

# Children and Family Court Advisory and Support Service (Cafcass)

## Inspection of Cafcass as a national organisation 2014

Inspection dates: 21 February 2014 – 21 March 2014

<p>The overall judgement is <b>good</b>.</p> <p>Cafcass leads effective services that meet the requirements for good.</p> <p>It is Ofsted's expectation that as a minimum all children, young people and families receive a service where the quality and effectiveness of Cafcass private and public law practice is good.</p>	
The quality and effectiveness of Cafcass private law practice with families	<b>Good</b>
The quality and effectiveness of Cafcass public law practice with families	<b>Good</b>
The leadership and governance of the national organisation	<b>Outstanding</b>
The leadership and management of local services	<b>Good</b>

## Summary of key findings

Overall Cafcass is good because:

- Family court advisers consistently work well with families to ensure children are safe and that the court makes decisions that are in children's best interests.
- When parents need the court to help them decide where they should live or who they should have contact with children, young people and their families receive a good service.
- Cafcass makes sure the court knows which families need some further assessment after the first hearing to help the court make right decisions.
- Cafcass is good at identifying any risks to children and young people and writes good quality letters to the court before the first court hearing.

- Children and young people with the most complex needs get a service that is specific to their needs.
- Children and young people are successfully helped to express their wishes and feelings and Cafcass makes sure the court understands them.
- Family court advisers have good tools to help their work understanding children's wishes and feelings and assess families' strengths and this assists them to write good reports which help the courts make the right decisions for children.
- When a child needs to come into care Cafcass quickly appoints a Children's Guardian who quickly gets to know the child and their family and gives good quality advice to the court. This is helping to avoid delay in children's lives.
- Children's Guardians are good at helping local authorities understand what is best for children.
- Cafcass has supported young people who have been involved in family courts to form the Family Justice Young People's Board. This Board has been very effective in making sure Cafcass, judges and government listen to what young people think is most important.
- Cafcass has very effective leaders and managers who have been very successful in improving the quality of Cafcass' work.
- The Cafcass Board has been effective in helping senior managers to focus on the right things and understand how it can do things better.
- Cafcass has been successful in explaining to all its staff what is most important in their work and what the organisation is working to achieve and all staff understand this well.
- Managers keep a close eye on what family court advisers do to make sure it is of good quality. Managers are doing the right things to make sure that the quality of work gets even better.
- Cafcass staff feel Cafcass is a good place to work and levels of sickness are very low.
- Managers at all levels do a good job working closely with the courts, local authorities and everyone involved in making decisions for children and families.
- Senior managers have been very effective in working with judges and other leaders to make changes in how everyone co-operates to make things better for children.

# What does Cafcass need to improve?

## Areas for improvement

- In work to first hearing in private law, Cafcass should improve:
  - the effectiveness of efforts to contact parties or where sufficient efforts have been made these should be better recorded
  - a minority of safeguarding letters which are not yet fit for purpose for example by avoiding naming children who are not involved in the proceedings, ensuring any offence referenced is relevant and eliminating poor grammar and typographical errors
  - the consistency of safeguarding letters prepared for London.
- Ensure that in all private law casework work begins as early as possible once a family court adviser has been allocated.
- Reduce further the instances of breaches in personal data in sending out information to service users.
- Improve the consistency of Children’s Guardians practice in liaising before, during and at the end of proceedings with local authority independent reviewing officers.
- Publish practice guidance for children’s guardians working with children subject to an application for a secure accommodation order.
- Ensure all service users who are deaf or have a significant hearing impairment have access to the necessary specialist equipment to communicate with Cafcass staff and review the performance of the contract with the organisation providing translation and interpretation services to ensure all service users get equitable access.
- Ensure that management cover for senior management absence is sufficiently robust to continue to progress all aspects of a service areas improvement programme.

## **Information about this inspection**

1. Inspectors have looked closely at the experiences of children, young people and families involved in family proceedings.
2. Inspectors considered the quality of work and the difference Cafcass makes to the lives of children, young people and families. They read case files, watched how professional staff work with families and discussed the effectiveness of the assessment, analysis and advice given to the family court about how best to safeguard and promote the welfare of children and young people. Wherever possible, they talked to children, young people and their families. In addition the inspectors have tried to understand what Cafcass knows about how well it is performing, how well it is doing and what difference it is making for the families involved in family proceedings.
3. Inspectors spent the first week scrutinising 146 cases from across England. During the following three weeks inspectors visited a representative sample of seven Cafcass service areas.
4. The inspection of Cafcass was carried out under section 143 of the Education and Inspections Act 2006.
5. The inspection team consisted of nine of Her Majesty's Inspectors (HMI) from Ofsted.

## **The inspection team**

Lead inspector: Jeremy Gleaden

Deputy lead inspectors: Brendan Parkinson, Karen McKeown and Pauline Turner

Team inspectors: Brenda McLaughlin, Dominic Stevens, Mike Ferguson, Rob Hackeson and Tracey Metcalf.

## Information about Cafcass

6. The Children and Family Court Advisory and Support Service (Cafcass) is an executive non-departmental public body, which was accountable to the Secretary of State in the Department for Education for 2013-14<sup>1</sup> during the inspection period, but from 1 April 2014 is accountable to the Secretary of State in the Ministry of Justice. Cafcass' statutory responsibility in England is to safeguard and promote the welfare of children<sup>2</sup> who are involved in family court proceedings.
7. Cafcass' principal functions, as set out in the Act<sup>3</sup> in respect of family proceedings where the welfare of children is or may be in question, are to:
  - safeguard and promote the welfare of children
  - give advice to the family courts
  - make provision for children to be represented
  - provide information, advice and support to children and their families.
8. Cafcass' professionally qualified social work practitioners, called Family Court Advisers (FCAs), work exclusively in the family courts. Cafcass provides judges with the advice, information and recommendations they need to make a safe decision about each child's future. Examples of proceedings where Cafcass will be involved include:
  - When children are subjects of an application for care or supervision orders by local authorities (public law). In these instances, FCAs act as 'Children's Guardians'. The local authority can apply to the court for various types of care and protection orders. The role of the Children's Guardian is to safeguard and promote the child's welfare and to scrutinise and ensure that the local authority's plan is in the child's best interests.

