

# Ofsted's inspection of Cafcass: Sussex and Surrey service area

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Cafcass Sussex and Surrey service area provides services to children and families in Brighton and Hove, East Sussex, Surrey and West Sussex.

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# Contents

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<b>Introduction</b>	<b>4</b>
<b>Overall effectiveness</b>	<b>5</b>
<b>Capacity for improvement</b>	<b>6</b>
<b>Areas for improvement</b>	<b>7</b>
Immediately	7
Within three months	7
Within six months	7
<b>Meeting the needs of service users</b>	<b>8</b>
Ambition and prioritisation	8
Performance management	8
Workforce development	9
Partnerships	10
Equality and diversity	11
Value for money	11
Safeguarding	12
Evaluation	13
<b>Quality of provision</b>	<b>14</b>
Service responsiveness	14
Case planning and recording	14
Assessment, intervention and direct work with children	15
Reporting and recommendations to the court	15
Complaints	16
<b>Definitions</b>	<b>17</b>
<b>Record of main findings</b>	<b>19</b>

## Introduction

1. Ofsted carried out the inspection of service provision by the Children and Family Court Advisory and Support Service (Cafcass) in the Sussex and Surrey service area in the week commencing 25 July 2011.
2. Cafcass consists of a national office in London and three geographical sectors – north, central and south – which are each divided into service areas. The Head of Service is the senior manager in each service area and is accountable to the sector's Operational Director. The operational directors are directly accountable to the Cafcass Chief Executive.
3. The Cafcass Sussex and Surrey service area provides services to children and families across the local authority areas of Brighton and Hove, East Sussex, Surrey and West Sussex. For operational reasons determined nationally, the service area was incorporated into the central area of Cafcass in May 2011. The Operational Director (Central) has been in post since November 2008. The interim Head of Service has been in post in Cafcass since October 2009 and in Sussex and Surrey since May 2011.
4. The professional staff who provide the social work service to children and families subject to private and public law proceedings are organised in teams in office bases in Brighton and Guildford. A small office is available in Horsham for staff attending court; this office has no reception or administrative support. Four operational service managers manage service delivery, supported by 44.76 (whole time equivalent) family court advisers, five family support workers, one interim office manager and 10 administrators. A fifth service manager is currently on secondment.
5. During the fieldwork, inspectors examined an extensive range of documentation and held meetings or telephone conversations with the judiciary, local authorities and interest groups. Interviews were held with the Cafcass Chief Executive, the interim Head of Service, the senior Human Resources Manager, the Head of Commissioning and Partnerships, family court advisers, family support workers and all of the operational service managers. Inspectors evaluated private and public law reports, case files, complaints records and human resources files. They observed Cafcass practice with service users, including children and young people.

## Overall effectiveness

### Grade 3 (Satisfactory)

6. The overall effectiveness of the Cafcass Sussex and Surrey service area is satisfactory. Children, young people and their families are receiving a timely service and the service area is meeting its statutory functions. Managers have taken appropriate steps to reduce the delay in case work. Good performance has been achieved since January 2011 in the allocation of private law cases and, since April 2011, in the allocation of public law cases. Duty allocations have ceased and all care cases are substantively allocated by the time of the case management conference, which meets the requirements of the Public Law Outline. Almost all private law filing dates have been met since March 2011, demonstrating good improvement on previous performance. At the time of the inspection there were no unallocated cases.
7. Senior managers have a clear understanding of the priorities for improvement in the service area. A comprehensive internal review of the service area by senior Cafcass managers in May 2011 found a number of serious weaknesses in the service, some of which had been in existence for some time. This included the very poor management of complaints and a lack of reliable data. Immediate and robust action was taken, resulting in a change in senior management for the area, and the interim appointment of an experienced Head of Service from another Cafcass service area. Economy, effectiveness and efficiency have been improved, for example through the creation of a single early intervention team, reducing dependence on agency staff, and tackling a high sickness rate.
8. Leadership and management are satisfactory. The interim Head of Service provides clear and effective leadership and is committed to leading the service area while a permanent Head of Service is recruited and inducted. Two of the four service manager posts are covered by agency staff, which means that the management team is yet to be fully established. Partnership working with the judiciary is improving, most notably in Sussex, where an effective joint protocol has been agreed and implemented for managing the handling of cases. This provides clarity about the attendance of family court advisers at public law hearings and explains how the service will respond to private law applications. However, partnership working with local authorities and other local agencies is inadequate. Regular liaison arrangements are not in place, which means that concerns are not raised at an early stage and opportunities to receive feedback are limited. Action is being taken to improve communication, with some early signs of progress. The impact of equality and diversity on service provision has not received sufficient attention in the Cafcass service area. An equality impact assessment for the service area has been completed recently. However, it is not robust and identified actions have yet to be implemented. The relevance of equality and diversity issues to proceedings does not receive sufficient consideration in assessments and in reporting to the court or in workforce planning.

