



The Response of the Government and
the Children and Family Court Advisory
and Support Service to the
Constitutional Affairs Select Committee's
Report on the Children and Family
Court Advisory and Support Service
(CAFCASS)



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Presented to Parliament by the
Secretary of State for Constitutional Affairs
By Command of Her Majesty
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GOVERNMENT RESPONSE TO THE COMMITTEE ON THE LORD CHANCELLOR'S DEPARTMENT COMMITTEE INQUIRY INTO THE CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE (CAFCASS)

Introduction

1. The Government is grateful to the Committee on the Lord Chancellor's Department for its Report on its Inquiry into the work of the Children and Family Court Advisory and Support Service (CAFCASS). The Committee's Report was a timely look at the way that CAFCASS has operated since its establishment and provided helpful indicators of how it might better operate in the future. We plan to accept and act on many of the Committee's recommendations and to take forward work on its other main findings.
2. This response contains two parts: first is a response from Ministers to the issues directed at Government and the second is a response from the Board of CAFCASS itself, addressing the issues the Committee put to it. There is some overlap on some issues, where the findings of the Committee call for that, and these are addressed by both Ministers and CAFCASS.
3. Since the Committee began its Inquiry there has been an announcement of changes in the Ministerial responsibilities for CAFCASS, with the sponsorship role shifting from the former Lord Chancellor's Department (LCD), now the Department for Constitutional Affairs (DCA), to the new Minister for Children, Young People and Families, within the Department for Education and Skills (DfES). The Committee's report was published shortly after that change was announced and it acknowledged that some of the Report's forward-looking findings would now be for DfES Ministers to pursue. This response has been agreed between Ministers in the DCA and DfES to cover all the Committee's findings.
4. Before turning to make detailed responses to the Committee's specific findings, this response would like to record its appreciation and agreement with the Committee's comments in its report about the dedication and commitment of CAFCASS professionals who have continued to provide services to the vulnerable children CAFCASS serves. It is a tribute to these professionals and the all CAFCASS staff that these vital services to children have continued to be provided.
5. Establishing CAFCASS was, all seem to agree, the right thing to do. It created a new unified organization, focussed on the vulnerable children it serves and with a specific statutory duty to promote the welfare of the children it serves. It provided scope to improve those services for all those children. All sides acknowledge that CAFCASS had a difficult start due for several reasons but the underlying principle remains the right one. The challenge then and now is to get the organization working as well as possible to improve the life-chances of all the children it serves. The Government will continue to support it toward that end and the Board and staff of CAFCASS will continue to make every effort to do that as well. The Committee's report is a useful contribution to that developmental process and the following detailed responses to its findings show how action will be taken to build on those.

Response to Specific Recommendations

Recommendation 2: *The decision to proceed on [a foreshortened] timetable was a serious misjudgement. The Government should not have allowed the timetable for the establishment of the National Probation Service to dictate the unrealistic programme for the establishment of CAFCASS. The decision to do so makes CAFCASS appear of secondary importance. The impression was gained that the Departmental priorities of the Lord Chancellor's Department were secondary to those of the Home Office. It is vital that all Government Ministers give priority to work with children in line with their commitments under the UN Convention on the Rights of the Child.*

Response

Our evidence acknowledged that the time available for the establishment of CAFCASS was less than ideal and all involved would have valued more time being available for further development. This did not, however, reflect any lack of priority to CAFCASS. It was important to develop CAFCASS to the same timetable as that for the establishment of National Probation Service (NPS) since the staff involved in both changes were then part of the same workforce. At the time leading up to establishment of these bodies, staff had to choose which of the new organizations to transfer to. Putting either of the putative organisations on different establishment timetables could have been very unsettling for staff, and in particular for CAFCASS had it been delayed since prospective staff would have been asked to transfer to an organization that did not formally exist. Putting both organisations on the same but extended establishment timetable was not possible due to the wider changes around the creation of the NPS. Attempting to do so could have been equally unsettling for staff and stakeholders, including the staff of the other services that were planned to transfer into CAFCASS such as the guardians and from the Official Solicitor, as they would have been left in a prolonged period of uncertainty.

The planned timetable for establishment of CAFCASS was foreshortened by the delay in receiving Royal Assent to the Criminal Justice & Court Services Act. This made an already challenging timetable more so and it is a great tribute to the staff of CAFCASS and the others involved that it was launched successfully and maintained the provision of services to children throughout the establishment period and beyond.

Establishment or "Vesting Day" of CAFCASS was never, of course, meant to be a "big bang" when a fully formed mature organization would come into being. CAFCASS was always intended to be an evolutionary body with the aim being for "steady state" on Vesting Day where staff would be doing the same job, at the same desk with more or less the same support structures. Then, over time, the new organization would develop to create the unified service envisaged. The terms of transferring staff were protected by TUPE-like provisions so this evolutionary approach was needed.

Recommendation 3: *Contingency plans should, however, have been in place to deal with [the foreshortened timetable]. In particular, it is difficult to understand why a shadow Board was not set up, with an indication that permanent appointment was subject to the passage of the Bill.*

Response

Contingency plans were developed and indeed some were used during the developmental phase, particularly as the planned timetable was foreshortened by the

delay in the Bill getting Royal Assent. There were also plans in place to deal with the Bill failing to achieve Royal Assent at all. It was not, however, possible to appoint a shadow board earlier than was done; long-standing central rules on such appointments mean these cannot be made prior to Royal Assent and Board Members were appointed as soon as was possible once that had been secured. The developmental project was overseen by a Programme Board throughout and the prospective Chairman of CAFCASS joined this and played a part in the Project set-up from the earliest possible date i.e in November 2000.

Recommendation 5: *The Minister for Children and the CAFCASS Board should make a definitive statement about their commitment to maintaining a system of tandem representation. These provisions are consistent with Article 12 of the United Nations Convention on the Rights of the Child.*

Response

The child's best interests are the paramount concern and the Government is fully committed to that end. It is, of course, vital that each child has the best possible representation of their interests when decisions about their future are being reached and the Government is committed to that principle.

Article 12 of The UN Convention on the Rights of the Child provides that "State Parties shall ensure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child".

Further, that "for this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law".

The Government is and remains fully committed to those principles.

Recommendation 6: *We recommend that the National Audit Office review events [during CAFCASS's early days], including; use of the work of the Project Team; development of IT systems in CAFCASS; management of senior staff and use of consultants in the early months of CAFCASS; and events surrounding the departures of the Chief Executive and Director of Operations.*

The National Audit Office is aware of this recommendation and will itself consider how best to act upon it and respond to it accordingly.

Recommendation 12: *The Framework Document fails to reflect the proper relationship between the LCD and CAFCASS as established by the relevant legislation. The Framework Document also displays a curious, and worrying, lack of attention to CAFCASS's key role.*

Recommendation 13: *CAFCASS provides a vitally important service in which we would expect Ministers to take a close interest. The confusion over the terms on which they do so has resulted from the unclear constitutional relationship between LCD and CAFCASS. It has produced suspicions of inappropriate interference, has hampered efforts to establish a properly functioning service.*

Recommendation 43: *The transfer of responsibility for CAFCASS away from the Lord Chancellor's Department, as was, to the Department for Education and Skills offers an opportunity for a reassessment and recasting of the relationship between CAFCASS and its parent Department.*

Recommendation 44: *We recommend that, when the Framework Document is redrafted to take account of the new Departmental responsibilities, the DfES ensure that the new document both explicitly reflects CAFCASS's core task of securing the welfare of children in court proceedings through representation and reporting, and sets out the proper constitutional relationship between CAFCASS as an NDPB and its parent Department. Whilst CAFCASS remains an NDPB its parent Department must ensure that it is able to function as such and must respect the independence from Government which comes with that status.*

Response

The roles of each component part within CAFCASS and between those and with its sponsoring department, its Ministers and Parliament are set out clearly in the statute, the Framework Document and other published material including the central guidance on NDPBs. CAFCASS' internal corporate governance is set out in its own code.