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<sup>1</sup> Cafcass was established by the Criminal Justice and Court Services Act 2000 (the Act). Responsibility for Cafcass lies with the Department for Education.

<sup>2</sup> The terms 'children' and 'child' are used in this report to refer to children and young people under 18.

<sup>3</sup> Cafcass' specific powers can be found in sections 12, 13, 14, 15 and Schedule 2 of the Act. Paragraph 10 of Schedule 2 enables Cafcass, subject to directions given by the Secretary of State, to do anything that appears necessary or expedient for the purposes of, or in connection with, the exercise of its functions.

- When parents who are separating or divorcing are unable to agree on arrangements for their children, such as who they live with and who they will visit.
  - In cases where a proposed adoption has parental consent, FCAs act as Reporting Officers. Their role, either at the request of the local authority or if ordered by the court, is to ascertain whether the parent consents unconditionally to the adoption and has a full understanding of the implications. In cases where an adoption is without parental consent, an FCA is appointed either as a Children and Family Reporter or as a Children's Guardian for the child.
  - Cases where the child becomes separately represented (Rule 16.4) and the FCA will report to court on the welfare of the child and act as a Children's Guardian.
9. Cafcass helps over 136,000 (year to date: 1 April 2013-February 2014 (136,109) of the country's most vulnerable children and young people each year. The average age of the children Cafcass works with is under 10 years old.
  10. Cafcass has 48 offices across the country. Cafcass is the largest single employer of social workers in England and has 1719.73 (full time equivalent).
  11. Cafcass is represented on the Family Justice Board and chairs 11 out of 42 Local Family Justice Boards (and has a shared leadership role in all others).

### **Private law demand**

12. Cafcass received 45,605 new private law applications during 2012/13. Private law case demand between April 2013 and February 2014 has increased by 3% (1,161) compared to the same period last year. Each month between April 2013 and September 2013 was an increase on the same month in the previous year, with the first four months of the year receiving over 4,000 cases. Between October 2013 and February 2014, however, demand has been below the level seen in the same period in the previous year.

### **Public law care application demand**

13. Demand for public law care applications increased by 8% in 2012/2013 compared to 2011/12. Cafcass received 11,110 new public law applications during 2012/13. Between April 2013 and February 2014 demand has decreased by 5% compared to the same period last year, a decrease on the record number of applications received in 2012/13. The number of open care cases at the end of February 2014 has reduced by 24%, 2,478 cases, compared to February 2013.

## **Previous Ofsted inspections**

14. Ofsted completed a four-year programme of all Cafcass service areas in March 2013. During the four-year period Cafcass performance rose from a low, inadequate, base. The two reports published in early 2013 found the areas 'Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire (A14)' and 'Kent (A17)' were judged to be good.

## Inspection judgements about Cafcass

### The quality and effectiveness of Cafcass private law<sup>4</sup> practice with families is good

15. All private law applications to the family court in England are sent to the Cafcass National Business Centre (NBC) in Coventry. Staff at the NBC demonstrate they have a good understanding of their work and the service they deliver is robust. Initial risk assessment and screening of cases is effective. Families receive good quality information through the post at the start of their involvement with Cafcass and this is supported by high quality information and resources such as videos on the Cafcass public website. Parents spoken to as part of the Ofsted survey of families in private law proceedings, where they recalled receiving a 'welcome pack', said they found the information to be clear, simple to understand and helpful.
16. The Cafcass call centre has had a very positive impact on efficiency with 90% of calls answered within a minute and 60% of calls resolved for the service user at the first point of contact and without the need to transfer issues to the local teams. The call centre has freed local business support to focus on the progression of individual cases. The use of smart phones enables staff to be more responsive and improve the user experience.
17. Prior to the First Hearing Dispute Resolution Appointment (FHRA), Cafcass provide the court with a safeguarding letter setting out their screening and risk assessment. Efforts to make telephone contact with each party<sup>5</sup> in a minority of cases could be more effective and/or better recorded. The large majority of safeguarding letters are of high quality in terms of timeliness, risk assessment, safeguarding, and advice to the court. In a small number of cases information was incomplete, for example due to Cafcass being unable to speak with one party. Where this occurred, inspectors observed Family Court Advisers, at court appropriately remedying this by speaking to parties outside the court room so the judge was well informed at the hearing.
18. In some cases Cafcass identifies children potentially at risk of significant harm. In these circumstances Cafcass consistently refers cases in a timely way to the relevant local authority. Local authorities told inspectors that Cafcass

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<sup>4</sup> Private family law cases deal with issues concerning children following the breakdown of family relationships. For Cafcass, this generally involves applications for contact and/or residence. It can also include applications following surrogacy or donor arrangements.

<sup>5</sup> In most cases parties are parents seeking contact with or residence of their child. In some cases parties also include grandparents and other family members and rarely a child.



consistently report appropriate and timely identification and referral of children potentially at risk of harm.

