

INTERDISCIPLINARY ALLIANCE FOR CHILDREN

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Rt. Hon Michael Gove MP
Secretary of State for Education
House of Commons
Bridge Street
LONDON
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20 February 2012

Dear Secretary of State,

Re: Key Performance Indicators (KPIs) for the Children and Family Advisory and Support Service (Cafcass) and the Cafcass draft Operating Framework.

We are writing to you to express our deep concern about the current draft of the Cafcass Operating Framework due to be launched on 1 April and the continuing absence of a Cafcass Key Performance Indicator (KPI) in relation to seeing children.

In August 2009 the previous government commissioned the PA Consulting Group to make an evidence-based assessment of the capacity of Cafcass to perform its role in meeting the needs of families and children within the family justice system. The subsequent report (*Cafcass Issues Analysis, PA Consulting Group for the DCSF*) was published on 22 October 2009.

The report criticised Cafcass' use of the definitions of 'allocated' and 'unallocated' cases in the following terms:

'One of Cafcass' Key Performance Indicators differentiates between 'allocated and 'unallocated' cases. It is our view that this is not a useful (tool) for managing work outstanding as 'Allocated 'implies responsibility but does not reflect the extent to which work may (or may) be underway on a case.

In addition:

'Unallocated is not a complete measure of the backlog in private law'

We share these concerns and note that the Cafcass KPIs as stated in the Annual Report for 2010 /11 continue to use allocation as a target in what is essentially a process of case allocation rather than an audit of a direct service delivery to children (and by implication, courts). (See KPI 1 - Public Law and KPI 2 -Private Law and KPI 6).

There are particular concerns regarding KPI 6 which states that:

' Cafcass will allocate (on an on-going, not a duty basis) all care cases by the case management Conference (CMS) hearing measured as 45 calendar days from application date'

Forty five days is an unacceptably protracted period at the end of which there currently is no guarantee that the child will be seen.

The widespread concerns around this issue were raised by both Nagalro and the Interdisciplinary Alliance for Children in their evidence to the Justice Committee Enquiry into the operation of the Family Courts on the 1 March 2011. Members of the committee expressed surprise that the Cafcass statistics do not record when children have been seen - or indeed whether they have been seen at all.

In its Report of 28 June 2011, the Justice Committee in its sixth report of the session 2010-12, recommended that Cafcass:

'measure and monitor the amount of work carried out by managers in cases allocated to them in order to ensure that genuine progress is made and that those cases are not simply moved off the unallocated list to make those performance statistics look more acceptable We expect Cafcass to report back to us on this point at the earliest reasonable opportunity' (Conclusions and Recommendations Para 24 - Delays)

Further, in relation to the service Cafcass provides to children, the Committee stated that:

'in order to make progress Cafcass had had to offer a 'safe minimum service' and the (small) amount of time that Cafcass workers currently spend with children is unacceptable in the long term. Cafcass needs to give its workers the opportunity to do what they want to do: spend more time with children . This will involve a change in management culture and the wholesale rewriting of the draft operating manual to focus on identifying and meeting the needs of individual children. Cafcass will also have to re-examine its staff's workload. There is no doubt that some of the time spent managing the system could be redeployed to spending more time with children' (Para. 29-Service Cafcass provides to children)

It is a matter of regret that the Cafcass KPI's and the recently redrafted Cafcass Operating Framework have not been revised to reflect either PA Consulting Group's concerns or those of the Justice Committee in relation to the time spent in direct work with children – they are the primary client and at the centre of the work of courts and Cafcass.

We are, therefore, deeply concerned that the current Operating Framework continues to embed a process driven system of minimum service delivery and arm's length risk assessment. In private law matters for example, the draft Operating Framework refers practitioners to *'the telephone script for risk identification phone calls.* (para 4.6) We believe this approach carries an unacceptably high level of risk for the vulnerable children involved.

We are also concerned that the current operating model potentially undermines the proper exercise of professional discretion and is not consistent with either the recommendations of the Munro Review on Child Protection, the statutory framework for children's guardians set out in s41 Children Act 1989 or the President of the Family Division's judgment in the case of *A County Council v K & others (By the Child's Guardian HT) [2011] EWHC 1672 (Fam)*

We understand that the KPIs applicable to Cafcass are a matter for the Secretary of State to determine. We therefore ask you to revisit them with a view to providing transparent and robust child centred targets which clearly underscore service delivery to children and thus support best practice. This is best achieved by including indicators which record and assess direct work with children rather than the process of allocation.

If this could be achieved it would facilitate the development of an Operating Framework for Cafcass which could be further developed with the support of the wider interdisciplinary community of professionals within the family justice system - but also the wider public. The latter objective is, we feel, especially important in the current climate. The Alliance would be very willing to assist all it can in that process.

Yours sincerely

Julia Higgins

Julia Higgins
On behalf of the Interdisciplinary Alliance for Children,

Cc: Tim Loughton MP, Secretary of State for Children and Young Families,
Sarah Teather MP, Minister for Children and Families,
Rt. Hon Sir Alan Beath, Chair, House of Commons Justice Committee
Sir Nicolas Wall, President of the Family Division,
Professor Eileen Munro, London School of Economics
Annabel Burns, Department of Education