Overall these relationships have been constructive and have worked well. The arrangements within the CAFCASS Framework Document are based on central guidance and are similar to those of other NDPBs. Ministers have, of course, taken a close interest in CAFCASS since its establishment, as the Select Committee has acknowledged was the right approach. This has been supportive and constructive and all parties involved have found this approach helpful. As CAFCASS becomes more firmly established we would expect the relationship to change to reflect that.

The recent Machinery of Government (MoG) changes which transfer sponsorship of CAFCASS from DCA to DFES, do, as the Select Committee suggests, provide an opportunity to review and revise the relationships to build on and improve those, including through the formal documentation of this, such as in the Framework Document. The Government plans to do this and a revised Framework Document will be developed and published.

Recommendation 14: *It is clear that the confused lines of accountability between LCD, CAFCASS and the Senior Management Team, particularly the Chief Executive, are seriously hampering the Board's ability to make an effective contribution. The lack of relevant experience and expertise on the Board make it important that it is not reliant solely on the senior management team for information about the service.*

Recommendation 15: *There is no doubt that [the Board] has failed to deal effectively with the task with which it is entrusted. The Board has not given the impression that it has any clear idea of how CAFCASS should be re-establishing itself as an effective organisation.*

Recommendation 45: *It is a central recommendation of this Report that there should be a fundamental review of membership of the Board. We believe the Board needs people of experience and stature who can develop the strategy necessary to deliver an effective child-centred service.*

Recommendation 46: *The new Board must take steps to ensure that it is able to carry out effectively its function of providing strategic direction and holding senior management to account.*

Response

As the Committee has acknowledged in various places in its report, the Board has faced some significant challenges since its creation and the members are to be thanked for their personal dedication and endeavors to make the organization a success.

The Board was recruited following a fulsome search and rigorous assessment process, conducted along Nolan principles and within the Commissioner for Public Appointments Guide of Best Practice. Its current membership includes individuals from diverse backgrounds with a wealth of different experience. Many have worked in fields which give them experience – often at senior level – in providing services to children and other in-need groups, alongside experience of managing organizations and some have specific experience of the sphere in which CAFCASS operates.

The Board can, and has, pursued the views of its staff and stakeholders in different ways. For example, each CAFCASS Region is “shadowed” by an individual Board member whom takes an especial interest in that area and its staff and stakeholders. The Board also, of course, has a statutory power to co-opt members to provide it with any advice it feels it needs. One new Board member has been recruited since establishment of the original Board, following a resignation, and Ministers took that opportunity to look for skills and experience from the new member to strengthen the Board as a whole.

The Board is, as the Committee’s report identified, vital to the effective running of the organization. The Government accepts the Select Committee’s recommendation of a fundamental review of the membership of the Board and will carry this out promptly and then consider what steps are necessary, if any, to help the Board work most effectively.

Recommendation 16: *We were pleased to hear the Chief Executive affirm CAFCASS’s intention to aim for allocation of guardians within 48 hours. We hope that the target can be speedily achieved. It should be formally recognised in CAFCASS’s performance targets.*

Recommendation 17: *We recommend that CAFCASS set a separate target – which should be as close to 100% as it is reasonably possible to get – for the allocation of a guardian in time for the first hearing in [emergency] cases.*

Recommendation 18: *CAFCASS should play a full part in improving the service given to children and families in the family courts, by improving its own performance and by contributing to joint efforts to reduce delay across the system.*

Recommendation 20: *[The measures which CAFCASS has taken to increase capacity and deal with the backlog] are all welcome, though there is little sign as yet that they have made a significant impact. We hope that the judicial case management protocol referred to above, to which CAFCASS has signed up, will decrease delay in care cases. The only way in which CAFCASS is truly going to get on top of its service delivery duties is by dealing with its staff shortage.*

Response

The sponsoring department and CAFCASS will work together to develop robust and challenging targets which are both stretching and measurable. The targets set for allocation of guardians with the Protocol on Judicial Case Management will be a part of

that process and CAF/CASS is working hard to deliver that. The Select Committee rightly recognised that CAF/CASS' performance and its ability to contribute to the outcomes for the children it serves are part of a wider picture and initiatives such as the delay protocol aim to draw all those elements together to improve outcomes for children. CAF/CASS also has wider responsibilities than those related to the public law cases handled by the professionals known as children's guardians. The targets developed will attempt to reflect these wider contexts and those will be published in due course.

Recommendation 19: *It is important that the shortage of staff in CAF/CASS Legal is not forgotten as CAF/CASS deals with the difficulties it is experiencing elsewhere in the service. We recommend that such resources be made available to CAF/CASS Legal as to enable it at least to match the service provided before it by the Official Solicitor.*

CAF/CASS Legal is a vital part of its whole. The MCSI Report into this aspect will be available soon. Recent steps have been taken to strengthen it at a senior level. CAF/CASS has undertaken a review of the current operations of this aspect of its work to see how it could develop in the future. It will determine how best to do so shortly and the increased overall financial provision for CAF/CASS will help support any development in this sphere.

Recommendation 29: *We recommend that CAF/CASS re-establish a project board and give it the task of setting out a clear timetable for the establishment of a fully fledged case management system. An individual Board member or sub-group should oversee (not micro-manage) the project. The new Department may need to make additional resources available to secure this crucial aspect of CAF/CASS's proper functioning to ensure the timely establishment of an appropriate system.*

It is worth noting that an earlier MCSI report on CAF/CASS noted its IT record as a "success story". But more, of course, can and will be done. CAF/CASS has continued to develop its ITC capability and functionality and is planning to develop its internal case management systems further. It follows central guidance on procurement. Its increased resource this year will help develop this aspect. Clearly this work needs to be taken forward in unison with others and kept in step with similar developments planned across children's services, notably those flowing from the planned improvements in this respect for initiatives such as the Children's Green Paper "Every Child Matters" and other improvements such as the implementation of the Judicial Case Management Protocol. CAF/CASS will play a full part in these developments as well as addressing improvements in its own systems.

