance and other systems are in place to assess staff compliance with their statutory duties, CAF/CASS standards and performance targets.

Overall assessment

Although there is a general commitment to the prompt allocation of cases, CAF/CASS-wide specific guidance as to how to prioritise the allocation of cases has concentrated on public, rather than private, law. As a consequence, in private law, local procedures and practices tend to apply, with the result that both practice and performance are patchy. Inconsistent practice and a lack of systematic monitoring mean that CAF/CASS cannot assure itself that access to services is allocated fairly to service users. There is a general agreement within CAF/CASS that quality assurance mechanisms are currently weak, and two recent appointments have been made at Headquarters to take responsibility for their development.

Delay in allocation is not a predominant feature of CAF/CASS, but it can dominate perceptions about the organisation. At the time of the inspection, there was no delay in CAF/CASS Cymru, but there was backlog in both public and private law cases in Greater London Region. CAF/CASS does not have a national agreement with courts about thresholds for ordering reports in private law and there is no systematic collection of information about the outcome of proceedings in private law cases. Consequently, where there is delay in private law, CAF/CASS is unable to demonstrate that its resources are used efficiently or effectively. There is inconsistent allocation of private law cases in London, which means that access to services is unfairly distributed.

The CAF/CASS *Service Principles and Standards* are a set of principles with few measurable standards. The absence of practice guidance has influenced inconsistent practice approaches, particularly in private law. The lack of consistency has an impact on demand and, consequently, can influence delay.

Prompt allocation of cases

CAFCASS Headquarters

- 3.1 Headquarters guidance around priority case allocation has concentrated on public law and the broad parameters about minimising delay, as set out in the general principle in the *Children Act 1989* (referred to already in this report). In addition, several CAFCASS KPIs relate to delay. Against that background, CAFCASS regions and Cymru follow allocation procedures and arrangements that have become recognised as standard practice at a local level. Where local systems work this seems, by and large, to be a reasonable arrangement; but it is less so when practices lead to inconsistent service provision.

CAFCASS Greater London Region

- 3.2 London Region allocates cases in public law within the priority criteria that were developed initially by CAFCASS Cymru and later issued (after modification by Headquarters) as the CAFCASS-wide system. Some innovative approaches to tackling delay – such as the duty system for public law, a centralised allocation system and priority system – have helped to ensure cases are allocated consistently in public law in London.
- 3.3 Inspectors found that there were no similar arrangements to tackle delay in private law in London and there was no agreed system for allocation across the region. Instead, cases were managed on a team basis in line with local custom and practice. This meant that some courts received a speedier service than others. Consequently, fair access to services was not available to some children and families in some parts of London Region.²² Similarly, as is the position throughout CAFCASS, there were no mechanisms in place with courts to influence demand nor systems to ensure that best practices in allocation and service delivery were followed. Inspectors found evidence of unfair access to private law services in parts of Greater London Region, with outer London courts being afforded lower priority.
- 3.4 There was some delay in two private law teams in London Region. In one team, there was inherited long-term delay (pre-CAFCASS) which has continued. Delay in a second team is attributed to long-term sickness absence. Under such circumstances, there is an expectation that practitioners from other teams within the region will assist by taking on extra work where this is possible. However, these are voluntary arrangements and there is no CAFCASS policy to cover long-term sickness absence.
- 3.5 There has been no analysis, so far, of the impact of delay on cases. Diversity monitoring introduced in 2003 is not designed to cover issues of delay. Inspectors were told that any such analysis awaits the introduction of the case management system in May 2004, together with other performance management systems and outcome analysis. MCSI looks forward to the opportunities that will arise for CAFCASS through access to better management information systems.

²² This position is accepted by the London Region Management Team as a strategy to cope with demand. Inspectors were told that, traditionally, courts in outer London were familiar with the need to extend filing dates for reports up to 16 weeks and beyond.

CAFCASS Cymru

- 3.6 At the time of the inspection, there was no delay in the allocation of cases in CAFCASS Cymru. This was because by November 2003 the waiting list in CAFCASS Cymru had been eliminated through the introduction of the All Wales Waiting List (AWWL) and linked procedures. Inspectors concluded that CAFCASS Cymru was successful for the reasons outlined in section one of this report about strategy and performance management.

Fair access to services

- 3.7 A system to monitor the diversity of service users was introduced by CAFCASS in July 2003. From an analysis of all CAFCASS figures from the first quarter, there is an early indication that, throughout England and Wales, there has been an average 55% return rate. The return rate in London was less than 20% and the figures produced for Wales were inaccurate. As a consequence of this poor return rate, CAFCASS cannot be assured that access to services is distributed fairly.
- 3.8 MCSI found that the concept of fair access to services was a key motive for the steps taken by CAFCASS Cymru to manage delay.

Quality assurance systems, CAFCASS standards and performance targets contribute to the avoidance of delay

- 3.9 There is a recognition by managers throughout CAFCASS that quality assurance is in need of attention and is, at present, too reliant on individual and team practices. Overall responsibility for quality assurance is within the remit of two recent appointments made by Headquarters in its Operations Directorate to address a range of professional practice and developmental issues.