19. In most areas safeguarding letters are prepared by a local specialist early intervention team. The early intervention work for Greater London is undertaken in Chelmsford, Coventry and Newcastle. This arrangement was put in place in response to the high volume of cases in London and difficulty in recruitment. Across the country and particularly for London a minority of safeguarding letters could be improved through avoiding naming children not involved in the proceedings, ensuring any offence referenced is relevant and eliminating poor grammar and typographical errors. The quality of safeguarding letters has improved recently and the impact of recent training is evident.
20. Cafcass practitioners are consistently well prepared for the FHDRA, professional in manner and confident in their advice to the court. Both parties and judges told inspectors they valued the work of Cafcass practitioners at court.
21. The key decision at the FHDRA is whether Cafcass need to do further work to advise the court about what order, if any, needs to be made to ensure the child's interests are met. Where the court decides this is necessary Cafcass will undertake further enquires and submit a section 7<sup>6</sup> report. This work is known as 'work after first hearing'. Across England Cafcass performance in allocating this work consistently meets the key performance target that in excess of 97% of private law cases are allocated to a family court adviser at month end, which is good.
22. In the large majority of work after first hearing Cafcass analysis, reporting and recommendations to the court are at least fit for purpose and in many cases strong. Cafcass practitioners respond in a manner that is proportionate to the needs of each case or child. Recommendations to the court consistently link with the issues identified within the report, children's views are expressed well and attention to issues of equality and diversity is good. In all courts visited, partnership between Cafcass, the local judiciary and HM Court and Tribunal Service (HMCTS) was evident ensuring continuity of business which focuses on the needs of children and families.
23. Case planning is strong; it is formulated early in the life of a case and the work with families focuses on the most important issues which help speed up their assessment. Inspectors saw this increasingly being the case, although some delay to the commencement of work after allocation still exists. Most direct

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<sup>6</sup> Section 7 Children Act 1989

work with children and families is well planned and of high quality and the good range of tools available to practitioners are used effectively. These include a range of age appropriate tools for children and young people to express their wishes and feelings and a child impact tool which enables practitioners to explore with children some of the more distressing things that have happened to them (this was also the case in public law practice). Direct work is age appropriate and sensitive to the specific needs of children, for example those with communication or learning needs.

24. There is a good focus on understanding children's wishes and feelings. For example, an inspector observed direct work with a 10-year-old boy about a contact dispute. The Family Court Advisor had clearly planned the session in advance, including the use of eco-mapping and use of scales (testing feelings on a scale of 1 to 10) to best understand the child's wishes and feelings. After an introduction with his mother present and some appropriate rapport-building, the practitioner worked skilfully with the child alone, to gain insight into his wishes and feelings. She was responsive and sensitive to the child allowing him to control much of the session, using open questions and reflecting back to check his understanding.
25. Reporting children's wishes and feelings to the court is effective, but this could be strengthened further by making children's wishes and feelings more clearly articulated within the case analysis in addition to reporting them verbatim. This is also the case in public law casework.
26. In the most challenging private law cases, the judge can appoint a Children's Guardian under rule 16.4 of the Family Procedure Rules 2010. In these circumstances the child will also be appointed a solicitor. Rule 16.4 cases by their nature are complex and historically have taken much longer to resolve. Cafcass has been successful in working closely with judges to ensure only the most serious cases are dealt with in this manner. This has seen an overall reduction of 16.4 appointments. Cafcass has taken effective steps to resolve many of the longstanding cases and is increasingly ensuring that the need for appointment is identified as early as possible which is in children's best interests.
27. Most work in 16.4 appointments is strong, for example in one case a child with special needs was suffering emotionally because of the acrimonious nature of his parents' relationship. He had been subject to proceedings for over a third of his life. Support from a local authority had been ineffective, but the work of the Cafcass Children's Guardian was effective in quickly identifying what was most important for the child and appropriately challenging his parents about the impact of their acrimony on their son. The judge commended the thoroughness of the analysis and recommendations by the guardian and the matter was able to be concluded with the court fully adopting the recommendations made.

28. Cafcass has been successful in meeting its targets for the filing of reports in private law proceedings. The frequency of Cafcass requesting extensions for reports is reducing (from 35.3% in 2012/13 to 28% in the year to date 2013/14 April 2013 to February 2014) and the numbers of addendum reports have been reduced significantly in some areas which reflect a real determination to reduce the duration of cases in children's best interests.
29. Cafcass practitioners and managers are supported by a network of business support teams. Business support staff demonstrate they play a key role in delivering a child-focused service. Systems are effective and staff are skilled to support social work colleagues to improve efficiency and timeliness of work.
30. The volume of work to first hearing is high and systems to support this are robust. That said human error does occur. This has led in a very small proportion of cases to breaches in personal data. These are treated very seriously and individual service users are sensitively and appropriately reassured that while rare, they are unacceptable.

### **The quality and effectiveness of Cafcass public law<sup>7</sup> practice with families is good**

31. Where the same finding has been made in private law practice, this is indicated in the section above.
32. In public law cases, when a Cafcass practitioner is appointed they are called a Children's Guardian. Children's Guardians, both in their direct work with families, in court and in their reporting to court are confident, competent and consistently child centred. Cafcass is effective in challenging local authority practice when necessary. Guardians undertake their assessments and deliver analysis in a manner which is proportionate to the needs of individual children. Children's Guardians also act proportionately in response to the quality of care planning by the local authority, robustly challenging weaker authorities and individual care plans. Children's Guardians have also challenged local authorities to be more responsive to case law, for example a recent case known as re B-S<sup>8</sup>. This has led to a more rigorous evaluation of the evidence and analysis in weighing the pros and cons of each option for a child's future particularly when adoption is planned.

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<sup>7</sup> Public law family proceedings are where the state, usually a local authority, steps in to investigate concerns, protect children, and sometimes make applications to the courts for care, supervision, emergency protection and child assessment orders. For Cafcass, this is generally in relation to care and supervision applications by local authorities and, if a child cannot return home or go to live with a relative, this may require a placement order application, and a subsequent adoption process. In these cases, the court appoints a Children's Guardian.