Recommendation 32: *We recommend that the Minister for Children consult with CAF/CASS and other interested parties about a proposal that the organisation should take a strategic/co-ordinating/funding role for support services rather than providing them itself.*

Recommendation 33: *If CAF/CASS is to make a significant long-term contribution to the development of support services, we expect the Government will need to increase funding further.*

Recommendation 34: *The development of CAF/CASS's role in the provision of [support] services requires close consultation and cooperation with all other bodies, statutory and voluntary, working in this field.*

Recommendation 35: *CAFCASS needs to work much more closely than appears to have been the case hitherto with the Legal services Commission. We hope that close working will enable value for money to be achieved in the provision of appropriate services whilst avoiding the narrow self-interest apparent so far in relations between the two bodies.*

Recommendation 36: *CAFCASS must work together closely with others in the family justice and child protection system. The Minister for Children and the CAFCASS Board should urgently review the claim by the CAFCASS Managers Association that many front line managers are having to withdraw from liaison arrangements. CAFCASS should take steps to ensure that there is full co-operation at all times.*

Recommendation 37: *The collection of children's services within the Department for Education and Skills provides an opportunity for CAFCASS to renew its links with other organisations working with children, and ensure that the joined-up working demanded by the Victoria Climbié case, and others before it, is achieved.*

Response

CAFCASS already works closely with various stakeholders and is developing and extending its relationships with these. For example it has already reviewed and revised its partnership arrangements with the voluntary sector groups it funds and it continues to build closer ties with the LSC and others at various levels, both day-to-day working contacts and more strategic arrangements. For the time being, of course, CAFCASS' priority is to maintain and develop delivery of its front-line services. CAFCASS plans, however, to take an increasing role amongst the others involved in safeguarding children's interests in the future. CAFCASS' Corporate Plan sets out some of its intentions in this vein and it is playing an ever-increasing role in wider plans and initiatives.

Recommendation 47: *We recommend that joint inspection arrangements be established between the new Commission for Social Care Inspection (CSCI) and the CAFCASS Inspection Unit of HM Magistrates' Court Services Inspectorate (MCSI).*

Inspection arrangements for CAFCASS currently work well and we plan to build on that. The CAFCASS Inspection Unit of MCSI already has close links with CSCI and others and will develop those further. The links between Inspectorates are being addressed across the justice field – including family justice – to see how arrangements between all parties can be improved. The Children's Green Paper work is also looking at how to improve joined-up working between Inspectorates and the OSFR report looked at these issues too. The MCSI is fully involved and committed to the principles of joint inspection activity and is working with others involved to deliver that.

Children and Family Court Advisory and Support Service

RESPONSE TO THE RECOMMENDATIONS IN THE REPORT OF THE HOUSE OF COMMONS COMMITTEE ON THE LORD CHANCELLOR'S DEPARTMENT 'CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE (CAFCASS)'

1. INTRODUCTION

1.1 CAFCASS welcomes the report of the Select Committee. We outline below the action we now propose to move CAFCASS forward. CAFCASS had a difficult start. More has been achieved than we have been given credit for but there remain challenging issues for CAFCASS to address. The Select Committee's recommendations provide us with an opportunity to stand back and review how we work. This response has been developed by the Board of CAFCASS in conjunction with its Executive Team. The Select Committee provides us with an opportunity to explain the challenges still being faced in CAFCASS and the resources and actions required to provide children with the service that they need.

1.2 CAFCASS' remit is clear – to safeguard and promote the welfare of children in family court proceedings. That is at the heart of all we do. It is a complex task, requiring great skill and expertise, involving input and partnership with others. We particularly welcome the Select Committee's tribute to our workforce. Whatever the difficulties as a new organisation, our workforce, be they professional, support staff or managers, continue overall to provide high quality support for children and families in many thousands of cases, often in difficult circumstances. We are aware that we have to continue to improve how we operate as an organisation. We have to improve the speed, quality and consistency of the service we provide to children requiring our input.

1.3 CAFCASS has an important role, as part of a network of agencies in protecting children and helping to ensure that each child reaches its potential – the related themes of “Staying Safe” and “Enjoying and Achieving” in the Government's recent Green Paper “Every Child Matters” are, therefore, very relevant to our work. We welcome our transfer to the Department for Education and Skills (DfES), which provides us with the route to promote the needs of children experiencing the family justice system within the mainstream framework of Government policy for children and families. It provides a new opportunity to review our Governance framework with our sponsor department.

1.4 Our response to the Select Committee is based around five key strategic themes which indicates our commitment to putting children first:

1. **Improving our service delivery** – tackling backlogs and delay and getting the core right¹.

¹ Recommendations 10-11, 16-21, 23-30

2. **Increasing the involvement and participation of children** in delivering and developing services to better reflect and meet their needs².
3. Improve and communicate **actions being taken to support and develop our workforce** (employed and self-employed contractors) to ensure that they can carry out their work effectively³.
4. **Improving our partnership working** and engagement with stakeholders⁴.
5. **Improving our governance arrangements and funding**, ensuring we have the right resources (people and financial) to achieve our service aims⁵.

1.5. The Select Committee has challenged us to identify key actions to demonstrate that we deliver a child-focused service (listed below, and points 1 to 5 above). Our overriding priorities are to improve the delivery of our service and complete our set-up as a national organisation. These drive all our actions and are the clearest demonstration we can give that we put children first:

1. We reaffirm our commitment to the **tandem representation** system in public law.
2. We will tackle **delays**, in particular through implementing the Protocol for the Judicial Case Management in Public Law Children Act Cases (the Protocol).
3. We commit to making the **mixed economy** work, with better performance management.
4. In the light of the **Green Paper “Every Child Matters”** we look forward to playing our part in future family policy development for children, young people and families, in particular through more involvement and participation of the children we serve.
5. We will implement the new arrangements on the Adoption and Children Act on **adoption**, and **direct representation** of children in private law exceptional cases.
6. We will seek the resources to enable us to test different ways of solving **private law contact and residence disputes**.

1.6 Key to delivering this will be matching our funding to our workload demands and the expectations of our service. We will continue to develop and demonstrate value for money in our work and will work to continue to improve the quality and efficiency of what we do. But, there remains a fundamental dilemma in the funding of CAFCASS which must urgently be resolved. How are we to meet rising and changing demand, over which we have no control, with a still inadequate budget?

1.7 We recognise that delay is not in the best interests of children. We believe that there are a number of actions we can take to improve our service. We need to be certain that we are operating effectively and efficiently in meeting children’s needs, but there comes a point where we cannot cope with the escalating and changing demands,

² Recommendations 9, 40

³ Recommendations 11, 21, 23-29, 38

⁴ Recommendations 34-37

⁵ Recommendations 39, 43-46

which inexorably drives increased case costs. The problem is clear, without an adequate budget, we cannot reduce delays and improve the basic quality of our service. We will discuss this with our sponsor department and clarify what can and cannot be delivered within our existing and alternative budget options.

1.8 A summary strategic overview of the key issues and actions is set out below. Attached, as an appendix, is a more detailed response to the Select Committee recommendations.

I. IMPROVING OUR SERVICE DELIVERY

Key Actions

1. Tackling delays

We have:

- Introduced better and harmonised terms for our employed staff, to retain staff and aid recruitment
- Implemented significantly higher fees for our self-employed guardians
- Undertaken major recruitment campaigns. The number (whole time equivalent) of our professionals has increased 13% since April 2002

We will:

- Set up a working group, chaired by a Board member, involving our workforce (employed and self employed practitioners) and key external stakeholders, to oversee our action to reduce delays. This working group is to be established as a matter of urgency. Its membership and terms of reference will be agreed by Tuesday 21 October 2003
- Work with others to implement the Protocol for the Judicial Case Management in Public Law Children Act Cases (the Protocol)
- Continue to increase our workforce staffing capacity through further recruitment of employed and self-employed practitioners, subject to available resources
- Introduce flexible working initiatives and a bank scheme, on an employed basis enabling us to call on extra capacity, particularly from outside CAFCASS
- Through convergence of our workforce over time to undertake both public and private law cases, increase our flexibility to respond to demand
- Strengthen our performance management to achieve the best value from existing resources

2. Green Paper – Every Child Matters

The specific themes for action within the Green Paper relate directly to our programme of action – early intervention, improving information sharing, a common assessment framework, children at the heart of policy, integrated working and workforce reform.

