



CAFCASS USE OF ITS SELF-EMPLOYED WORKFORCE:

INFORMATION FROM NAGALRO MEMBERS WHO ARE CAFCASS SECs

Introduction

In January 2013, a request for information was sent to 130 of our Nagalro members, who appeared to be considered by Cafcass as SECs with their organisation. Initially 72 of the 130 members completed and returned the response sheet (55%). The information was being gathered at that time for a scheduled Nagalro meeting with Cafcass senior management on 22nd January 2013. When that meeting was cancelled due to severe weather a further two reminders went to those SEC members who had not responded initially, in order to obtain as full a picture as possible of the current usage of SECs, before the re-scheduled meeting with Cafcass on 11th February 2013. The two reminders led to a further 24 members responding.

In total 96 members of the 130 members responded to this survey (74%).

Of the 96 members who responded:

- **82** considered that they were still SECs with Cafcass
- **9** said that they had ceased SEC work with Cafcass since April 2012
- **3** said that they had ceased SEC work between April 2011 and March 2012
- **2** said they ceased SEC work with Cafcass over three years ago (2009 and 2010 respectively)

The reasons why the 14 SECs (14.5% of those who responded) had ceased work with Cafcass were:

5 members chose to end their work with Cafcass as they did not like the culture, or what was described as an oppressive management style.

3 members had had no work offered to them for a long time, other than in the London area. All three had declined this work as they did not live anywhere near London themselves.

4 members simply said that they have ceased SEC work with Cafcass.

2 members said that they had transferred, or were about to transfer to PAYE employment.

Of the 82 current SECs (at January 2013):

During the financial year April 2011 to March 2012

- **71 of the 82** had received new work
- **68** received **487** new public law cases (average of 7 cases per member)
- **10** received **42** new private law cases (average of 4 cases per member)

In the current financial year: April 2012 to January 2013

- **58 of the 82** had received new work
- **55** received **296** public law cases (average of 5 cases per member)
- **9** members had received **21** private law cases (average of just over 2 cases each)

- **70 of the 82** current SECs still had open cases in January 2013
- **68** have **362** open cases in public law work (average of 5 cases per member)
- **8** members have only **12** open cases in private law

Of the 68 SECs who held open cases in public law in January 2013:

- 14 had just one case = 14
- 10 had two cases = 20
- 7 had three cases = 21
- 4 had four cases = 16
- 5 had five cases = 25
- 3 had six cases = 18
- 4 had seven cases = 28
- 5 had eight cases = 40
- 3 had nine cases = 27
- 4 had ten cases = 40
- 2 had eleven cases = 22
- 4 had twelve cases = 48
- 1 had thirteen cases = 13
- 1 had fourteen cases = 14
- 1 had sixteen cases = 16

TOTAL 362 PUBLIC LAW CASES

This diagram shows this data in graphic form:

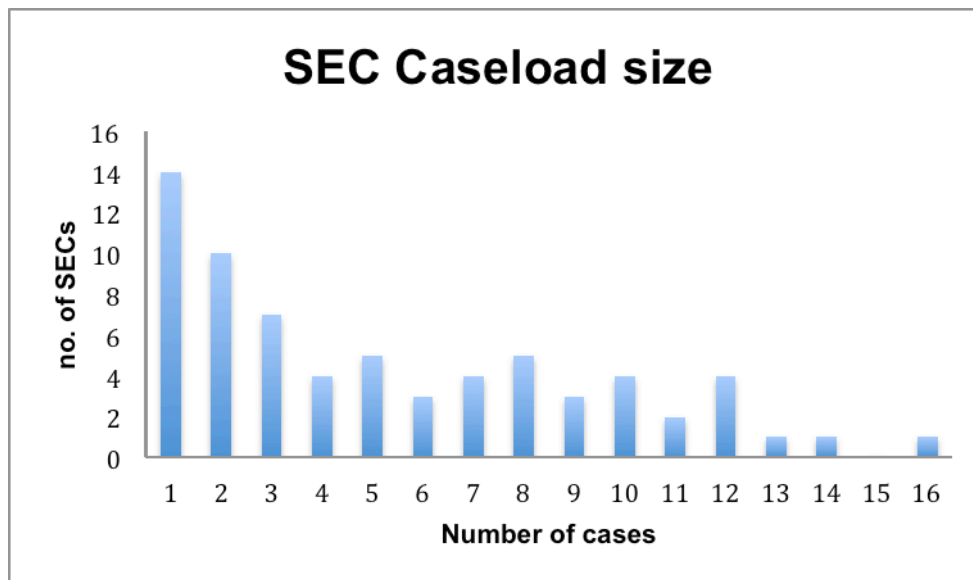
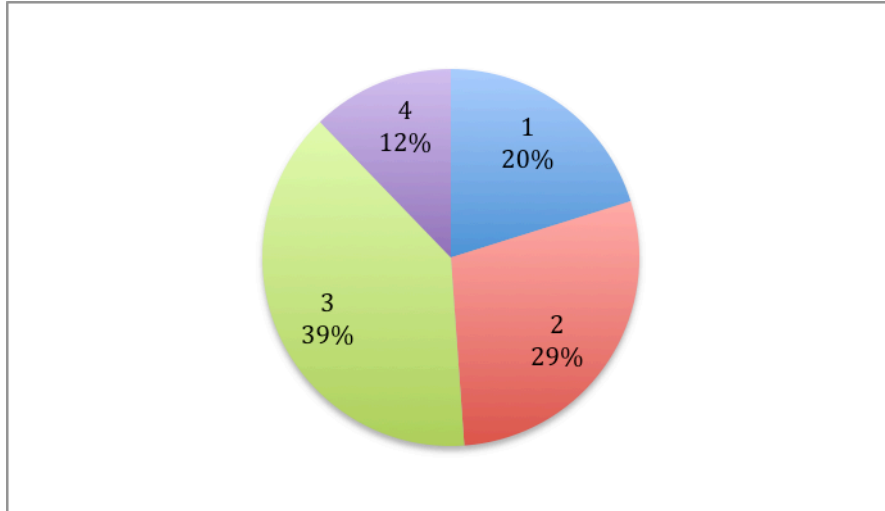


