

2 August 2010

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Dear NAGALRO, ALC and Inter-disciplinary alliance members

I am replying to your respective letters – the ALC’s letter of 26 July and NAGALRO’s letter of 27 July. I wish also to respond to the ‘position statement’ published on 30 July by the Inter-disciplinary Alliance for Children. The contents of the three documents are similar, hence my decision to write one reply concentrating on the two major issues highlighted.

1. Concern about Cafcass restricting the work of guardians, between the Case Management Conference and final hearing in care cases, and its proportionate working model
2. Concern about unallocated care cases held by Cafcass

As you know, care cases continue to be issued by local authorities at record levels. July 2010 applications were the highest ever recorded. Every month since February 2010 has seen the highest number of applications ever experienced for the specific month, apart from June. Despite this continuing unprecedented scale of new case demand, Cafcass has performed well in reducing the number of unallocated cases to only 143 cases. In August last year, there were 979 such cases. We now have 2,746 more care cases (11,493, up from 8,747 in July 2009) fully allocated to practitioners, on the basis that they are fulfilling the role of children’s guardian. There continue to be a little over 1,000 duty allocated care cases, in which a ‘duty advice’ officer of the Service is responsible for the case, in those areas where Designated Family Judges have published relevant arrangements in accordance with the terms of the President’s Interim Guidance. Our practitioners have worked incredibly hard to keep on top of the situation as best as we can and we continue to make extensive use of the services of self-employed contractors. As at 30 July, 1,740 care cases were fully allocated to self-employed contractors.

The main point I want to make is that the arrangements for how Cafcass works in London, the area which attracts most concern, are set out in guidance published in June by HHJ Altman, the Designated Family Judge for London. This guidance is supported by a standard template letter, for use in individual cases in accordance with the terms of the local guidance. As he has recently pointed out in his correspondence with the ALC, the ALC were active members of and participants in the Advisory Group who helped him to put this guidance together. Whilst Cafcass has also been an active partner in discussions about how best to handle increased demand in London (and elsewhere in the rest of England), it is essential to recognise that the arrangements established under the terms of the President’s Interim Guidance operate only with the agreement of the judiciary. This is true in all parts of the country.

The Cafcass model of proportionate working is essential, if we are to fulfil our statutory functions to the optimum in the context of the demands that we are facing and the resources that are available to us. As the Family Justice Review begins to look at options for the future, now is a good time for us to look together at what we think the future shape of the family justice system should be.

I would be pleased to meet with NAGALRO and the ALC, as requested, to discuss the issues raised. Please let me have some suggested dates. I think that it would also be helpful for that meeting to be open to other members of the Inter-Disciplinary Alliance. I look forward to hearing further from you.

Yours sincerely



Anthony Douglas CBE
Chief Executive

cc: The President of the Family Division
HHJ John Altman, DJF London
Margaret Wilson, The Magistrates Association
The Justices Clerks Society
Council for HM Circuit Judges
NAPO
Family Law Bar Association
Resolution
The Law Society
The British Association of Social Workers
Office of the Children's Commissioner for England
Adoption UK
British Association of Adoption and Fostering (BAAF)
Children's Rights Alliance for England (CRAE)
Women's Aid Foundation
Together Trust
Voice
British Association of Social Workers (BASW)
National Youth Advocacy Service (NYAS)
Great Ormond Street Hospital for Children
The Royal College of Paediatrics and Child Health
The AIRE Centre (Advice on Individual Rights in Europe)
The Grandparents Association
Annabel Burns, Department for Education