We will:

- Provide a CAFCASS response, consulting our staff, identifying the key issues for CAFCASS, including resource implications

3. Implementing New Legislation

We are:

- Preparing to implement new legislative requirements on adoption and care. We will work with the President of the Family Division on interim guidance on direct representation in private law

4. Identify New Ways of Working and Developing the Service

We are:

- Seeking the resources to pilot an alternative family resolution procedure in private law cases, to test diversion of cases from the courts

We will:

- Identify what support services CAFCASS should be developing in partnership with others
- Further develop our role in supporting contact centre provision

II. IMPROVING THE INVOLVEMENT AND PARTICIPATION OF CHILDREN

Key Actions

Improving the participation of children is key to demonstrating the effectiveness of CAFCASS. We want to put in place the necessary structures to ensure that the views of children are integral to how our staff work, and that there is a clear link between this participation work and Board level policy development.

We have:

- Appointed a Board member to support this work

We are:

- Further developing our strategy for child and user involvement
- Employing a Children's Participation Development Worker
Developing a "Participation Resource Pack" for use throughout CAFCASS

We will:

- Ensure that our strategy is implemented
- Ensure that we are listening and responding to the views of children
- Review allocation of our budget to ensure that it reflects feedback received from children on our service priorities

III. IMPROVING AND COMMUNICATING ACTIONS BEING TAKEN TO SUPPORT AND DEVELOP OUR WORKFORCE (EMPLOYED AND SELF-EMPLOYED)

Key Actions

Our workforce is our most important asset. We will continue to work to attract and retain high quality staff. We will work with others to develop a strategic approach to address the present and long-term shortage of social workers, including raising the profile of the important work that they do. We are committed to maintaining a mixed economy of employed and self-employed practitioners. We will promote an open culture, developing the leadership and accountability skills and frameworks at every level in the organisation. The Green Paper "Every Child Matters" includes significant proposals relating to workforce planning, recruitment and training for people working with children, many of which will be relevant to CAFCASS and which, when implemented, we will incorporate into our overall strategy.

In relation to our staff

We have:

- Introduced improved harmonised terms for the great majority of our staff as the key basis for creating one organisation from the inheritance

We are:

- Developing a wide-ranging training and development programme for all our staff groups, with some aspects already underway and others at an advanced stage of planning
- Investing in a professional and organisational development team
- Encouraging staff to participate in the operational and strategic development of CAFCASS through:
 - their involvement in working groups
 - consultation on policy matters
- Increasing the Board profile at local levels

We will:

- Set up a working group, chaired by a Board member, involving employed and self-employed practitioners and key external stakeholders, to review the strategic issues arising from the mixed economy. This Working Group is to be established as a matter of urgency. Its membership, terms of reference and early meeting dates are to be agreed by Tuesday 21 October 2003
- Carry out consultative and information sharing road shows to discuss priorities and action, to listen and respond to staff views
- Increase involvement of staff in the annual planning cycle
- Involve staff in setting a values framework for CAFCASS
- Continue to improve our internal communication processes
- Review our workforce needs as part of our planning for 2004/05

- Develop a longer term recruitment and retention strategy, reflecting the proposals relating to workforce reform and training set out in the Green Paper “Every Child Matters”

Specifically in relation to our self-employed contractors

We have:

- Increased fee levels significantly.
- Extended opportunities for self-employed to participate in consultation and service development meetings and seminars
- Continued to have high level meetings with NALGARO to strengthen relationships
- Provided internal staff briefings and monthly staff bulletin and offered access to the intranet
- Offered free training on the Protocol
- Conducted an audit of tax status developed with NAGALRO

We will

- Consult NAGALRO on extending the self employed contract to private law cases.
- Invite self employed practitioners to team meetings to discuss professional development
- Offer self employed practitioners training courses at cost price

IV. IMPROVING OUR PARTNERSHIP WORKING

Key actions

CAFCASS can only effectively meet the needs of children by working in partnership, including with our stakeholders and other childcare and family agencies. We will continue to improve our joint working at both policy and operational levels. The Green Paper “Every Child Matters” provides us with a good opportunity to further extend our work with others.

We are:

- Implementing the Protocol
- Reviewing and re-tendering our contracts with our voluntary partners, mainly in the contact and mediation areas

We will:

- Work with others in implementing the Green Paper in terms of joint local working
- Set up stakeholder advisory groups in the following key areas

- **A Judicial Advisory Group**, chaired by the Board Chair to develop effective relations between CAFCASS and the judiciary. This is being done in consultation with the President of the Family Division.
- **A Legal Liaison Group**, to improve communication and understanding, and to discuss developments of good practice. It will include representatives from the Law Society, the Solicitors Family Law Association, the Association of Lawyers for Children and the Family Law Bar Association.
- **An interdisciplinary panel of Experts**, particularly from the research community, to provide a discussion forum and source of information and guidance, particularly to review current practice and explore possible new and different ways of doing our work to improve the outcomes for children.
- **A Consultative Group** of service user interest organisations to consider, in the first instance, contact issues.

V. IMPROVING OUR GOVERNANCE ARRANGEMENTS

Comment and key actions

We appreciate the Select Committee’s understanding of the very difficult start that CAFCASS has had. The legacy, however, is still with us. We must emphasise the real challenge of establishing a new organisation, bringing together 117 organisations in a shortened timescale without organisational infrastructure. CAFCASS was under-funded at its creation and, although it has since received considerable extra funding, it now needs a full strategic review of its funding against its remit and performance objectives.

We agree with the Select Committee’s recommendation to review Board membership. The Board is committed to taking CAFCASS forward and looks forward to new skills and expertise joining the Board to add to, and strengthen, its performance. We also welcome the Committee’s recommendation (44) that the framework document be redrafted and the opportunity, afforded by the transfer of responsibilities to DfES, to clarify the boundaries and remit of CAFCASS with its sponsoring body.

We accept that mistakes have been made, particularly in the early months. These must be seen within the context of the limitations of the Framework Document, the stage of the development of the organisation, and the environment, resources and knowledge with which it was operating. It was an infant Board of a new organisation. It would not have been possible for all matters to have gone smoothly. But, the Board must learn, and we believe we have and are learning from our mistakes.

We will:

- Work with DfES to undertake a strategic review of our budget so that our funding, workload, performance standards, and development expectations match
- Review our performance targets with DfES in particular to reflect the Protocol standards
- Review the Executive Team structure and performance framework.

- With the DfES, review the Framework and associated Documents to improve the governance arrangements for CAFCASS as a Non Departmental Public Body
- Support DfES in its review of Board membership
- Review our performance management framework, involving Board and staff at all levels to ensure that we have the right performance measures and information in place to inform and guide service development
- Implement open Board meetings
- Consider co-optees to add additional expertise and knowledge to our work

CONCLUSION

The legacy of the well documented problems of set up and early years' difficulties still affects significantly how CAFCASS operates. We have nevertheless achieved a great deal. We recognise we have much still to do. We welcome the opportunity the Select Committee report has given us to review and strengthen our programme of action. We look forward to working with our new sponsor department to develop the service and organisation so that we are fully meeting our remit to support and promote the interests of the children we serve. We will work with the DfES to increase the base CAFCASS budget to ensure that we have the right level of funding to deliver our core service and move CAFCASS forward.