9. The quality of provision is satisfactory and safeguarding is judged to be satisfactory overall. For example, safeguarding concerns are consistently identified and referred appropriately to the relevant local authority. Direct work with children and young people is mostly satisfactory, with some evidence of effective advocacy for them in private and public law cases. Most reports seen by inspectors make appropriate recommendations to the court, although the underpinning evidence to support the assessment is not of a consistently good quality. The complaints process is inadequate. Many complaints have not been responded to promptly, and the quality of response is too variable. The Cafcass National Business Centre took responsibility for handling complaints in June 2011 and this has resulted in a noticeable improvement in the timeliness and quality of response.

## Capacity for improvement

### Grade 3 (Satisfactory)

10. Capacity for improvement is satisfactory. Performance in the Cafcass service area has improved to a good level on most key performance indicators. Senior managers who are leading the change programme have a good track record of service improvement. Priorities for improvement are known and are beginning to be effectively tackled. Services are not deteriorating and there are no backlogs of work.
11. Business planning is satisfactory. The business plan clearly addresses most priorities for the service area and risks are identified appropriately. The associated action plan is outcome focused and progress is regularly monitored. The workforce plan, while providing a good description of the current position, is not sufficiently robust. It does not identify how the priorities will be managed, or how outcomes are to be achieved.
12. Supervision and appraisal arrangements have been strengthened. Regular supervision arrangements are now in place and most staff have had an annual appraisal, although these have yet to show sustained impact on performance. Performance management is satisfactory overall. Individual action planning to improve performance is targeted appropriately for managers and practitioners. However, the quality assurance of reports is weak and managers do not sufficiently identify and challenge poor quality reports.
13. The role of the family support workers has been reviewed, which has led to greater clarity about the boundaries of their involvement with children and families, and a removal of case holding responsibility. Their roles and responsibilities are now in keeping with their skills and qualifications.
14. The processes of financial management are sound and services are now provided more efficiently, leading to a reduction in unit costs. However, activity is not sufficiently targeted to ensure that best use is made of staffing resources. The service area has sufficient capacity to deliver priorities.

15. Consultation with and feedback from children, young people and families about the quality of services provided by Cafcass are inadequate.

## Areas for improvement

16. In order to improve the quality of provision and services for children and young people in Cafcass Sussex and Surrey, the service area should take the following action.

### Immediately

- Ensure that staff are clear about the policy on the disclosure of previous convictions in Schedule 2 letters and reports and apply it accordingly.

### Within three months

- Establish effective links with local authorities and relevant community groups, including the discharge of functions as a statutory member of the Local Safeguarding Children Boards.
- Ensure that staff have a good understanding of equality and diversity issues, and that assessments and reports include good consideration of the impact of culture and identity on children and families.
- Ensure that information about the ethnicity and diverse needs of children and families is routinely recorded and contributes to an accurate profile of service users in the area.
- Improve quality assurance arrangements to ensure that assessments and reports are of a consistently good quality and that the Cafcass case planning tool is routinely used.
- Ensure that supervision of staff is carried out using a consistent framework across staff teams.
- Ensure that the views of children, young people and their families are routinely requested with regard to the content of assessments and reports.
- Improve induction arrangements, so that consistent practice is established when staff are recruited.
- Review the deployment and workloads of staff to ensure that the allocation of work is appropriate, challenging and equitable.
- Ensure that children and families are given information at the point of initial contact with the service about how to make a complaint or compliment with regard to the service they receive.

### Within six months

- Improve recruitment and retention to secure a permanent workforce with the appropriate skills and experience to deliver the business plan and improve outcomes for children, young people and their families.

## Meeting the needs of service users

### Ambition and prioritisation

#### Grade 3 (Satisfactory)

17. Ambition and prioritisation are satisfactory. Following a rigorous internal review conducted by Cafcass in May 2011, Cafcass National Office implemented a satisfactory action plan to improve service delivery across the service area. The plan included personnel changes at operational director and senior management level, including the transfer of an experienced head of service from another area to lead Cafcass Sussex and Surrey on an interim basis. These senior managers have a track record of sustaining improvements in other Cafcass service areas. Although the local service area management team is not yet fully established and needs strengthening, these recent changes now provide staff with clearer direction and more effective leadership. Significant weaknesses in performance identified in the internal review are now beginning to be addressed through the implementation of a risk assessed business plan. The plan concentrates on areas identified appropriately as requiring priority attention, such as staff supervision, staff recruitment and working relationships with the judiciary. Improvements have been achieved in all of these areas.
18. The quality of engagement with the judiciary has improved in recent months. For example, a local protocol between Cafcass and Sussex courts for arrangements in public and private law applications has been agreed and implemented effectively. The protocol is designed to enhance inter-agency working in line with the Public Law Outline and Private Law Programme to reduce delay in court proceedings. Relationships with the four local authorities are less well developed. Other improvements implemented in the service area to promote more effective working include the introduction of efficiencies to business support processes, such as better use of the electronic case management system. These improvements increase compliance with Cafcass policies and procedures and ensure more consistent service delivery and clearer instruction and guidance to staff, promoting good outcomes for children and young people. Lines of accountability are clear throughout the service area. Resources are sufficient to deliver the service, financial planning is sound and commissioning arrangements are satisfactory. The quality of service provision is satisfactory overall, although complaints handling is inadequate. While sustained improvement is not yet demonstrated, the progress made following the recent transfer of the interim Head of Service is impressive and highly effective.

### