

EXECUTIVE SUMMARY

- The Covid-19 pandemic amplified pressures across the Family Justice System that were already building before it began. By April 2021, Cafcass was holding 26% (c13,000) more children's cases compared to the pre-pandemic position. Cafcass took action to ensure the most urgent proceedings could be allocated and to protect the quality and effectiveness of its work. However, with practitioner caseloads fully saturated, there was an excess of work to allocate. Additionally, this meant that Cafcass managers experienced a five-fold increase in the number of children's cases they were holding and were less able to oversee and supervise Family Court Advisers (FCA).
- Therefore, **the prioritisation protocol was introduced to meet four core objectives: 1)** to ensure the timely allocation of public law and high-risk private law children's cases; **2)** to maintain safe caseloads for FCAs; **3)** to restore capacity for management oversight and supervision of the quality of practice; **4)** to ensure oversight of children's cases where there has been a delay in allocation.
- Between July and December 2021 **Cafcass activated its prioritisation protocol in 6 of its service areas** (affecting 12 court areas).
- A total of **4,558 children's cases (linked to 7,021 children)** had been held in an allocation hub prior to substantive allocation to a Family Court Adviser (FCA), having been assessed as lower risk circumstances for children following initial safeguarding enquiries.
- Initial **safeguarding enquiries were completed more quickly in areas subject to prioritisation:** the average time for Cafcass to file a Safeguarding Letter was – at 4.3 weeks – lower in areas subject to prioritisation than the national average (4.9 weeks).
- 4,152 cases (91% of the 4,558 children's cases held in an allocation hub) had subsequently been allocated to an FCA to commence assessment and 406 children's cases (9%) were still overseen in an allocation hub at the time of the evaluation.
- **All four objectives of the protocol were met, with some area-specific issues:**
 1. Areas ensured that public law and high-risk private law work with children continued to be allocated in a timely way: On average, higher risk private law children's cases that were allocated in normal timeframes had further work completed **2.8 weeks faster** than children's cases overseen in an allocation hub.
 2. Most areas reduced caseloads for FCAs, though some experienced additional challenges: caseloads had been restored in line with the national average in all prioritised areas. Additionally, the proportion of FCAs with over 25 cases decreased (by an average of 52.4%) in five out of the six operational areas.
 3. Areas had restored management capacity for oversight and supervision: all areas have reduced Practice Supervisor (PS) caseloads by an average of 26%.
 4. There was proactive communication with families and oversight of cases in all areas: from a dip sample of 100 cases, 65% of families had received a letter to explain the allocation hub process; children's cases in the hub were reviewed at least fortnightly in nearly 95% of cases, and there was expedited substantive allocation when new information identified increased risk of harm to children.
- **Of those children's cases which had already been substantively allocated to an FCA, 98% had spent less than 20 weeks awaiting allocation.** The average time for a child's case to be overseen in an allocation hub across all areas was 6.1 weeks.
- In **96.7% of children's cases, the court ordered report was filed by week 26**, and in 3.3% (139) of cases it was not, resulting in requests to the court for an extension.
- Where parents proactively reached out to the allocation hub Practice Supervisor, they reported feeling well supported. However, more than half of the adults who responded to our retrospective survey, had limited recall and understanding of the allocation hub process. Cafcass is taking steps to review and improve communications with families so that they know well and understand who their single point of contact is during that time.
- There were many examples of Practice Supervisors engaging with children early using practice materials from the *Together* Practice Framework. There was some evidence that work being done earlier with children waiting to meet their FCA, enabled FCAs to progress full assessment more quickly.
- In most operational areas, Cafcass managers report that the prioritisation protocol has required, and enabled, strengthened engagement with local judicial leaders and HMCTS about system

challenges, using performance data and collaborative approaches to identify agreed mitigation measures.

- **Family Justice System partners were encouraged by Cafcass' clear plans to ensure strategies are in place to prioritise the needs of children at most risk of harm and support public and private law proceedings during a period of record open work.** Senior judges commented that they had not routinely been aware of the pressures prior to prioritisation. They were keen to establish more proactive and regular discussions that would help them work with us to anticipate and mitigate challenges in future.
- **Prioritisation has been prevented or deactivated more quickly when key partners recognise that the growing imbalance in demand, delay and capacity is a whole-system challenge and commit to collaborative working to mitigate this.** Most allocation hubs were operational for more time than intended – and two allocation hubs remain activated - as it has taken longer than anticipated to adjust ways of working, clear backlogs, and restore operational capacity.
- Some features of the allocation hub model are being extended to areas not in prioritisation to improve oversight, reduce FCA caseloads, and reduce the risk of needing to activate the protocol.
- The learning from the approach to oversight in allocation hubs and the benefits for families and for practice, is now being used to inform the development of post-assessment hubs. These have been established to provide appropriate review of risk in children's cases, and to provide families with an ongoing single point of contact with Cafcass where our assessment is complete, the report has been filed but the final hearing is scheduled for 6+ weeks or no final hearing listed. The implementation of these post-assessment hubs is being reviewed alongside allocation hubs, and the learning will be used to establish a standard operating procedure and associated practice quality standards for oversight of children's cases not yet allocated.
- Pressures of demand, delay and capacity remain for the whole family justice system and are likely to be exacerbated by further pressures on public sector resources. **The protocol will therefore need to be retained and adapted as an operational solution to support children and their families, and the workloads of staff, in an over pressured system for the foreseeable future.**