Children and Family Court Advisory and Support Service
9 October 2003

RESPONSE TO SPECIFIC RECOMMENDATIONS IN THE SELECT COMMITTEE REPORT

Note: sections correspond to those in the overview above. Conclusions and recommendations from the Report are shown in italics, with paragraph numbers those in the conclusion and recommendations section of the Committee's report

I. IMPROVING OUR SERVICE DELIVERY

We were pleased to hear the Chief Executive affirm CAFCASS's intention to aim for allocation of guardians within 48 hours. We hope that this target can be speedily achieved. It should be formally recognised in CAFCASS's performance targets (paragraph 16).

We recommend that CAFCASS set a separate target – which should be as close to 100% as it is reasonably possible to get – for the allocation of a guardian in time for the first hearing in emergency cases (paragraph 17).

CAFCASS should play a full part in improving the service given to children and families in the family courts, by improving its own performance and by contributing to joint efforts to reduce delay across the system (paragraph 18).

1.1 CAFCASS has always accepted that it is our responsibility to allocate cases as soon as possible, following referrals from the courts. We are currently not able to allocate cases as speedily as we would like in all areas, and we are taking action to address this problem. This includes working jointly with the Department for Constitutional Affairs (DCA), the Courts Service, Social Services and the judiciary to address overall delays in the system. We will also be setting up a Working Group, chaired by a Board member, to oversee our own actions.

1.2 The Protocol for the Judicial Case Management in Public Law Children Act Cases (the Protocol) will be implemented from November 2003. We recognise that our targets will, in due course, need to reflect its aims. We will consider this, with the Department for Education and Skills (DfES), as part of our planning for 2004/05. It will be difficult, however, to achieve allocation within two days in all cases across CAFCASS, in the short to medium term.

1.3 The Government has accepted that the reality is that the various parties will not be achieving Protocol standards in 2004/05. So, any targets we (and others) are set will need to be challenging but also take account of current performance levels and be expressed in terms of the proportion achieving the Protocol standard.

1.4 Our capacity to reach allocation in all cases within two days is also dependent on two other factors. First, is the level of demand. Second, is the extent to which everyone contributing to the Protocol is successful in reducing the overall length of time it takes cases to work through the system, as the longer cases take, the longer guardians are needed, meaning they are not freed up earlier to take on new cases.

1.5 CAFCASS accepts that it has a full role to play in improving services to children and families in family proceedings, both in terms of its own service and the wider system. We worked closely with colleagues in social services and the courts on the development of the Protocol, and are continuing to work with them on its implementation.

1.6 Delays in CAFCASS should not be equated with the length of time cases take within the overall family justice system. We accept we need to allocate more quickly. However, delays in allocation cannot account for the delays in the overall system. Issues such as the overall management of cases within the court system, a lack of court sitting time, the use of expert witnesses, and staffing problems in local authorities all contribute to the wider delays. We will play our part in reducing the overall delays but, equally, others must take action as well.

The Minister for Children and the CAFCASS Board should make a definitive statement about their commitment to maintaining a system of tandem representation. These provisions are consistent with Article 12 of the United Nations Convention on the Rights of the Child (paragraph 5).

1.7 The CAFCASS Board confirms its commitment to maintaining a system of tandem representation. The tandem model, whereby the interests of the child are safeguarded by a guardian and represented in proceedings by a solicitor, is rightly valued for the degree of protection it gives children. It is a core part of the Children Act 1989 and the legislative remit that CAFCASS was set up to deliver. The challenge for all is delivering it in the context of finite resources – experienced and skilled social work child protection professionals who are in short supply, and a set budget, which CAFCASS like other equally sensitive services in the public sector operates within.

The measures which CAFCASS has taken to increase capacity and deal with the backlog are all welcome, though there is little sign as yet that they have made a significant impact. We hope that the judicial case management protocol referred to above, to which CAFCASS has signed up, will decrease delay in care cases. The only way in which CAFCASS is truly going to get on top of its service delivery duties is by dealing with its staff shortage (paragraph 20).

We recommend that CAFCASS follow up the suggestion that it join the current drive to attract and to retain more talented people into the social work professions (paragraph 23)

1.8 CAFCASS operates within a difficult professional recruitment market, with Local Authority Social Services as our key source and competitor for employed practitioners. We have sought to strengthen our position in the marketplace by introducing improved terms and conditions for both employed and self-employed staff and developing flexible working arrangements to increase our recruitment audience.

1.9 As a precursor to convergence, a package has been agreed to harmonise the 117 sets of terms and conditions that CAFCASS inherited. This package was agreed by our trade union partners in March 2003 and implemented from 01 July 2003. The staff groups affected in Stage 1 were practitioners, first line managers and support staff (1,728 staff in total). 97.4% of those offered a new contract have, to date, accepted the new terms and conditions.

1.10 We are also reviewing and discussing with our trade unions partners the geographical areas that are hard to recruit to, and action that we could take to improve the position.

1.11 CAF/CASS has run major recruitment drives to increase our workforce capacity. This activity will continue, subject to available resources. In April 2002, 314 self-employed practitioners opted for a new self-employed contract, with 277 moving from self-employment to employment, and 72 opting to complete current cases.

1.12 Our employed practitioner workforce has increased from 1022.2 whole time equivalent (wte) in April 2002 to 1158.9 wte as at 30 August 2003, an increase of over 13%. Our overall staff turnover remains comparatively low at a projected average 8.9% for 2003/4. This compares to 8% for 2002/3, and a health and social work sector average of 13%.

1.13 Flexible working initiatives will improve our position in the marketplace by encouraging, mainly women, returners and practitioners who wish to work flexibly, including semi retirement. One such initiative we are implementing is a staff bank scheme. This will work as an in-house employment agency for practitioners to work as and when cases are available and the staff bank member wishes to work. It is being piloted in four regions, London, South East, North West and North East. We are currently contracting with 33 external bank staff. Convergence which, over time, will enable our workforce to undertake both public and private law cases, will give further flexibility in responding to demand.

1.14 CAF/CASS is also discussing with organisations such as TOPSS, key issues such as workforce development and planning within the social work sector.

1.15 The proposals in the Government's Green Paper "Every Child Matters", including those relating to workforce planning, have much relevance to our work. We will be making a full response to the Green Paper.

It is important that the shortage of staff in CAF/CASS Legal is not forgotten as CAF/CASS deals with the difficulties it is experiencing elsewhere in the service. We recommend that such resources be made available to CAF/CASS Legal as to enable it to at least match the service provided before it by the Official Solicitor (paragraph 19).

1.16 We are seeking to recruit sufficient case officers to enable CAF/CASS Legal to carry out a caseload similar to that provided by the Children's Divisions of the Official Solicitor. We are also providing greater clarity and focus about those cases that should be referred to CAF/CASS Legal, with the emphasis being on providing caseworking in matters proceeding in the Family Division of the High Court. We are currently recruiting to the post of Head of Children's Legal Casework.