Inspection Findings 4: Management of Human Resources

This section assesses the degree to which there is provision and deployment of staff capable of delivering CAFCASS objectives cost effectively and avoiding delay.

In order to fulfil this key function CAFCASS at centre, region and Cymru is expected to ensure that:

- ❑ the Human Resource (HR) implications of CAFCASS plans for dealing with delay are identified and reviewed
- ❑ staffing levels enable cost effective working.

Overall assessment

CAFCASS is a social work agency and, as such, competes with other social care organisations for its professional staff. The employment market available to CAFCCASS is limited in some parts of England and Wales. CAFCCASS's approach to its recruitment and retention strategy for those parts of the country experiencing most recruitment difficulty is not sufficiently robust. Systematic measures of cost effectiveness have yet to be developed.

CAFCASS Headquarters

- 4.1 It is important to re-emphasise²³ that there are recruitment difficulties across the social care professions. CAFCCASS is competing with allied organisations, such as local authorities, for staff within a small pool of qualified social workers. Until other, complementary measures are taken, delay will continue to have a direct link with the level of staff vacancies, particularly (but not exclusively) at practitioner level. Productivity, as measured by reports or cases completed, is being maintained at current levels as required by CAFCCASS Headquarters.
- 4.2 CAFCCASS has taken steps to recruit sufficient numbers of employed practitioners from within the available pool of qualified staff to meet current demand, within its current budgetary resources. It has pursued the agreed strategy of a 'mixed economy' approach to public law provision and has sought to increase the pool of self-employed practitioners within the possibilities of the local employment market.
- 4.3 CAFCCASS has plans to commission work on how to define workload, in terms of input, output and throughput. Consequently it is still too early for CAFCCASS to determine systematic measures of cost effectiveness.

²³ See, for example, MCSI reports on CAFCCASS North East Region (April 2003) sections 4.5 and 4.6 and *Setting a Course* (March 2003) section 2.96.

The Select Committee reported on recruitment and workforce planning in paragraphs 135 – 139 including a recommendation for urgent attention to comprehensive workforce planning. Paragraph 140 includes a recommendation on the issue of attracting back experienced guardians and a further recommendation is made in paragraph 141 on longer-term recruitment.

- 4.4 In relation to Human Resources the CAF/CASS Headquarters revised Business Plan makes provision to:
- establish workload benchmarks. This is the beginning stage for CAF/CASS to identify the parameters to productivity issues
 - consider any specific actions needed for areas where recruitment is difficult. Both London and parts of Wales fall into this category
 - survey recruits and those leaving
 - obtain a fit for purpose, computerised HR and recruitment system
 - continue to work in partnership with Trade Unions
 - continue to develop CAF/CASS staff policies, as appropriate
 - establish more effective contracted relations with self-employed guardians
 - develop a recruitment and retention strategy that reflects any measures implemented from the Green Paper *Every Child Matters*.²⁴
- 4.5 This last provision seeks to “ensure CAF/CASS remains competitive and help attract new recruits into the profession”. MCSI welcomes this development. However, Inspectors suggest that CAF/CASS might also wish to explore with other social care organisations opportunities for secondment, both to and from CAF/CASS.
- 4.6 The age profile of the CAF/CASS workforce includes significant numbers of staff who will retire within the next five years. Given the current social care employment market, there is a need for a longer term workforce strategy around front line practitioners. It is recognised that any such strategy will probably need to be set within the Government’s reform agenda for the children’s workforce as set out in *Every Child Matters*.²⁵ CAF/CASS might usefully pursue possibilities of in-house secondment arrangements or the development of a trainee scheme. Similar issues arise in relation to the recruitment and retention of support and management staff who also contribute significantly to service delivery and the avoidance of delay.

CAF/CASS Cymru and Greater London Region

- 4.7 There are recruitment difficulties in London in both public and private law. MCSI was told repeatedly that market forces, particularly in London, dictate the extent to which self-employed practitioners choose to take work from CAF/CASS or take on better paid work elsewhere. The rural nature, and subsequent travel difficulties, in parts of Wales leave CAF/CASS Cymru with recruitment problems in common with local authorities covering these areas.
- 4.8 Delay that had built up in one private law office in London was unprecedented and was the direct result of long-term sickness absence by practitioners in the team. Staff were clear that current demand could be met if the team was at full strength. In this case, there appeared to be no effective back-up for long-term sickness absence either from within Greater London Region or through HR policy and procedures agreed with Headquarters. CAF/CASS needs to ensure that this kind of situation is included in its contingency planning.

²⁴ Op cit.

²⁵ *Every Child Matters* chapter 6 ‘Workforce Reform’ Cm 5860 TSO (The Stationery Office) 2003.

- 4.9 In Wales, a formal mentoring procedure and induction for public law practitioners had been introduced. However, there was evidence of a variable response by managers and practitioners to support and practice development. In some teams, there was good support by managers and peers for problem solving within cases; in others, the support was more difficult to access, or inconsistent. There was no systematic approach to demonstrating practice development and Inspectors were given recent examples of unsatisfactory induction, support and mentoring for some practitioners in Wales.
- 4.10 MCSI was told that the lack of consistent practice approaches, including agreed best practice in private law, had made learning and development difficult for some new Family Court Advisers in CAFCASS Cymru.