<sup>8</sup> Re B-S (Children) [2013] EWCA Civ 1146

33. Cafcass makes a strong contribution to reducing delay in proceedings through early identification of a guardian and early engagement with all key parties. Written and verbal analysis at first hearing of the key issues is of good quality.
34. Most direct work with children and families is well planned and of high quality. Inspectors saw examples of very effective direct work with young people which had a good focus on equality and diversity particularly in Birmingham and the Black Country. For example, an inspector observed a Children's Guardian had established a good relationship with a child. She was very alert to the child's distress and anxiety and appropriately conducted the interview at the child's pace allowing them to take control of the discussion. The guardian demonstrated very good communication skills and the ability to develop a rapport and trust with the child. Issues around contact and cultural issues arising from the child's ethnicity were sensitively but appropriately explored. The guardian was able to ascertain the child's wishes whilst supporting the child to come to an understanding of the safeguarding role of professionals. Speaking to the young person afterwards the inspector heard how the young person felt she understood the role of the guardian and said that she felt able to trust her. The young person said she felt she was listened to and that the guardian had tried hard to understand her culture and background and had a good understanding of what she had experienced.
35. Case recording in public law is a strength with records clearly and sensitively recording the progress of the case, the impact on the child and the analysis of the Children's Guardian. Case plans in contrast were less strong as they represented the plan only at the initial point of drafting and did not change over time. However the quality of the case record compensated for static case plans in most cases with no negative impact on children.
36. The most common strengths in reports provided to the Courts are their child focus, the quality of evaluation and analysis and the clear recommendations which flow from the body of the report. Reports also provide succinct and helpful summaries of complex information and key issues. A small number of reports would benefit from being more succinct.
37. Children's Guardians consistently demonstrate a good understanding of and ability to evaluate the risks posed to children by their parents and family members. Judges and local authorities said that guardians are contributing to reducing and minimising the appointment of unnecessary experts. In some cases this appropriately includes a thorough consideration of the need for an expert psychiatric report and where this is necessary Guardians are confident in recommending this. Challenges to the local authority are appropriate and add value, for example by ensuring that the local authority's statements and assessments are clear about the negative impact of delay for the child. Where a local authority is late in filing reports, which is unacceptable, this leaves little time for the guardian to review them and complete their report. Guardians do all they can to avoid further delay by using what time is available very effectively to ensure the court has their analysis and advice on time.

38. Children's Guardians demonstrated high quality practice in the court environment. In a case observed by an inspector the guardian provided clear advice to the court and to all parties that was authoritative and grounded in the content of her written advice to the court and case plan. Both parents independently reported that the guardian treated them respectfully, explained things and was very focused on the children's best interests even though they did not necessarily agree with her opinion and advice. The designated family judge, in interview, indicated that the guardian made a significant contribution to the successful and timely case management and was focused in her written and verbal evidence on the impact on the children.
39. Children's Guardians have forged very effective partnerships locally which have contributed to reducing delays for many children. In some parts of the country, Cafcass has been involved in pilots where guardians have been giving advice to local authorities prior to an application for a care order. These are in circumstances where the local authority have established they have the evidence to go to court, but are making final efforts to help families make the necessary changes to avoid their children being removed. Guardian involvement in this approach has been highly valued and helped avoid some children becoming subject to care proceedings.
40. Once a child becomes 'looked after' by a local authority, they are appointed an independent reviewing officer (IRO) who is responsible for the independent oversight of that young person's care plan. The IRO has this continuing independent role prior to, during and after proceedings. The important relationship between IROs and Children's Guardians is set out in a national protocol. This protocol is high on the agenda in each Cafcass service area, although while many guardians are effectively liaising with IROs, some are relying on a standard letter to communicate the end of their involvement in the case. However this is an improving area with Local Family Justice Boards' promoting greater partnership working.
41. In the majority of cases where a Children's Guardian is appointed when a local authority makes an application to hold a young person in a secure setting, Children's Guardians are child focused and provide constructive challenge to the local authority to explore alternative placements or improve exit plans for young people already held in secure accommodation. Guardians consistently and effectively advocate for the young person and some have demonstrated excellent practice. One example seen by inspectors demonstrated the urgency brought by the guardian in a secure application of a young person who was almost 17 years old. The local authority had not fully thought through the implications of their application save for obtaining the initial secure order. The local authority poor planning was robustly challenged by the Children's Guardian in court where the guardian presented a well-argued and robust view on the case direction that was fully accepted by the court. While this did not accord with the young person's wishes and feelings it firmly addressed the young person's long term interests and safeguarding needs. The tenacious activity of the guardian resulted in a care order being made before the young

person's 17th birthday and ensured the local authority fully took on their responsibilities so that the young person would receive the help they needed.

42. In a small number of cases guardian practice in evaluating secure accommodation applications was not as effective as it needed to be. Cafcass does not have specific practice guidance or standards in this area to support Children's Guardians.

## **Leadership and governance of the national organisation is outstanding**

43. In the past five years Cafcass has significantly improved the organisation that Ofsted found to be consistently inadequate in 2009/10 to one that is now consistently good.
44. At the most senior level Cafcass has a highly effective corporate management team (CMT). This is despite over the past few years the team reducing from 10 to four – the chief executive and three directors. All four senior leaders have made a significant contribution to the improvement that Cafcass has made.
45. The operational management team (OMT) is very effectively led by the National Service Director. OMT includes all the managers of the 17 Cafcass service areas. These operational managers are a mix of heads of service and assistant directors. In addition to their operational responsibilities, assistant directors hold national policy portfolios. Some heads of service and assistant directors manage more than one service area. Where this is the case, they are supported by very capable senior service managers. Strategy and policy is determined through CMT, but it is at OMT where strategy and policy have been successfully translated into practice. This highly effective OMT management group has proved to be critical in ensuring consistency across what is a diverse national landscape.
46. Cafcass senior leaders are supported and held to account by an effective Board. The Cafcass Board, reporting to Government, provides robust governance arrangements. The Board and its sub-committees concern themselves with the appropriate level of detail and have set a clear strategy for the organisation. The strategic plan 2013-2015 appropriately sets out five key strategic objectives to improve outcomes for children:
  - to make further improvements to the quality of Cafcass work
  - to further contribute to the family justice reform programme
  - to enhance the profile of diversity in casework
  - becoming even more resilient by handling higher volumes of work whilst making further savings