Figure 1: Number of SECs by size of caseload

Analysis of caseloads held by Cafcass SEC practitioners

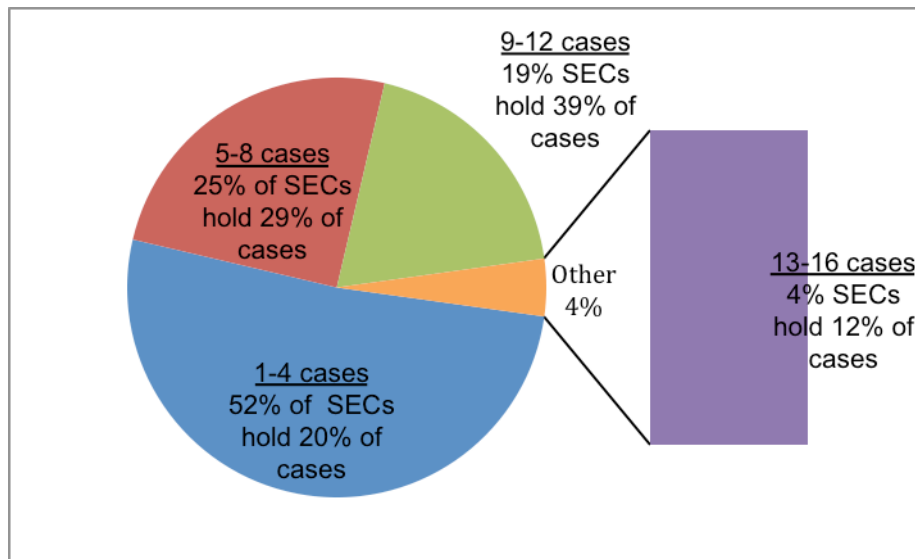
Cafcass SECs can be divided into four groups according to the size of their caseloads. The share of the total SEC public law caseload of 362 cases held by the SECs in each group is shown in the diagram below:



Percentage of total SEC caseload held by each group

Group 1 - small caseloads (1-4 cases)	35 (52%) practitioners	71 (20%) cases
Group 2 - low-medium (5-8 cases)	17 (25%) practitioners	101 (29%) cases
Group 3 - high-medium (9-12 cases)	13 (19%) practitioners	137 (39%) cases
Group 4 - high (12-16 cases)	3 (4%) practitioners	43 (12%) cases

The next diagram shows the proportion each group forms of the Cafcass SEC workforce and plots the percentage share of the total SEC workload against the size of the group.



In other words:

- **The 35 SECs holding four or fewer cases** comprise 52% of the self-employed workforce but hold only 20% of the total cases allocated to SECs. Most of these workers appear to be uncertain about the future usage of themselves by Cafcass, due to the very evident

continued reduction of allocations to SECs, and also the messages that they have been receiving from their contract managers about the uncertainty of future work. Many are only dealing with re-appointments to family cases that they are already familiar with, and very little new work is forthcoming.

- **Only 16 of the 68** (23%) held more than eight public law cases. The cases allocated to these 16 SECs make up 51% of the total cases held by SECs.
- **The three SECs** holding 13-16 cases make up 4% of the workforce but hold 12% of the total cases.

Of the 82 who still regarded themselves as SECs with Cafcass:

- **74** said that they would consider further work from Cafcass during 2013 if it was offered to them, although many in this group appeared to doubt that they will receive further work, as the general message being received from most Cafcass managers is that there is now a sufficient employed workforce to cope with most children's referrals. A significant number of these members also referred to Cafcass's restriction of the independent role of the Children's Guardian.
- **5** said that they were currently concluding their final cases as a SEC with Cafcass, after many years experience as a self-employed Children's Guardian.
- **3** said that they are no longer looking for further work from Cafcass because of the lack of work being offered and current restrictions upon the independent role of the Children's Guardian.