Recommendation 3: In order to help manage delay, MCSI recommends that CAFCASS Headquarters develop a long-term recruitment and retention strategy for practitioners.

5 Concluding Discussion

- 5.1 The concluding chapter of *Tackling Delay* discusses some wider issues arising from this inspection.

Convergence

- 5.2 The extent to which convergence might contribute to improved productivity or other measures of capacity, effectiveness and efficiency is, at this stage, not yet clear. MCSI assumes CAFCASS will ensure that convergence is subject to systematic monitoring and review in order that strategic goals that depend on convergence are demonstrably achieved. Its contribution overall to reducing delay remains somewhat speculative.
- 5.3 The notion of convergence appears to be based on the assumption that CAFCASS will continue to deliver a service in the future that is very similar to the current arrangements for preparing reports for court. Inspectors understand why CAFCASS is focused on meeting current demand and overcoming delay in the few areas that it remains problematic. However, MCSI is concerned that a clearer vision for the future is not yet emerging.

Outcomes

- 5.4 Inspectors take the view that the thinking behind *Every Child Matters* and developments associated with the five key outcomes for children and young people set out in that paper,²⁶ offer opportunities for CAFCASS to develop a broader vision within its strategy. *Every Child Matters* seeks to be clearer about what should be expected of public bodies in the services they deliver to children. As expectations of CAFCASS become understood, and their role in safeguarding children and promoting their welfare is more clearly defined, CAFCASS will be better able to identify the elements of the strategy that might be needed to achieve those expectations.
- 5.5 MCSI is aware that the need for a more innovative approach to the future of service delivery by CAFCASS within the family justice system is acknowledged and understood at different points within Headquarters. As one member of the Executive Team said:

“You can’t just patch this up, that’s not what CAFCASS is about. It needs a new approach in the system with the help of others; it’s not just down to CAFCASS”.

²⁶ *Every Child Matters* (op cit) p14 section 1.3 “There was broad agreement that five key outcomes really matter for children and young people’s well being: these are (a) being healthy (b) staying safe (c) enjoying and achieving (d) making a positive contribution (e) economic well being.”

Expectations around CAFCASS's core activities

- 5.6 MCSI baseline inspections of regions and Wales²⁷ have reported on the extent to which court expectations and CAFCASS practitioner practices vary *between one another* and seem to be *defined by local culture* rather than by reference to agreed understandings and undertakings, including *standards of performance*.²⁸ MCSI believes that until a set of policies and guidelines is produced to support the *Service Principles and Standards*, there is scope to issue some interim parameters to practice preferences over a range of issues.
- 5.7 At present, the report to court is normally seen as the key product of the CAFCASS service. CAFCASS is measured via KPI and by local perceptions of its performance. Such perceptions are determined by its ability to deliver that product to a good standard and without delay. During MCSI's baseline inspections from March 2002 to November 2003, 1,000 court reports²⁹ were read against a checklist based on the National Standards of the former organisations. From this work, MCSI has collected a substantial database about related practice issues.³⁰ Clear themes emerged from this extensive and systematic exercise. In the context of delay, these included:
- there is significant variation in the thresholds for ordering reports (in private law) between, and within, regions
 - there is a variation in the approach by practitioners to such issues as the length and extent of their enquiries or the detail and length of a report. There was no obvious relationship between those variables and the complexity of the case
 - there is no mechanism to assess the effectiveness of reports. In private law there is no system for CAFCASS to measure if there is any correlation between proposals made by practitioners in reports and court outcomes.

²⁷ Reports on each region are available on the MCSI website www.mcsi.gov.uk. The first overview report of six regions *Setting a Course* was published in March 2003 and the second overview report *Towards Year Three* was published in March 2004.

²⁸ The CAFCASS *Service Principles and Standards* were issued in 2003 as a set of principles governing practice. They await supporting documentation specifying the parameters to practice, detailed guidance and measurable performance standards.

²⁹ The 1,000 reports comprised 500 public law reports (care related Children Act 1989 Section 31) and 500 private law reports (contact and residence matters Children Act Section 7).

³⁰ Reports were read by inspectors, with CAFCASS practitioners and managers, against checklists for public law and private law work.

Best practice

- 5.8 In this inspection, and previously, MCSI has identified the need for CAFCASS to clarify and distinguish some of the boundaries to practice and some of the language that is often used in the debate about practice. For example:

'Standards for practice' (expectations of a level of service delivery) is being confused with *'standardised practice'* (a set way of doing things).
'Parameters to practice' (efficient, effective best practice) is misunderstood to mean *'limit setting'* (management control of practice).

- 5.9 There is much work to be done in the whole debate as to what constitutes best practice in the context of a substantial but finite limit to resources. There is a need to reach common understandings with staff and wider stakeholders about *good enough* practice in the context of demand for the CAFCASS service. A further aspect of good practice is the effectiveness of current service delivery to children and families. CAFCASS and its stakeholders need also to debate and agree measures of effectiveness.³¹
- 5.10 MCSI was told that the lack of consistent practice approaches (agreed best practice) in private law had made learning and development difficult for some new Family Court Advisers in CAFCASS Cymru.
- 5.11 This lack of consistency has an impact on demand and consequently can influence delay. For example, in baseline inspections MCSI found that some private law practitioners invite the court to order an addendum or supplementary report as a matter of course. Without agreed practice guidelines, monitoring and outcome analysis such practices can increase demand and may do so unnecessarily. Practice issues in public law that can have an impact on delay include how and when experts are used in cases.

