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Dear colleague,

Thank you for attending our open Board meeting in May and for submitting questions

I wanted to write to thank you for attending Cafcass' public Board meeting on Friday, 28 May. I hope you found the meeting informative and useful. It is very important to us that our thinking and discussion benefits from the reflections and perspectives of others, particularly our partners and colleagues, and the children and families directly affected by our work. Please do continue to take an interest in our Board meetings and attend where you are able.

Prior to Board meeting Cafcass received three questions, one from Napo (a Trade Union – National Association of Probation Officers) and two from The Transparency Project. I wanted to share their questions and our responses directly with you.

Napo asked, "in response to ongoing stress and concern about workloads experienced by Cafcass social work staff, Napo have conducted a survey of its Cafcass members in respect of workloads. We asked our members to tell us how many cases they thought they could safely manage at one time. 86% of responders gave a figure between 14 and 20. The average number of cases that practitioners thought they could safely hold was 17.4. However, for Family Court Advisors on public law teams, the average figure dropped to 16.5. The average response in terms of safeguarding letters per day that could be completed by workers on an Early Intervention Team, when they were not doing court duty, was 1.6.

Our members have expressed their disappointment, and in some cases their anger, that despite these figures being communicated to senior management, Cafcass management continue to refer to 25 cases. For example, in an email to all staff on the 11 May the senior leadership team made reference to working towards "all practitioners having manageable caseloads that are not in excess of 25 cases".

Our members tell us that it is not possible to safely manage 25 case within their contractual hours. They have told us what is manageable. In light of the above:

- *Does the Cafcass Board expect Cafcass staff to work in excess of their contracted hours in order to provide a safe service to children and their families?*

Sally Cheshire CBE Chair
Jacky Tiotto Chief Executive



Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental public body of the Ministry of Justice
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- *Does the Cafcass Board accept that 25 cases is not manageable within contracted hours?*
- *What measures does the Board intend to implement to ensure that children and families receive a safe service from Cafcass staff working within their contracted hours?"*

Cafcass continues to have fortnightly discussions with both Napo and Unison. Senior leaders including an Operational Director and the Head of Human Resource attend. This is in addition to the quarterly Partnership Meetings that are attended by other senior leaders including myself.

As has been explained in those meetings previously, the figure of 25 cases has been noted as a number that caseloads in work after first hearing and public law shouldn't exceed. It has been made clear that this isn't a figure that staff are expected to work to in all cases but is an upper limit beyond which steps would be taken with the individual staff member to reduce the caseload. It is also a starting point in our very significant programme of work and negotiation with the wider Family Justice System to respond to the demand pressures on us and the impact of the pandemic on family law proceedings. Both require careful weighing and balancing of our statutory responsibilities in respect of the protection of children, provision of advice to the family courts and the welfare of our staff.

The circumstances of each Family Court Advisor are also different, and Cafcass have confirmed that no matter how many children are being worked with, if a Family Court Advisor needs assistance in managing any aspect of their work then they should speak to a manager so that support and solutions can be found.

Cafcass doesn't want Family Court Advisors to have to work unreasonable hours in order to provide the court with information on the best interests of the children involved in proceedings and that is why we have sought to give 25 cases as a marker in our commitment to reduce caseloads further.

Napo have previously been informed that there will be a review of the existing workload weighting process and that the unions will be engaged in this. We want to continue to reduce caseloads even in the current circumstances of increased demand, delays in the wider system and the limits of the resources available within Cafcass' budget. We will continue to offer dialogue with Napo and other unions to work together for long term, realistic and sustainable solutions.