- using Cafcass' influence positively as the voice of the child and the eyes and ears of family courts.
47. Inspectors have heard and seen these priorities in action and articulated well by staff at all levels of the organisation.
  48. The Cafcass Board has set high expectations through the strategic plan and the way it operates its business. To evidence improvements in quality the Board appropriately receives updates through a Quality Account. This comprises all information on quality through audits, complaints, compliments and will include the outcome of this inspection once complete.
  49. Cafcass senior leaders have made many changes in the structure of the organisation, changes in personnel at all levels, change in partnership working and the models of how practice is delivered, but the most significant change has been the wholesale change in organisational culture. Over the past few years Cafcass has very strongly performance managed its workforce and this has achieved compliance and delivered core standards of professional practice and behaviour. To do this it has made significant changes in the makeup of the workforce. In addition to more than 700 staff leaving the organisation and being replaced, Cafcass has successfully introduced a comprehensive operating framework, invested in training and development and embedded a culture of effective performance management.
  50. Since making the necessary changes, Cafcass has become a more mature organisation taking a sophisticated approach to improvement. The organisational culture, which has been clearly seen by inspectors during this inspection, is one of a supportive management culture, with high expectations and ambition. Staff are motivated, engaged in the vision and committed to continuous improvement. Cafcass has achieved the right balance of challenge and support in developing its staff. Feedback from Cafcass' key stakeholders is that the changes Cafcass has made and the impact on the quality of its work has led to a substantial increase in Cafcass' reputation in the family justice and children's social work worlds.
  51. There is clear evidence of a 'golden thread' from the national organisation (Board and senior leaders) through to the front-line. This is linked to the change in organisational culture which inspectors have heard articulated at all levels, including the vision and what the organisation is seeking to achieve. Cafcass has introduced MyWork<sup>9</sup> which is an electronic individual score card

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<sup>9</sup> MyWork covers staff and HR data, including absence, data on the quality of an individual's work and most recent performance and learning review (PLR), alongside all relevant data from the client management system which includes workload and caseload information. This system assists staff to

which is effective in enabling staff to view their own performance through an individual, team, area or national perspective.

52. Cafcass is working in partnership with Sheffield Hallam University to provide a management development programme for all managers during 2014/15 so any impact remains in the future. The leadership programme adopts a strengths-based approach which looks at ways in which Cafcass can maximise the use of strengths and provides topical and challenging learning opportunities. The programme content has an appropriate focus on management styles and behaviours, motivation, reducing and resolving conflict and organisational culture and improvement.
53. Cafcass has an extremely comprehensive workforce strategy. It builds on what has been a five-year plan to turn a non-compliant and poor quality workforce<sup>10</sup> into the quality now being achieved. The strategy is centred on the health and well-being of its staff, while continuing to monitor and drive performance, absence, quality and workload. The strategy incorporates all learning and development, the 'emerging talent management' programme through appropriate and ambitious short and medium term objectives. The workforce is analysed by age, gender, ethnicity, disability and makes clear links to other strategies such as the Diversity Champions.
54. Cafcass has made significant positive strides to invest in their workforce which has resulted in a stable and highly motivated workforce. The Cafcass health and well-being programme is highly effective. Sickness is closely monitored, focusing on approximately 280 staff enabling line managers to have up-to-date accurate data which supports their management of the issues with the individuals concerned.
55. The impact of Cafcass' approach to the well-being of its workforce has been exceptional. The sickness of family court advisers has reduced by 53.5% from 16.1 average working days lost in 2009/10 to 7.5 in February 2014. This is the equivalent to 41.5 front-line Family Court Advisers or over 10,000 working days. The cost of sickness for Cafcass has reduced from £3.3m in 2009/10 to a projected £1.8m for the 2013/14 financial year. In the last 12 months 58.1% of Cafcass staff had no sickness and 77.5% had less than five days sickness in the last 12 months. By comparison the Chartered Institute of Personnel and Development (CIPD) 2013 data shows an overall upward trend in absence

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self-regulate, provides a 'mirror' to support ownership and accountability and enables proportionate management oversight.

<sup>10</sup> In the past not all Cafcass staff were 'poor', but overall inspections demonstrated too great a prevalence of inadequate practice.



across all sectors with the health sector rising to 11.1 days. In response to the Ofsted survey of Cafcass staff, 815 agreed or strongly agreed that “my health and well-being is taken into account by the way Cafcass managers support and supervise my work”.

56. Cafcass has appropriately invested in its IT infrastructure. This has enabled staff to work flexibly and be more productive, for example all paper mail is now digitised and staff can access case records electronically from anywhere and this has contributed to the improvement in case recording.
57. In the past Cafcass has been inefficient in its use of self-employed contractors (SECs) working as Children’s Guardians who have not provided value for money. Over the last year Cafcass has been very effective in reducing the number of SECs from over 400 to 117 and centralised their management and how they are commissioned. SEC contracts have been appropriately regularised with a single hourly rate and fixed costs for private law work. Yearly reviews and allocation of work is carried out by a single manager but SEC work commissioned locally by a service area is responsible for assuring the quality of the work. SECs are now employed on a case-by-case basis and their work is entirely demand led.
58. A clear focus for Cafcass over the last 18 months has been improving the quality of practitioners’ work – a key strategic priority. A central strand of this work has been the ‘getting to good’ strategy which evidenced progress through two ‘getting to good’ audits. In April 2013 the first audit established a benchmark of 30% of cases reaching the standard of good. The organisation then set itself the target of achieving 50% good by September 2013. This target was almost met with a national improvement to 49%. A further target has been set to achieve 60% good by November 2014 and if this is achieved a further target of 70% by April 2015. During the inspection Cafcass has introduced a further target to reduce work ‘not met’ from 19% to 14% by November 2014 and if achieved the target will be to achieve 10% by April 2015. OMT has also expressed its ambition in raising the target for the number of family court advisers to be observed in their work with families by a manager in 2014/15 from 50% to 80%.
59. Managers at all levels have been instrumental in the improvement that Cafcass has achieved. Inspectors both saw and heard from staff that they value the expertise of enhanced practitioners in helping them improve quality. The Cafcass National Improvement Service has been very effective in supporting improvement in the quality and performance of work across the national organisation through its work in service areas providing a mixed economy of approaches including undertaking audits (including ‘getting to good’), coaching, training and responding to needs identified by heads of service who have then commissioned the improvement service.
60. The investigation of complaints from adult service users is undertaken centrally. Children’s complaints are dealt with in local service areas. The centralised

approach provides a consistently thorough response to complaints investigation. Investigations are timely and responses are highly detailed ensuring that all aspects of complaints are responded to effectively. A wide range of evidence is cited to ensure that responses are fair. Clear explanations are given to complainants when the issues they raise are matters of practitioner's professional opinion which for the courts to address during proceedings.

61. Completion of actions for individual staff following complaints is monitored centrally ensuring that where there is individual learning that this is effectively dealt with in the worker's supervision. In almost all cases learning is appropriately captured and contributes to the national learning log which is disseminated via management meetings throughout the organisation.
62. All complaints seen were concluded in a timely manner and high (99%) rates are recorded for timeliness. However, where complaints are complex and require more than the 15 day time to investigate there is a practice of responding to the complaint partially, closing it on the system in timescale and subsequently sending a final letter. The complaints manager reported that this is a rare circumstance although it accounted for the practice in 10% of those sampled. Recording of those cases that go beyond the 15 day timescale needs to improve.
63. Cafcass has been very effective in its outward facing work and has been a key driver of change within the National Family Justice Board and its sub-groups. The contribution of the Chief Executive and other senior leaders has been highly valued by stakeholders including the senior family judiciary. Cafcass has forged an effective and important alliance with the Association of Directors of Children's Services (ADCS). Cafcass' work with ADCS and its improved reputation within the sector has been significant in its impact in providing leadership nationally. The partnership with ADCS has led to the publication of national guidance on social work practice in the family court and to the development of a national template for the presentation of social work analysis in care proceedings. The latter will be issued as an appendix to statutory Children Act guidance.
64. The relationship with ADCS has been achieved at a critical time for Cafcass as its sponsorship passes from the Department for Education to the Ministry of Justice. This move presents many opportunities as Cafcass will be structurally closer to one of its key stakeholders HM Court and Tribunal Service. Work is already underway to explore how efficiencies can be achieved in shared back-office functions to reduce data inconsistencies and inefficiency. A risk to Cafcass is the real or perceived shift of Cafcass away from the policy heart of children's social work. Continued appropriate joint work at a strategic level with ADCS is helping to mitigate any such risk.
65. As reported in the previous section on local leadership and management, this outward facing influence is not just at a strategic national level. But Cafcass staff recognises the important relationship between national and local

developments. In answer to the Ofsted survey of Cafcass staff, 78% agreed or strongly agreed that Cafcass senior managers have made appropriate changes in respect of the Government agenda to modernise the family justice system and only 4% disagreed.

66. Cafcass is leading the way in the family justice system in ensuring that young people's voices are heard. Cafcass established the Children and Young People's Board in 2006. Its importance was recognised in the Family Justice Review and was extended to cover the whole of the family justice system as part of the family justice reform and was renamed the Family and Justice Young People's Board (FJYPB), which Cafcass continues to support. The FJYPB comprises over 40 children and young people who have direct experience or interest in the family justice system.
67. Through Cafcass' sponsorship of the FJYPB the voice of children and young people contributes to system reform and service design. Board members have developed a national charter which Cafcass is an early adopter of. Within Cafcass, Board members have been involved in the development of tools for practitioners to use when working with children and young people. Young people have undertaken inspections of Cafcass offices and made important recommendations for how the environment can be made more child friendly. FJYPB members have helped to recruit Cafcass staff and through their attendance at the main Cafcass Board have secured their own standing item on the agenda to ensure the voice of young people is always heard.
68. Inspectors have been impressed with the dedication, skills and motivation of the FJYPB to continue to recruit new members and to seek to reach out to more children and young people involved in family proceedings including young people looked after by local authorities. In November last year having heard a FJYPB member speak at a judicial conference, an impressive act in itself, the President of the Family Division was quoted in a change to his planned speech "I wasn't going to mention this but after a remarkable presentation yesterday from the young people, if a child wants to see a judge, then this wish should be followed."
69. Over the past few years Cafcass has focused on its relationship with its key statutory stakeholders as a part of its clear and appropriate focus on improvement. This has been at the cost of engagement with third sector and representative groups. This work has now restarted and Cafcass is in the early stages of its relationship with the four largest children's charities. This engagement is appropriately focusing on evidence based practice and practice development. A second important strand of reengagement is with groups who represent those involved in private law proceedings for example men's and fathers' groups. Although again in their early stages, those groups have expressed optimism that this partnership work will be fruitful to both parties.

## **The leadership and management of local services is good**

70. The leadership and management of local services judgement is a cumulative judgement derived from the leadership and management of seven service areas.
71. The leadership and management of local service areas is consistently strong leading to work in both public and private law which provides the right advice to the family courts and which increasingly is of good quality. This is true in all aspects of service delivery with the exception of one area where the progress made to improve private law work after first hearing has been too slow. The Ofsted survey of Cafcass staff resulted in 91% agreeing or strongly agreeing that Cafcass continually strives to improve the services they provide.
72. Local business plans are robust, evidence based and clearly identify areas for improvement based on a wide range of data, feedback, and learning from a range of national and local sources. No strategic issues have been identified on this inspection that were not already known to the local senior leaders and for which plans are in place, albeit for some, too early to show impact.
73. Leaders and managers have created a culture of high expectations, where performance management works in conjunction with the support, development and well-being of staff. Managers undertake quarterly performance and learning reviews (PLR) of all staff. These replace annual appraisal and are supported by 'situational' supervision focusing on practice and delivered by service managers or enhanced practitioners. All managers have attended workshops to promote the effective use of PLRs. PLRs are being most effective with staff identified as having weaknesses in practice, but less well for better performing staff. PLRs would be strengthened if more evidence from situational supervision was recorded and used within the formal quarterly process. The Ofsted survey of Cafcass staff resulted in 81% agreeing or strongly agreeing that their PLR helped them to improve their performance and 90% said they get the right level of support from their manager.
74. Enhanced practitioners provide professional supervision and oversee the case work of Family Court Advisers, provide support and mentoring to staff and work on some of the more complex cases. Enhanced practitioners are a strength in each service area where they exist. They have had impact in helping drive improvement in practice. Inspectors found that greater clarity was needed about the responsibilities and accountabilities of enhanced practitioners and service managers in some areas.
75. Quality assurance is effective in most cases. Cafcass managers are consistently evaluating the quality of practice in line with the evaluation of inspectors. The impact of managers on practice is evident in case records and reports to court. Each service area can demonstrate an improvement in the quality of work over the past year and all areas are ambitious to improve further. Local leaders have been at the heart of ensuring strategic priorities are embedded within local

service delivery and this has been evident for example in how equality and diversity are promoted and practice in this area strengthened.