Understanding delay

- 5.12 Annex B sets out five key features that contribute to delay, together with a commentary and assessment of the CAFCASS position.

³¹ *Towards Year Three* paragraphs 2.10 – 2.43 relate.

Performance data

Figure 1 shows the number of unallocated public law cases in London from April 2003 to January 2004.

Figure 1: Public Law Greater London unallocated cases

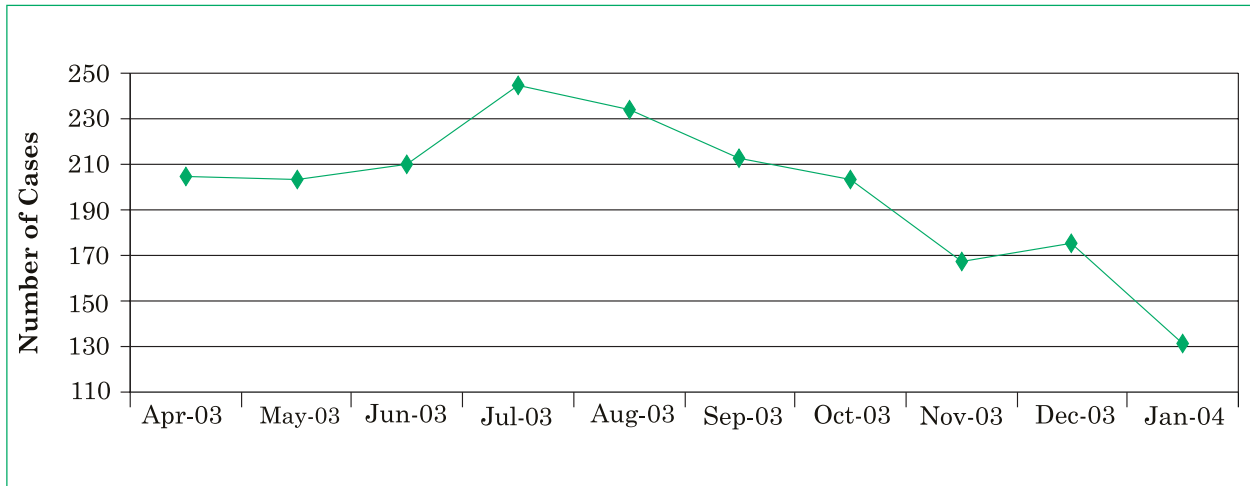


Figure 2: Public Law Status Report as at 31 January 2004