1.17 We are also committed to strengthening the capacity of CAF/CASS Legal to enable it to provide wider legal advice and other services across the organisation. Since the Committee reported, we have recruited a Head of Corporate Legal Services whose remit will include providing more comprehensive advice, across the organisation, on children law matters.

1.18 We will also be reviewing the costs and manner of separate legal representation of guardians to see if resources can be used overall in a more cost effective way. As part of this we are recruiting two additional lawyers to CAFCASS Legal.

CAFCASS must also face the issue of performance management. In setting standards for performance management CAFCASS should seek to draw on the expertise of its existing workforce, and the bodies which represent them. It should involve the Board and organisations which represent parents or children and commission and make use of research. Local managers will need training and support to carry out this function (paragraph 26).

1.19 Performance management is a key issue. We have already taken steps to put in place systems to support this. This includes the development of a standard CAFCASS appraisal and personal development plan scheme for all staff, CAFCASS Service Principles and Standards, and improved management systems for contracts for services.

1.20 Within our training and development plans, we have concentrated on increasing the skills and support for first line managers. The Service Managers converged role came into operation from 1 July 2003 and is key to the delivery of our services both in managing staff and other resources and in working with our stakeholders. The aim of the development plans is to enable the day-to-day management of the service to be delivered at this level. This will also support and facilitate devolved responsibility for the implementation of CAFCASS service developments.

Until the delivery of core services is secure, CAFCASS cannot risk diverting significant resources into developing support services (paragraph 30)

There is a feeling amongst voluntary organisations working in this field that CAFCASS's failure to give clear indication of the way it might look to develop this aspect of its remit is hindering the development of services by others. CAFCASS needs to make clear what long-term role it envisages for itself in the provision support services for children and families experiencing relationship breakdown (paragraph 31)

The development of CAFCASS's role in the provision of support services requires close consultation and cooperation with all other bodies, statutory and voluntary, working in this field (paragraph 34).

1.21 CAFCASS agrees that it cannot divert significant resources into developing support services until the delivery of our core service is secure. However, in our Corporate Plan we have set out our strategic approach to supporting families experiencing separation, which currently leads to private law proceedings. We have said that we want to test different ways of supporting families to resolve their differences. We also believe we have a distinctive role to play in supporting contact. We would regret it if the Committee's focus on public law issues, important as they are, left us compelled to concentrate on that part of family law at the expense of our private law remit.

1.22 In terms of supporting families at the time they apply to the courts, we already devote considerable amount of practitioner time to a range of dispute resolution schemes that operate across the country, to see if agreement can be brokered without full court proceedings. Last year CAFCASS practitioners spent over 50,000 hours in

interventions around direction hearings. Such schemes are currently the subject of a thematic inspection by the Magistrates' Courts Service Inspectorate to assess their focus and effectiveness. The MCSI will report on their findings in the autumn, which will enable us to review our current activity.

1.23 We believe more needs to be done and have been considering how we could pilot different ways of encouraging agreement on the future arrangements for children on separation of their parents. Most families reach agreement on their own, with the support and advice of their solicitors, and with mediation and other support services. This is clearly normally the best way. But a minority cannot reach agreement and approach the courts for a formal decision. To see if we can support such families better we have been in discussion with representatives of the judiciary, and voluntary and research communities, to work up ideas for a more formal pilot scheme to test diversion from the courts.

1.24 The aim is that families applying to the courts would be diverted to attend formal parenting information classes which would encourage them to consider a parenting plan for future arrangements for their children. This would be supported by brokering of differences by CAFCASS practitioners. The proposals draw on experience of jurisdictions elsewhere.

1.25 This is very much work in development and its pursuit is subject to resources being available. We need to be realistic, as the fact of an application to the court means there is already a history of conflict, which may impede agreement. Similarly, we must concentrate on the best interests of the child, not just negotiate between adults, and recognise that there may be issues of violence and conflict which may prevent altogether, or limit, the amount of contact that can be agreed. However, we believe this is an important area where we should test alternatives, given the potential to improve outcomes for children and reduce costly and adversarial court proceedings.

1.26 We currently devote over £1 million to funding voluntary sector partners, mainly in the mediation and contact fields. We have increased the resources available this year despite budgetary pressures. We are now re-tendering these contracts following consultation and review of our strategy. We wished to focus more of our help on support for contact where we can add most value. Much of the provision is delivered by unpaid volunteers working with very limited funding, so we believe our contribution here can make a particular difference. We appreciate that our re-focus was a matter of disappointment to those representing mediation groups (reflected in their evidence to the Committee) but we believe the decision was right, taking account of the considerable existing funding for mediation and parental information on breakdown, funded through the Legal Services Commission and DCA.

1.27 As well as this funding support, we have established good relations with the National Association for Child Contact Centres, formalised in a Protocol on joint working signed in May 2003. That sets out how we will work together, including the expectation of a link practitioner in each service area to liaise with local contact centre interests.

II. IMPROVING THE INVOLVEMENT AND PARTICIPATION OF CHILDREN

If it is to regain the confidence of all those who work with and for it, CAFCASS needs to demonstrate clearly and unambiguously that it is putting children and young people first in all that it does (paragraph 40).

We recommend that the CAFCASS Board identify three or four key actions which it can take which will demonstrate that it is truly “putting children and young people first”. Such a refocusing of priorities should work through into a longer-term position where CAFCASS judges all that it does against the question “Will this improve the service we offer children and the courts?” (paragraph 41)

2.1 CAFCASS agrees that it must be able to demonstrate that it puts children and young people first. Improving the service we deliver is the clearest demonstration we can give that children are our focus.

2.2 We now have work underway to obtain directly the views of children and young people, both on the service we provide and proposed new developments. We intend ensuring that effective participation becomes part of our structures for planning and policy development throughout our organisation. A Board member has been appointed to support the overall work which includes developing our strategy for child and user involvement, employing a Participation Development Worker and developing a ‘Resource Pack’ for use throughout CAFCASS.

2.3 This is a significant area of work, and there is still much to do to develop the overall strategy and programme of work. To help us, we will be looking to build on links already developed with the many government and voluntary agencies that already have expertise in this area. Our new relationship with DfES will be useful here.

III. IMPROVING AND COMMUNICATING ACTIONS BEING TAKEN TO SUPPORT AND DEVELOP OUR WORKFORCE (EMPLOYED AND SELF-EMPLOYED)

It is important that, as well as using and developing its employed guardians, CAFCASS senior management embrace the principle of a mixed economy and repair relations with self-employed guardians. It would be unacceptable if some children and families were offered an inferior service because of the neglect of a significant part of the skilled available workforce (paragraph 11).

We recommend that CAFCASS take further steps to target recruitment on experienced guardians (paragraph 22).

3.1 CAFCASS is committed to maintaining a mixed economy. We will be setting up a Working Group, chaired by a Board member, to review the strategic issues arising from the mixed economy. We will also be

- Consulting NAGALRO on extending the self-employed contract to private law cases

- Inviting self-employed practitioners to team meetings
- Offering self employed practitioners training at cost price.

3.2 Our recruitment advertising contains the option of applying for self-employed contracts. Following harmonisation we have 1282 employed practitioners, including the considerable number who transferred from self-employment to employment in 2001/02, and are using some 390 self-employed contractors. We will be writing to all those self-employed guardians who decided not to take work under the new contract from April 2002, and running a national recruitment campaign specifically for self-employed guardians.