The Transparency Project asked, *"with reference to the email sent to stakeholders on 24 May, what does activate the protocol and open an allocation hub in consultation with local DFJs, HMCTS, and local authorities actually mean in practice on the ground for families; and how does decision making fit with the already published private law family court reform intentions to implement early triage & allocation to risk, returner or mediation track, so as to divert as many families as possible (where safe to do so), away from the family courts to [some say non-existent] services elsewhere?"*

As a result of demand pressures, particularly in private law applications, and the longer time it is taking for courts to dispose of cases, the caseloads of Cafcass practitioners have become too high. These pressures have been amplified by the pandemic. Whilst these higher caseloads have not yet had an impact on the quality of practice or the welfare of staff, the situation is not sustainable. We are, therefore, committed to bringing down persistently high caseloads in order to protect the quality of our work with children and to protect and promote the well-being of our colleagues. These are the primary reasons for prioritisation.

We continue working with the judiciary to visit all and any potential mitigations to opening an allocation hub in areas where the protocol is activated. At the time of writing, the size of caseloads, the volume and durations of cases in our duty system, our staffing capacity and our resources all indicate that we will need to retain the activation of the protocol in one or more areas. The protocol we are working to finalise explains what will happen when a local area becomes saturated with demand pressures and it is not possible to allocate cases safely to practitioners. An Allocation Hub opens where cases that cannot be allocated within Cafcass' normal timescales will be held for longer and until they can be allocated. Additional resources have been secured to ensure effective oversight of these cases and regular communication with the families and courts. There are also clear arrangements in place to deactivate any hubs once workload pressures reduce.

The Transparency Project also asked, *"we see from the management report to the January 'open' board meeting that Cafcass have completed their deep dive into 200 case files in response to the Harm Report Findings and concluded things weren't good enough in just 8% of cases. What does this mean for your response to the findings and commitment to reform? Can you update on the reform programme and stage reached ahead of the promised full report in summer e.g. what percentage of staff have now been joint-trained with the judiciary, & how are reform aims of better challenge to unsafe contact orders and better distinguishing high conflict from abuse being met and measured?"*

The audit of 200 children's cases involving Domestic Abuse was carried out in November and December 2020. The audit identified aspects of practice that need to improve and develop, and these are the areas that have been included in the Learning and Improvement Board action plan, which will be published later in June. The reference to 8% of the 200 cases reported at the January Board meeting, refers to the children's cases that were judged by the auditors to have the most significant learning.

The methodology included obtaining feedback from children and families and moderation of a small sample of the cases by a panel of experts by experience, including young people and members of the Cafcass Domestic Abuse Learning and Improvement Board. The moderation panel was chaired by Professor Eileen Munro, Deputy Chair of Cafcass' Board.

Specifically, some of the areas for improvement include more consistently differentiating between the impact of harmful conflict and abuse, ensuring patterns of coercive control are identified and their impact on the child explained to court. The audit has also informed the content of our new mandatory programme for all staff, the Domestic Abuse Learning and Development programme which is being implemented between May and December 2021.

Our commitment to practice improvement and to reform is signalled through the establishment of the Cafcass Learning and Improvement Board and our national improvement plan.

Following the Board meeting I received a question from a member of public who asked, *"with Spanish and Italian courts this week stating they will no longer recognise the concept of parental alienation, due to its lack of basis in scientific evidence and having been developed by a known perpetrator, does Cafcass have any plans to review their approach to this as it is widely recognised as a tool used by perpetrators? Shouldn't this kind of behaviour by a parent be treated for what it actually is, emotional abuse?"*

Our approach to assessing children needs where there are concerns about alienating behaviour is set out in the [Child Impact Assessment Framework](#). The focus of the approach is always to start with the question 'what is happening for this child'. If it is identified that a child is being harmed emotionally by any form of parental behaviour, we would make an assessment as to the extent of the harm and its immediate significance on the child. This might involve a referral to a local authority children's services department, or to the police if it were immediate harm. We may invoke our own responsibility to conduct a risk assessment and inform the court accordingly.

As a reminder, the agenda for the Board meeting and my presentation are available on the [Cafcass website](#). The minutes and any other reports will be uploaded after the next Board meeting in July.

Yours sincerely and I look forward to seeing you at a future public Board meeting.

A handwritten signature in black ink, appearing to read 'Jacky Tiotto', with a stylized, cursive script.

Jacky Tiotto
Chief Executive