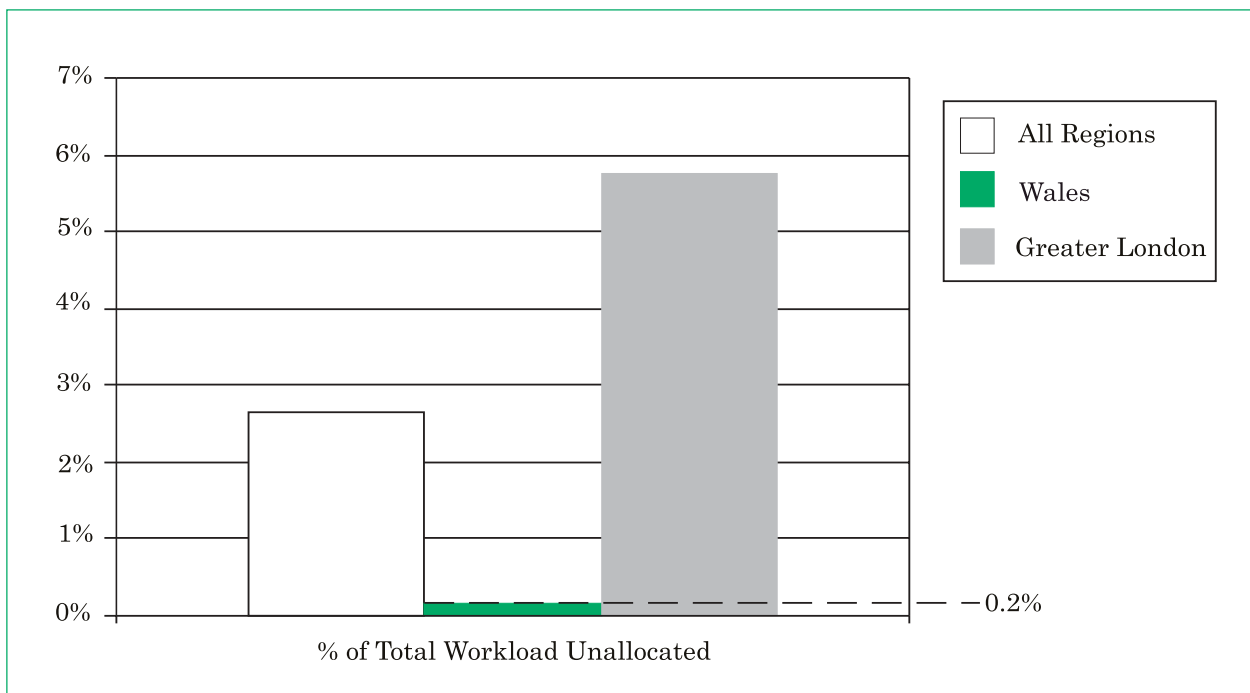


Figure 3: Private Law Status Report as at 31 January 2004

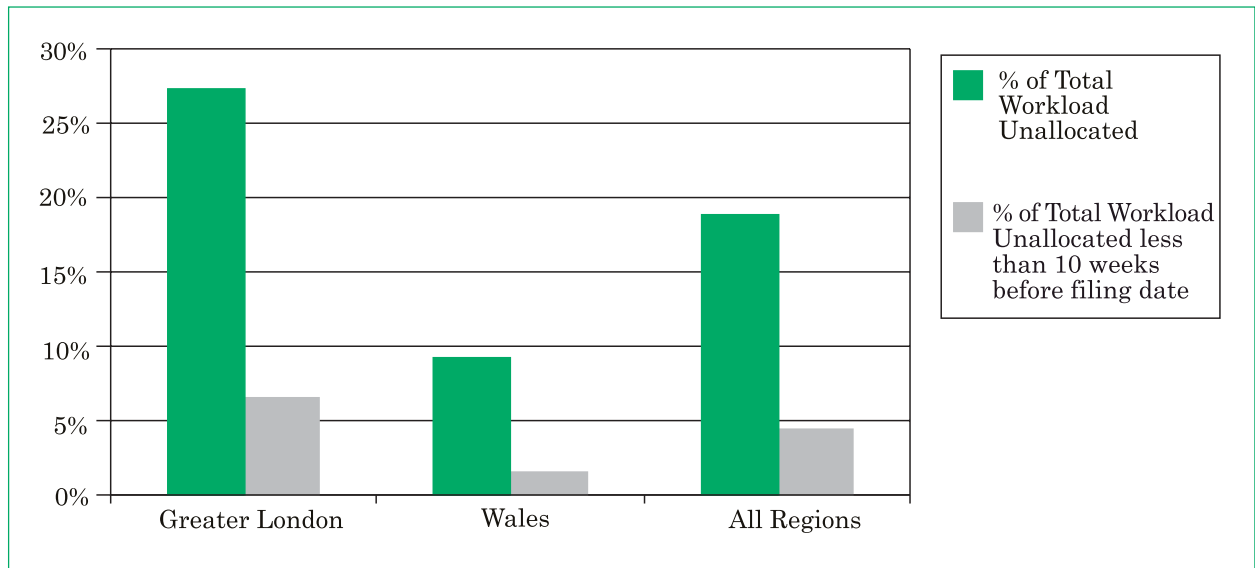
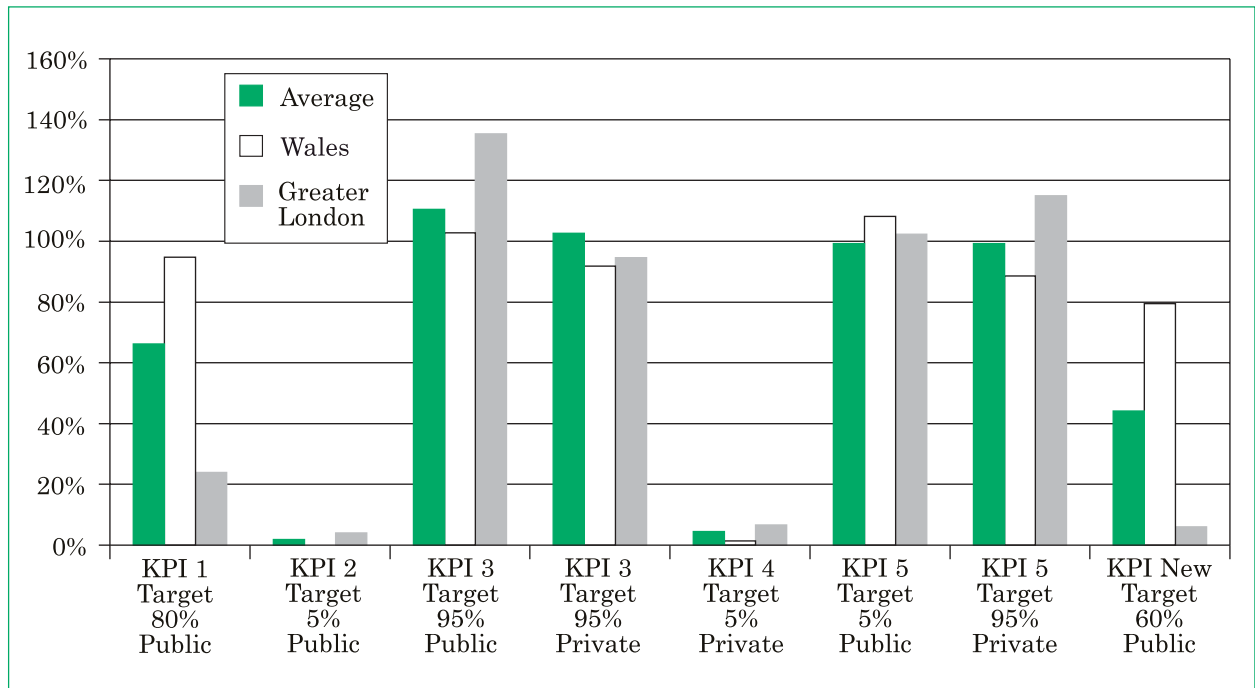


Figure 4: CAF/CASS Key Performance Indicators – January 2004



Key features and delay

Arising from this inspection, MCSI has identified five key features that contribute to an understanding of delay in CAF/CASS. An assessment of the management of delay and related practice issues is made against each of the key features.