3.3 Over the last year we have engaged extensively with NAGALRO and have endeavoured to build a constructive relationship that benefits us as well as the self-employed guardians. We look forward to continuing our dialogue with them in the future and developing the positive two-way climate identified as necessary by the Committee if CAFCASS is to move forward.

CAFCASS must ensure that all four aspects of the training agenda – induction and substantive training for new recruits; induction training for experienced social workers who need introducing and orientating to CAFCASS; in-service training and professional development; and convergence training – are addressed by the establishment of a dedicated training and development strand within CAFCASS. We recommend an individual Board Member or sub-group with appropriate experience or expertise should oversee its development and ongoing work (paragraph 27).

3.4 The training and development of all staff is a key priority for CAFCASS. We have made substantial progress on this over the last year. We now have a Head of Professional Development, responsible for training and developing our practitioners and an Organisational Development and Training Manager responsible for training in all other areas. The Training and Development Steering Group, which oversees all developments in this area, was set up in summer 2002. All staff groups, management and recognised trade unions are members of this committee. Regular reports on developments and progress are made to the Board's Human Resources Committee.

3.5 Our comprehensive training programme for 2003/04 covers all our staff groups and includes:

- Modular training to improve the skills of practitioners to carry out Family Court Advisor tasks
- Induction courses
- Appraisal skills for managers and recipients within an appraisal framework
- Service Manager development framework
- Information Technology
- Convergence and competence development for administrative and clerical staff
- Diversity awareness
- Health and Safety

3.6 Development of training for Family Court Advisors (FCAs) has been an absolute priority for 2003/04. Key elements of our strategy are:

- Development of a modular training programme for FCAs in partnership with Royal Holloway College – to be completed by January 2004 with early modules available from October 2003. This is linked to Post Qualification awards, to be achieved by April 2004
- FCA induction course, which since April 2003 has been delivered to all new starters within 12 weeks of commencement
- Four day core professional skills training to follow on from induction – rolled out from July 2003
- Implementation of a Personal Development Plan for FCAs, which has been piloted in July 2003 and will be fully operational by January 2004

3.7 The modular training programme seeks to build skills and knowledge across the full range of FCA duties, tasks and responsibilities. The programme aims to promote the integration of theory and research/critical analysis into practice. Modules are organised into five units to ensure a coherent and integrated approach:

- Foundation (roles of the FCA and the policy and legislative context)
- Law and social policy
- Working with children and young people
- Working with parents, carers and the wider community
- Managing the professional task within a CAFCASS context

3.8 We aim to support and enable a smooth transition to convergence, with appropriate training and development support. The pace of change will need to be judged by Regional and Service Managers in the light of how best to deliver the service in their area. This will mean that FCAs will move towards convergence at different rates, and will be managed for each individual practitioner by using individual Personal Development Plans (PDPs).

The ability of CAFCASS to evaluate the outcomes of its interventions – in other words, to identify ‘what works’ and to develop best practise accordingly – depends in part upon the development of a reliable data base that can be submitted to rigorous and detailed analysis. The development of a research- friendly culture, which welcomes external analysis and can work in partnership with the research community, will be central to the achievement of this goal (paragraph 10).

There is, as MCSI has identified, a significant gap in knowledge about “what works” in family proceedings related work which CAFCASS needs to fill. It is vital for the sake of all the children with whom CAFCASS is concerned that it discovers what works for children experiencing family breakdown, establishes how its practitioners can best contribute to the well-being of children involved in court proceedings or their aftermath, and ensures that best practice is developed accordingly. The establishment of a practice development unit, which CAFCASS intends to have in place by December this year, is a step in the right direction. Significant further progress in the development of research capacity will, however, be needed if CAFCASS is to achieve those aims (paragraph 38).

3.9 During the last year there have been a number of initiatives, which seek to promote the sharing and discussion of best practice:

- A monthly bulletin to all staff and self-employed on professional matters
- A quarterly research digest available on our intranet
- A discussion forum on the intranet to facilitate debates on professional issues
- A National conference on research in practice
- Two professional seminars on contact and the role of the guardian in practice
- Membership to Research in Practice with access for all staff to its web-site

3.10 In addition, we have made progress on filling a number of key posts, which will enable work on best practice and research to be developed:

- A Head of Professional Development was recruited during summer 2003
- An interim Organisational Development Manager has been in post since April 2003 and a Permanent Manager now recruited
- We have appointed a permanent Research Manager
- The recruitment of three Divisional Professional Development Posts is underway
- The Practice Development Unit will be fully up and running before the end of this financial year

3.11 Promoting a culture that values and encourages research is central to our drive to develop the skills of our practitioners. Building on the achievements of the interim post-holder, the Research Manager will:

- Promulgate a strategy for supporting research within CAF/CASS
- Propose a limited CAF/CASS research programme, linked to future resources
- Engage with key researchers and Higher Education Institutes (HEI), with whom we share common interests
- Initiate discussions with DfES and DCA on how we might collaborate on research
- Explore wider possibilities for joint working within the new Government structures for children

We recommend that, rather than waiting to be shown how a “light management touch” might work, the CAF/CASS Board establish a working group to discuss both with its own stakeholders and with others with relevant expertise outside the organisation how such an approach could be implemented (paragraph 42).

3.12 Our priority has been to strengthen our front line delivery structures, as shown by our significant recruitment activity (see paragraph 1.12). We are now looking to put in place adequate regional management and headquarters structures that support the key service delivery functions, and which will help complete our set up as a corporate organisation. The areas being strengthened (highlighted in the Committee’s report as requiring attention) include staff training and development, research, management information systems, IT, policy and planning, complaints management and human

resources management. The roles and functions being established are all critical to ensuring the efficient allocation and use of resources, as well as the effective monitoring and evaluation of service performance.

3.13 The Divisional Director posts replace and strengthen the functions of the current Interim Assistant Director of Operations post. In addition to the line management of an increased number of Regional Managers, the Divisional structure will improve our capacity to manage staff and financial resources flexibly, plan and implement policies and procedures consistently, quality assure practice standards, engage service-user participation and joint working with our stakeholders. We will keep our structures under review.

3.14 We will conduct, in Spring 2004 (and aim to repeat annually), a survey of staff views and ideas on the culture, progress and plans of the organisation. We plan, as well, a general survey to canvas views of new recruits three months after joining. We will also use exit interviews to help assess our performance as an employer. One of the concerns that staff have had is the time it has taken to respond to individual queries, particularly on their personal position, be it their terms and conditions and pay or the treatment of their qualifications. To address this we will set standards for handling and responding to individual concerns, accompanied by expectations on how staff will pursue such matters.

We recommend that CAFCASS urgently undertake comprehensive workforce planning, in order to identify accurately current and future staffing requirements (paragraph 21)

3.15 As part of the business planning process we undertook workforce planning in each region for 2003/4. This process is being further developed for 2004/5. It is inherently difficult for CAFCASS to plan workforce requirements, given the nature of our work and the fluctuations within it. We have, therefore, been developing flexible workforce initiatives, such as the staff bank and continued to recruit self employed practitioners to deal with planned absences and changing demands.

3.16 Our staff will be involved in the annual planning exercises, including developing workforce plans. We will be carrying out consultative and information sharing road shows, to discuss priorities and action and to listen and respond to staff views. We will also involve staff in developing a values framework for CAFCASS.