Of the 74 SECs who are still prepared to consider further work from Cafcass in 2013:

- All **74** are willing to take Public Law work
- **12** were prepared to take both Public or Private Law allocations
- **0** preferred to solely do Private Law work
- **46 of the 74** (62%) have either not been told directly about their future usage, or have received a negative or confusing message from Cafcass about their future usage.
- **The remaining 28** (38%) consider that they have had a more positive indication from Cafcass that they may receive further SEC work. However, even in this more hopeful group it was reported that the general message from their contract managers was that the employed workforce is now able to manage the workload. Some members indicated that they had been told of funding shortages and current restrictions in respect of appointing SECs.

Summary

The steady decline in Cafcass' use of its self-employed contractors (SECs) has become a steep drop in the past two years. This survey provides a stark illustration of how few Cafcass cases are now allocated to its very experienced self-employed practitioner workforce. As faster family justice measures take effect, the length of care cases is decreasing. This means the rate of decline in use of SECs will speed up even more. Within the next six months 50% of remaining

SECs, those with the fewest cases, are likely to find they have no more work as Children's Guardians, as Cafcass managers indicate they no longer intend to allocate new work to SECs.

Looking specifically at the results of the survey; of the 96 members who responded, 74 of them would like to receive further work from Cafcass during 2013. This number of workers is very small compared to the 750-800 SECs who were available to undertake court work when Cafcass came into operation in 2001. Over the past ten years Nagalro has suggested that the SEC workforce could be extremely helpful in aiding Cafcass to meet the demands of the family justice reforms, and has constantly urged Cafcass to demonstrate its commitment to a mixed economy.

The survey results confirm this significant reduction of work being allocated to SECs over the past two to three years, as **71 of the 82** received work in the previous financial year (April 2011-March 2012), and yet **only 58** of these members have received work from Cafcass in the current financial year. Further, it is important to note that 68 members received 487 public law cases in the previous financial year, while only 55 of these members received 296 public law cases in the current financial year. This downward trend has been apparent for several years. Nagalro has regularly challenged Cafcass regarding the very low allocations to SECs, particularly when Cafcass has been reporting record referral rates of children involved in care proceedings. For many years Cafcass affirmed its commitment to a 'mixed economy' workforce, in which self-employed contractors took cases alongside employed practitioners. There has been no public statement by Cafcass to indicate a change of policy, but the evidence from data in this survey is unmistakable. At a time when there has been an unprecedented and continuing rise in the number of public law cases in the family courts, almost 60% since 2009-10¹, Cafcass has chosen to largely dispense with its self-employed workforce. Cafcass managers have indicated to Nagalro that there is no longer a commitment to a mixed economy.

Cafcass senior management have informed us that they have now reduced their usage of SECs to about 130 individuals nationally. These, they say, are practitioners whom they would be prepared to continue to use if the employed workforce were not in a position to take an allocation.

Whilst this survey has revealed more about the frustrations of SECs, we should remain mindful that although self-employed practitioners may not have as much work from Cafcass as they would like, there are very different and possibly far greater pressures upon any employed Cafcass workers who are overburdened with work. Nagalro Council has a high regard for anyone who is working in an employed capacity for Cafcass, given the present day pressures to deal with far more children's allocations - and to deal with them far more quickly. Nagalro's information, from a variety of sources, suggests that many employed Family Court Advisers in Cafcass carry very high caseloads, and inevitably they can struggle at times to cover their caseload responsibilities to a standard that they themselves are satisfied with. Cafcass senior management do not accept Nagalro's expressed concerns, and have recently said that caseloads have been reduced significantly during the past year, implying that our concerns are no longer relevant.

Cafcass reports that it no longer has waiting lists, as all cases are allocated as they arrive. Allocation, however, does not equate to work being undertaken. Cases can be allocated without discussion as to whether a practitioner has any time to work on a new case. Using self-employed

¹ Cafcass care demand statistics

http://www.cafcass.gov.uk/news/2013/february_2013_care_application_statistics.aspx

practitioners would allow Cafcass greater flexibility to cope with fluctuations in referrals and availability of employed staff.

Children benefit from Cafcass utilising a mixed economy workforce because this retains some of the most skilled and respected practitioners in daily practice in family court social work. These are practitioners who bring many years of expertise and commitment to children to the role. By and large they have been Children's Guardians for 20 years and more, and are highly valued by courts for the contribution they make. Mrs Justice Pauffley said in her evidence to the House of Commons Justice Select Committee in March 2011: *"It is also a major anxiety that the self-employed guardians, generally the more mature and more experienced guardians, are viewed by some areas as being too expensive. In the judges' experience, those are precisely the individuals who are best able to help in private and public law cases."*²

Because of their experience, skilled practitioners can provide high quality, child-focussed work in a timely way. At a time when the family justice system wants to encourage the use of skilled assessment in family cases and reduce the use of expert witnesses it makes little sense to discard the most expert Children's Guardian practitioners.

When social work as a profession is struggling with staff retention and is beset by an exodus of skills and talent, it seems extraordinarily counterproductive to dispense with this valuable cohort.

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19.03.13

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² <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmjust/uc518-iii/51801.htm>