Key Feature: Capacity
<p>Detail:</p> <ul style="list-style-type: none"> ■ People (the number of staff) ■ Productivity (the extent to which agreed workload expectations are met or exceeded)
<p>Commentary:</p> <p>CAF/CASS capacity is determined by (a) whether CAF/CASS has sufficient staff (its establishment) to meet <i>current demand under current arrangements</i> and (b) productivity levels. These are related to the efficiency and effectiveness of practices across the workforce, including managers, practitioners and business support staff</p>
<p>Assessment:</p> <p>CAF/CASS has taken steps to recruit sufficient numbers of practitioners from within the available pool of qualified staff to meet current demand within its current budgetary resources. It has pursued the agreed strategy of a ‘mixed economy’ approach to public law provision and has sought to increase the pool of self-employed practitioners within the possibilities of the local employment market. Productivity, as measured by reports or cases completed, is being maintained at current levels as required by CAF/CASS Headquarters. CAF/CASS has plans to commission work on how to define workload, in terms of input, output and throughput. Given the age profile of its workforce – which includes significant numbers who will retire within the next five years – and the current social care employment market, there is a need for a longer term workforce strategy around frontline practitioners. MCSI recognises that any such strategy will need to be set within the Government’s reform agenda for the children’s workforce as set out in <i>Every Child Matters</i>.³² There may also be possibilities that CAF/CASS might usefully pursue in-house, secondment arrangements or the development of a trainee scheme. Similar issues arise in relation to the recruitment and retention of support and management staff who also contribute significantly to service delivery</p>

³² Op cit.

Key Feature: Demand

Detail:

- CAFCASS as a demand led organisation
- Demand determined by protocol agreements with courts
- Demand as determined by the relationship between the service *offered* by CAFCASS and the service *requested* (or expected) by courts

Commentary:

Within the former services, demand was usually met irrespective of the volume of work that was requested³³. Where that practice continues, CAFCASS can be understood to be a demand led organisation, in that its work is generated externally. CAFCASS is also a cash limited organisation³⁴ in relation to its fixed budget, notwithstanding the possibilities of potential increase or top up. Starting from a position of cash limit, normal accounting rules mean that CAFCASS has to operate within its resources. In those terms it can be argued that delay is inevitable in circumstances where demand exceeds supply (or capacity) and resources are fixed. However, demand in CAFCASS varies significantly between regions

Within CAFCASS, the terms ‘supply’ and ‘demand’ have a circular relationship. MCSI has reported on this relationship elsewhere³⁵ in that the service *offered* by the former services and inherited from them by CAFCASS has, over time, evolved into the service that is now *expected* rather than demonstrably *needed* by courts. In that sense, demand becomes defined by expectations and, without corollary protocols and thresholds, expectations can (and, in some parts of CAFCASS, have already) become unmanageable

Assessment:

MCSI believes that CAFCASS could do more to reduce the level of demand, specifically in private law, through: (a) defining the parameters to practice³⁶ more specifically (b) clarifying the purpose of staff attendance at court for directions hearings³⁷ (c) agreeing protocols and thresholds for the ordering of section 7 reports³⁸

³³ From the baseline inspections, there is evidence that a unit of work is not yet defined, nor are the resource implications of current practices fully understood. For example, private law work can be defined as the provision of (a) S7 reports, (b) services to the court at directions hearings (c) work on Family Assistance Orders. The extent as to *whether* each of these activities is undertaken and *how* they are done depends on local circumstances and practices, as defined and maintained by traditional understandings. There are similar resource implications arising out of public law practices. For example, a guardian might (as part of their preferred practice) recommend a residential assessment and the efficacy of that assessment might not be agreed by the local authority. CAFCASS HQ intends to commission consultants to advise on workload assessment and measurement.

³⁴ 2003/04 DCA allocation is £97.5m which includes a £2.5m one-off allocation for the payment of creditors from 2002/03.

³⁵ *Seeking Agreement* MCSI December 2003.

³⁶ For example (a) guidelines on seeing children (b) recommendations for addendum or supplementary reports (c) promoting the use of standardised assessments such as *Goodman Strengths and difficulties questionnaire* (Goodman 1997, 2001) or from the *Framework for the Assessment of Children in Need and their Families* Department of Health, Department for Education and Employment, Home Office 2000 The Stationary Office.

³⁷ As discussed fully in *Seeking Agreement* MCSI December 2003.

³⁸ For example, practice regarding the ordering of (a) addendum or supplementary reports and (b) issues concerned with prioritising of reports such as the different priority associated with the *principle* of contact over the *quantum* of contact in dispute.

Key Feature: The nature of the case and practitioner responses

Detail:

- Complexity
- Developments
- Practitioner practice preference

Commentary:

No two cases in family proceedings are the same and the variation in the complexity of the issues involved covers a wide spectrum³⁹. Unpredictable developments may arise as the case progresses. The variation *between* cases is overlain by the variety of approaches and responses used by practitioners within cases. Some recently published research⁴⁰ throws light on the variations in practice in public law but there is no comparable analysis of the variations in private law⁴¹

Assessment:

In this inspection and others, MCSI has identified the need for CAFCASS to clarify and distinguish some of the boundaries to practice and some of the language that is often used in the debate about practice. For example:

- *Standards for practice* (expectations of a level of service delivery) is being confused with *standardised practice* (a set way of doing things)
- *Parameters to practice* (efficient, effective best practice) is misunderstood to mean *limit setting* (management control of practice)
- there is much work to be done in the whole debate as to what constitutes best practice in the context of a substantial, but finite, limit to resources

There is a need to reach common understandings with staff and wider stakeholders about *good enough* practice in the context of demand for the CAFCASS service. A further aspect of good practice is, of course, the effectiveness of current service delivery to children and families. CAFCASS and stakeholders need also to debate and agree measures of effectiveness

³⁹ For example, the number of children involved, the ability of the parents or health issues.

⁴⁰ *Capturing Guardian Practice Prior to CAFCASS*. Nuffield Foundation 2004. Joan Hunt, Ann Head, Nancy Drucker Centre for Family Law and Policy Department of Social Policy and Social Work University of Oxford.

⁴¹ Such variations have been reported on by MCSI in baseline inspections of CAFCASS.

Key Feature: Stakeholder activity and the interplay within the family justice system

Detail:

- Court practice and resources
- Local authority practice and resources
- CAFCASS response to family justice system

Commentary:

It has been acknowledged for some time⁴² that the efficiency and effectiveness of the family justice system is related to the interplay between the professionals within it rather than the deficits or otherwise of one particular part of the system. For example, the number of court sitting days or the availability of experienced judiciary will have an effect on the ability of the system to list cases for hearing. In discussion with CAFCASS and local authorities during baseline inspections, it seems likely in some situations that changes in policy and practice by local authorities arising out of local circumstances or Government requirements might influence changes to public law thresholds for child protection and affect whether proceedings are initiated. In turn, such separate issues, which are generated in different parts of the system, contribute to whether or not CAFCASS is able to meet demand

Assessment:

The practices of stakeholders such as courts and local authorities are outside the direct responsibility of MCSI inspections but are, over time, within the influence of CAFCASS. It was evident from this inspection the extent to which there is an overlap between the activities of some public law practitioners and some local authority social workers. As discussed at paragraph 1.26, this seems to be influenced less by the nature of the case and more by the practitioner approach. MCSI sees merit in encouraging CAFCASS to take steps that would help clarify the boundaries and accountability issues between CAFCASS and local authorities

Key Feature: Access to specialist resources

Commentary:

Access to specialist resources such as experts, foster placements, residential assessments or interpreters can contribute to delay

Assessment:

The fifth element of the Judicial Protocol (mentioned above) is that there will be *rigorous control of experts*. There is a widely held perception of an increasing use of experts within the family justice system. However, it is not known the extent to which CAFCASS contributes to this perception or whether CAFCASS practices increase the demand for specialist resources, including experts or residential assessments

⁴² *Avoiding Delay in Children Act Cases* a Report to the Lord Chancellor's Department in July 1996 by Dame Margaret Booth DBE (The Booth Report).

Methodology

- The Inspection of CAF/CASS regarding *Tackling Delay* was conducted by a team of six Inspectors and an Inspection Assistant. CAF/CASS was given six months' notice of the start of the main fieldwork and of the topics to be inspected. CAF/CASS Headquarters, Greater London and Wales provided the inspection team with documentary evidence together with their own analyses of performance in the main topic areas.
- Views of the judiciary in London and Wales about the performance of CAF/CASS were obtained through on site discussions. Similar discussions took place in some local authorities where social services and legal views were sought about current court proceedings where CAF/CASS was involved.
- The inspection team visited CAF/CASS offices at Headquarters, South Wales and parts of Greater London.
- The inspection team carried out a series of structured interviews with Board and senior management at CAF/CASS Headquarters, in Greater London and in Wales. Service managers, support staff, front line practitioners and other staff with specialist responsibilities were interviewed as well as the Regional Director in London and the Director of CAF/CASS in Wales.
- MCSI posters were displayed in CAF/CASS office reception areas inviting contact from Service Users. Copies of the posters were also displayed in a number of languages at different offices.
- Adult parties in all completed private law proceedings for a two month period in 2003 where CAF/CASS was involved were written to by CAF/CASS requesting the completion of a questionnaire about levels of satisfaction with CAF/CASS and issues of delay. Views were sought anonymously. At the same time that parents were contacted, they were invited, if they so wished, to telephone the Inspectorate direct and/or to come to a meeting with Inspectors.
- MCSI also sought out the views of one stakeholder group (an association of Family Solicitors) that had an interest in the work of CAF/CASS.
- MCSI reports do not normally record the views of identifiable individuals. Similarly, views of other individuals interviewed during the Inspection, such as the judiciary and local authority staff, are not reproduced in this report in an identifiable form.
- CAF/CASS has seen this report in draft form. Any comments on factual inaccuracies have been taken into account in this final version.