76. The Ofsted survey of Cafcass staff resulted in 96% of staff agreeing or strongly agreeing that Cafcass regularly monitors the quality of their work and 89% say managers manage effectively.
77. Local leaders are increasingly outward facing and in a number of instances chair the Local Family Justice Board. Where this is the case, feedback from stakeholders has been very positive about the leadership provided by Cafcass. Key stakeholders, including all local authorities spoken with, have been consistently positive about the improvements Cafcass has achieved over the past few years and the contribution Cafcass continues to make both on individual cases and in working to modernise the local family justice system.
78. Cafcass engagement with Local Safeguarding Children Boards (LSCB) remains a challenge in some areas where the service area is co-terminus with many local authorities. Where engagement is strong LSCB chairs report good attendance and contribution to the board and sub-groups. In most areas Cafcass' contribution to the work of the LSCB demonstrates improvement.
79. Cafcass staff reported in the Ofsted survey that they access a wide range of training, which meets their needs. Children and young people have been involved in the delivery of training and some training was provided by partners such as courts or local authorities. Several staff reported being supported to undertake a master's degree and others said that the training they had received had a positive impact on their practice.
80. One member of staff said training improved, "the sharp end of practice" while another reported that "[the] culture is both supportive and challenging". There are 80% of staff who agree or strongly agree that their training needs are met.
81. Cafcass locally is learning from feedback and complaints. Each service area management team has a focus on the national learning log which brings into one place learning across the organisation from a range of sources including serious case reviews, compliments and case audits. Examples of local action taken in response to feedback are displayed on posters in the office reception and meeting rooms using a "you said – we did" format. This demonstrates that user views are listened to and Cafcass has taken steps to change what is within their control such as nappy changing facilities and providing information about support for those without legal representation. In addition and in response to user feedback Cafcass has improved signage within its offices to improve information and directions.
82. The Family Justice Young People's Board, formerly the Cafcass Young People's Board, have undertaken office inspections in Cafcass local areas. The outcome of these visits have been taken seriously by local managers and led to improved

facilities for young people to record feedback and helped improve the environment to be more child friendly.

83. Inspectors identified in some offices service users who are deaf or have a significant hearing impairment are not able to contact Cafcass by phone as Cafcass do not have the necessary specialist equipment such as mini-com.
84. Commissioned services are used well as an alternative to court orders or to support the effective conclusion of an order. Separated Parenting Information Programmes<sup>11</sup> (SPIPs) are appropriately used and Domestic Violence Perpetrator Programmes<sup>12</sup> (DVPPs) are targeted well. Support for engaging with those whose first language is not English is through a contract with an organisation called Big Voice. Inspectors saw examples where this service was not available resulting in unacceptable communication difficulties between practitioners and some parents.

### **The leadership and management of local services in Avon, Gloucestershire, Wiltshire and Buckinghamshire (A7) is good**

85. The challenges and pace of improvement in this service area reflect the national picture and the quality of practice and engagement with local family justice modernisation is evident. At the same time as improvement in practice has been successfully driven locally, there has been significant engagement with third sector providers and this has been achieved through the Head of Service's national portfolio role.
86. One of the major challenges in this service area, which has experienced a number of boundary changes, is the difference in profile between the west and east of the geographically large area. There has been limited turnover of staff in the area, but there are challenges, particularly in the east of the area in ensuring a fully stable workforce with sufficient relevant experience. Senior leaders are fully aware of these challenges. There have been recent reductions in the use of agency practitioners and managers.

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<sup>11</sup> Separated Parenting Information Programmes are designed to help parents learn more about the challenges of post-separation parenting, including the effects on children of on-going post-separation conflict. A SPIP is free where participants' attendance is ordered by a family court. These are delivered in private law cases, under sections 11A-G Children Act 1989 (as amended by the Children and Adoption Act 2006) as 'Contact Activities'.

<sup>12</sup> Domestic Violence Perpetrator Programmes are a group programmes for male parties in private law cases with a history of domestic violence, providing a forum in which they can learn about the impact of their violence and change their behaviour to become non-violent. Domestic Violence Perpetrator Programmes (DVPPs) are delivered in private law cases under sections 11A-11G Children Act 1989 as 'Contact Activities'.

87. Business planning is appropriately focused to tackle the particular challenges faced by this area.

**The leadership and management of local services in Birmingham and the Black Country (A12) is good**

88. This area is one of the highest performing in terms of proportion of work judged to be good. The evaluation of practice in this area identified outstanding features in work on equality and diversity and this is due to the focus placed on this priority by local senior leaders.
89. Local leadership and management have had a particular challenge in its work with failing local authorities. Local partners have described Cafcass as instrumental in shifting the expectations in the quality of social work locally. Cafcass is described as driving improvement, being a 'critical friend' to the weakest local authorities and engendering high levels of credibility and trust.
90. Partnership working with local authorities has been the priority and this has been at the cost of engagement with third sector organisations.

**The leadership and management of local services in Durham, Teesside and North Yorkshire (A2) is good.**

91. Managers within the area are held in high regard by family justice partners. Partners are extremely positive about the high level of activity, professionalism and determination to work with them to address and improve service delivery and working relationships. For example, Cafcass has worked very closely with local authority IRO colleagues through the Public Law Outline (PLO) to ensure that both the additional responsibilities of IROs for looked after children and communication with Cafcass is effective.
92. Managers and staff are clear about their priorities, objectives and the changes needed for further improvement to be achieved.
93. The workforce has experienced substantial change in recent years with the balance of experience and expertise changing. A number of staff have been enabled to seek other employment while others have relished the challenge of delivering the organisation's high expectations.

**The leadership and management of local services in Greater London (A15) is good**

94. The London family justice system is unique in England and the population it serves presents exceptional challenges. Cafcass performance in London has historically been weak particularly in private law. Public law has had a greater reliance on self-employed practitioners than other areas. Getting the right management structure in London was achieved later than other service areas. The pace of improvement has therefore been slower. Against this challenging background there is a consistent view from the judiciary that Cafcass is

producing and presenting work and advice to court of a significantly improved standard. Ofsted's evaluation of practice confirms this to be the case.

95. The assistant directors responsible for London have made an impact within the Local Family Justice Board, but are yet to find a solution to ensure pro-active engagement in all of London's LSCBs. The current strategy of responding to issues that arise is essentially passive and fails to pro-actively influence safeguarding across all London boroughs. Inspectors recognise the resource constraints in supporting the high number of boards.
96. Inspectors saw a number of practice examples which showed sensitivity and skill when dealing with cases of complex identity, cultural and religious issues. This strong practice is supported by strategic leadership that has ensured practitioners are supported by good practice guidance. For example when working with cases of so called "miracle babies", babies trafficked from Africa. Practice in London demonstrates a high level of understanding and consideration of large, fractured and/or multiple cultural family environments.
97. An appropriate strategic decision was taken to commission safeguarding letters in private law from established early intervention teams elsewhere in the country. While this has successfully ensured that the timeliness of these letters has improved, the quality of this work is less consistent and systems that are in place to monitor and address shortfalls are not sufficiently robust.
98. Cafcass is engaged in dialogue with the judiciary in one of London's main courts where Cafcass feel the practice of routinely seeing children nine years and older at first hearing in private law exposes some young people to safeguarding risks. Managers have set out in writing their concerns through examples where they feel children were placed at risk of emotional harm in court because of risks identified in the screening process and set out in the safeguarding letter. The senior judiciary in London are of the view that this is not the case and that in the greatest number of cases this works well. Inspectors understand this approach is to be subject to academic research and the facilities for these hearings are under review and the dialogue with Cafcass remains on-going.

### **The leadership and management of local services in Greater Manchester (A3) is good**

99. Cafcass and HMCTS have co-located a business support team within the Manchester Criminal Justice Centre to develop new ways of working, governance and communications to improve the timeliness of the private law listing process and eliminate wasted family court adviser time. The initial evaluation is that so far the trial has been successful with both partners experiencing benefits.
100. Leaders in Greater Manchester have redeployed all their enhanced practitioners to overseeing private law work as a key response to the poor performance identified in the April 2013 'getting to good' audit. This strategy has proved very



effective as by the September audit, the service area achieved the national target of 50% in private law and the highest proportion overall of 61%.

101. The service area has a protocol in place with the judiciary for the management of rule 16.4 appointments. There is regular judicial contact with the Cafcass service manager for agreement prior to making the order. While this protocol is national, it is appropriately reducing demand in this area which is of note as this area historically had high numbers of rule 16.4 appointments.

### **The leadership and management of local services in Nottinghamshire, Derbyshire, Leicestershire, Lincolnshire and Cambridgeshire (A11) is good**

102. National learning from complaints is a feature of the local area business plan. For example, service users gave feedback about the impact of sending safeguarding letters by post as this reduced the time for them to read and understand them before the first hearing. As a result concerted efforts are now made to send the letters by secure email to ensure service users have sufficient time to consider Cafcass' findings.
103. Complaints from children about Cafcass are rare. In this area three children made complaints during 2013. All were appropriately investigated and each child given the opportunity to express their concerns in face-to-face meetings with the service manager. Letters to the young people fully addressed their concerns and were written in child-friendly language. Learning for individual staff members was appropriately acted upon.
104. A positive feature of this area is its work with local authorities. Cafcass has worked with Lincolnshire and Cambridgeshire County Councils on 'Cafcass plus' where Cafcass practitioners have provided consultation to the local authorities in the pre-proceedings phase (similar pre-proceedings work has also been successfully piloted in Coventry and Warwickshire). In Lincolnshire, working with very young children, in 34 children's cases has reduced case duration to 26 weeks and some as few as five weeks with an average of 19 weeks. In Cambridgeshire duration was reduced to a range of five to 24 weeks with an average of 18 weeks.

### **The leadership and management of local services in West Yorkshire (A5) requires improvement**

105. Leadership and management in this area requires improvement because work after first hearing in private has shown little or no improvement since the September 2013 'getting to good' audit. This area of work was identified as a priority, but at a time when the Head of Service had to take sick leave, local leaders and senior leaders covering the area in her absence failed to secure the necessary improvement. This deficit is all the more marked because during the same period significant improvement was achieved in both early intervention work - work before first hearing in private law and in the areas public law work.

106. Leaders and managers have achieved good engagement with the local LSCBs. Attendance is good, Cafcass' contributions to the business of the LSCBs is valued by the Boards and in one area a Cafcass service manager very effectively leads and chairs the learning and development group.
107. Evidence from local senior judges and the Local Family Justice Board demonstrates Cafcass has been a major player in the improvement journey of the Family Justice Board both at a strategic and operational level locally. Cafcass leaders were instrumental in setting up the private law sub-group which has made a significant improvement in the timeliness of conclusion of cases after first hearing. This improvement has been achieved through both challenging partners and through reviewing their own practice of requesting reviews of cases.
108. Cafcass in this area has been highly effective in committing resources to pre-proceedings work with local authority partners and in challenging some local authorities, for example in one authority Cafcass questioned the low numbers of applications in comparison to similar authorities.

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