3.17 We will be developing a longer term recruitment and retention strategy, reflecting the proposals in the Green Paper "Every Child Matters", and will work with other agencies involved with children on measures to attract people into, or back, to the social work profession.

There is an urgent need for an integrated case management system for CAFCASS (paragraph 28).

We recommend that CAFCASS re-establish a project board and give it the task of setting out a clear timetable for the establishment of a fully fledged case management system. An individual Board member or sub group should oversee (not micro-manage) the project. The new Department may need to make additional resources available to secure this crucial aspect of CAFCASS's proper functioning to ensure the timely establishment of an appropriate system (paragraph 29).

3.18 In its approach to IT, CAFCASS has sought to follow Government accepted good practice in implementing new IT systems. This follows extensive documentation, and Parliamentary criticism of the problems of over ambitious public sector IT projects. The Government's guidance on implementing IT projects 'Successful IT: Modernising Government in Action' notes:

- Large, ambitious projects carry a high risk of failing to meet some, or all, of their goals
- Government in the UK and abroad and the private sector have recognised that an effective way to reduce risk is to break large projects into smaller, more manageable components
- Departments and agencies must consider the subject explicitly and must document their chosen approach before initiating large projects

3.19 The history of IT development since the inception of CAFCASS is:

- We inherited a wide range of different IT infrastructure and systems from our 117 predecessor organisations
- In the first year, we implemented an IT infrastructure giving all staff access to email, word processing, spreadsheet, internet and intranet facilities
- Once the infrastructure was implemented we initiated a project to build an integrated case management system, including finance and human resource modules. At review this project was stopped. This decision is in line with government guidance
- Separate Finance and HR systems were then procured and implemented
- We have now initiated a new project to implement the key elements of the case management project that can both be defined with clarity and deliver the key benefits outlined in the case management project. This project has been named the case recording project

3.20 We remain convinced that the decision to stop the original project was right. The project was too ambitious in its scope, lacked clarity on the overall requirements and, in the context of an organisation at an early stage in its life cycle, carried too high a risk of failure. Further, if we had gone down the integrated route, as well as facing considerable risks of failure, it would have delayed considerably the provision of much needed support to our staff coping with inadequate legacy systems.

3.21 It is important to distinguish key elements of what has been termed a case management system

- The recording of key information on the children and families and the progress of the case through the system to enable cases to be tracked and the service evaluated
- Workflow management, the planning of work in advance and resource allocation rather than recording of work done after the event
- The capture and storing of case documents electronically

3.22 What we have instituted, and termed, a case recording system provides the first element. The system will hold full details of all cases, and to whom allocated, from

receipt. It will be able to report on all allocated and unallocated cases, prioritising and tracking case status, and will also cover complaints cases. It will enable analysis at team, regional and headquarters levels and will provide facilities for time recording and performance management information. It will be E-government compliant. In many respects, this first element provides what would be commonly understood as a case management system.

3.23 It would not be right to commission the second element of the case management system, at this stage, for two reasons.

- A large amount of research and agreement on standard ways of working would be required before workflow management could be considered online
- There are variable IT skills across the organisation, and these will need to be strengthened before we could institute routine on-line working

3.24 It makes sense to consider the third element – electronic record capture – separately, as this introduces a range of policy and security issues that need to be resolved prior to a project commencing.

3.25 A Project Board for the development of the case recording system chaired by the Chief Executive, and a User Group made up of practitioners, administrative staff and business managers, was set up in April 2003. A tendering process based on our known requirement was initiated and has resulted in a supplier being selected to design and develop the case recording system. We are now planning the production and implementation of the new system. That is being done in consultation with our User Group. There is a designated Board Member for IT systems.

3.26 Separately, the Project Board has commissioned and is considering a route map for further development of case management elements. Work on this will start, subject to resources being available, following the successful establishment of the case recording system.

IV. IMPROVING OUR PARTNERSHIP WORKING

Full involvement by all concerned, CAFCASS staff included, in inter-agency initiatives and joint working is essential if disasters such as the Victoria Climbié affair are to be avoided in future (paragraph 9)

The collection of children's services within the Department for Education and Skills provides an opportunity for CAFCASS to renew its links with other organisations working with children, and ensure that the joined-up working demanded by the Victoria Climbié case, and others before it, is achieved (paragraph 37)

CAFCASS must work together closely with others in the family justice and child protection system. The Minister for Children and the CAFCASS Board should urgently review the claim by the CAFCASS Managers Association that many front line managers are having to withdraw from liaison arrangements. CAFCASS should take steps to ensure there is full cooperation at all times (paragraph 36).

4.1 We are committed to working with other agencies and have a range of measures in hand, and planned, to achieve that. These include implementing the Protocol and working with others in implementing any measures agreed from the Green paper “Every Child Matters”.

4.2 We will be looking to expand our links more generally with voluntary organisations and with social services (at national and local levels). We have signed a protocol on Joint Working with National Association of Child Contact Centres, and are in discussion with mediation interests on setting up a private law pilot. Our Regional Manager in the North West has, since July, had two meetings with National Youth Advocacy Service, which is based there, on our respective roles and joint working. Our Chief Executive addressed the UK College of Family Mediators Conference in October.

4.3 To promote effective working at a national level with our stakeholders we will be setting up four advisory and liaison groups:

- A Judicial Advisory Group
- A legal Liaison Group
- An interdisciplinary Panel of Experts
- A Service User Interests Consultative Group

4.4 Some local liaison arrangements need to be maintained and strengthened. The pressures on local managers' time, for example from the loss of pre-CAFCASS established infrastructure support, the lack of flexibility in deploying staff, and the amount of time spent on managing backlogs, have impacted on their ability to undertake liaison work. However, measures now in hand, such as the case recording system, harmonisation and training, should help reduce this pressure in time.

4.5 Our Regional and Service Managers are expected to maintain certain liaison functions. These include attending Family Court Business Committee meetings, meeting periodically with local designated judges and developing effective relations to facilitate problem solving, and fostering relationships with local voluntary organisations and partners.

CAFCASS needs to work much more closely than appears to have been the case hitherto with the Legal Services Commission. We hope that close working will enable value for money to be achieved in the provision of appropriate services whilst avoiding the narrow self-interest apparent so far in relations between the two bodies (paragraph 35).

4.6 We already have good links with the Legal Services Commission (LSC) as shown, for example, in the discussions we had on support for mediation and support services. The mutual aim was not maintenance of narrow interests. Rather, it was to ensure that we did not duplicate or overlap our roles inefficiently and, in particular, to clarify our role in relation to supporting contact.

4.7 Before the transfer from the former Lord Chancellor's Department (LCD) our Chief Executive and the Chief Executive of the LSC were members of the LCD Senior Delivery Team, which supported joint working at the highest level. As we are no longer sponsored by the Lord Chancellor's Department, and lose some of the opportunities

that afforded for contact with LSC, we have agreed to set up formal six monthly review meetings. The first of these will take place in November 2003.

We recommend that the Minister for Children consult with CAFCASS and other interested parties about a proposal that the organisation should take a strategic/coordinating/funding role for support services rather than providing them itself (paragraph 32).

4.8 We are in discussion with DCA about arrangements for funding contact support. In line with recommendations in “Making Contact Work”, we have agreed with the Government that CAFCASS should be the channel for the distribution of funds to individual contact centres, be it supported contact or the recently agreed decision to increase provision of supervised contact.



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