MCSI Recommendations and CAFCASS action plan

1 MCSI recommendation – Strategy and Performance:

In order to influence demand, ensure fair access to services and help manage delay, MCSI recommends that CAFCASS Headquarters should:

- *develop a priority system for allocating cases in private law with an agreed set of criteria, such as identified need or risk*
- *agree protocols with courts that define the thresholds and parameters for ordering section 7 reports.*

CAFCASS response

CAFCASS will:

- review the current guidelines on the priority to be given to allocating work, and will ensure revised guidance includes criteria such as identified need or risk
- complete the work in progress to agree protocols with courts to define thresholds and parameters for ordering section 7 reports and requests for follow-up reports.

Overall improvement target:

Protocols to be in place and where backlogs exist all cases to be allocated according to priority

By dates:

- (i) review of allocation priorities to be completed by September 2004
- (ii) consultation in accordance with Partnership Agreement between October and November
- (iii) current guidance to be replaced with revised version by December 2004

2. MCSI recommendation – Care of Service Users

In order to improve communication with children and families about delay, MCSI recommends that CAFCASS Headquarters should:

- *develop and implement procedures to ensure children and their families are systematically informed about significant developments, such as delay in their cases.*

CAFCASS response

CAFCASS will:

- standardise the practice adopted in most offices of writing to both families and the courts when there is any delay in allocation or other significant developments
- provide a template to ensure consistent practice.

Overall improvement target:

All families to be informed of delay in allocation or other significant events.

By date: June 2004

3. MCSI recommendation – Management of Human Resources

In order to help manage delay, MCSI recommends that CAFCASS Headquarters should develop a long-term recruitment and retention strategy for practitioners.

CAFCASS response

CAFCASS will:

- complete the current work in progress to establish a strategic framework and related policies and procedures
- bring together a number initiatives to ensure effective recruitment and retention of practitioners
- prepare draft, consult and implement
- undertake further work to establish baselines from which to set targets for improvements in recruitment and retention.

By dates:

- (i) prepare draft for consultation by July 2004
- (ii) consultation September – November 2004
- (iii) implementation January 2005

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شرح خلاصه ای از این گزارش به زبان فارسی به هنگام درخواست شما از آدرس زیر در دسترس می باشد.

Une version abrégée de ce rapport peut vous être fournie en français si vous en faites la demande à l'adresse indiquée ci-dessous.

Auf Wunsch ist von nachstehender Adresse aus eine zusammengefasste Version dieses Berichts in deutscher Sprache verfügbar.

Μπορείτε να πάρετε μια σύντομη ελληνική έκδοση αυτής της έκθεσης, κατόπιν αίτησης, από την παρακάτω διεύθυνση.

इस रिपोर्ट का संक्षिप्त हिन्दी अनुवाद प्रार्थना करने पर नीचे दिए गए पता से उपलब्ध कराया जा सकता है।

Un sommario di questa relazione è disponibile, su richiesta, in lingua italiana all'indirizzo indicato di seguito.

本報告書の要約(日本語)をご希望の場合は下記住所までご請求下さい。

Pode obter, sob pedido e através da morada seguinte, uma versão resumida deste relatório em português.

ਇਸ ਰਿਪੋਰਟ ਦਾ ਸੰਖਿਪਤ ਪੰਜਾਬੀ ਅਨੁਵਾਦ ਹੇਠ ਲਿਖੇ ਪਤੇ ਤੋਂ ਨਿਵੇਦਨ ਕਰਨ ਤੇ ਮਿਲ ਸਕਦਾ ਹੈ।

Краткую версию данного доклада на русском языке можно получить по приведенному ниже адресу.

Qoraalkaan oo ah warbixin la soo koobay kuna qoran Afsoomaali waxaad ka heli kartaa haddii aad la xiriiro ciwaanka hoos ku qoran.

En sammanfattad version av denna rapport finns, på begäran på nedanstående adress, tillgänglig på svenska.

Muhutasari wa ripoti hii unapatikana katika lugha ya kiswalihi, tafadhali peleka maombi katika anuani iliyopo hapa chini.

บทสรุปเป็นภาษาไทยของรายงานฉบับนี้สามารถติดต่อขอได้จากที่อยู่ข้างใต้

Podemos proporcionarle un resumen de este informe en español si lo solicita a la dirección abajo reseñada.

Bu raporun Türkçe bir özetini aşağıdaki adresten isteyebilirsiniz.

درخواست کرنے پر اس رپورٹ کا خلاصہ درج ذیل ایڈریس سے اردو زبان میں دستیاب ہو سکتا ہے۔

Bài tóm tắt chữ Việt của bản báo cáo này đã sẵn có, nếu cần, xin theo địa chỉ dưới đây dò hỏi.

Alaye kukuru lori iwe yi ni ede Yoruba wa ti e ba fe, lati oju ile ati adugbo ti a ko si isale iwe yi.

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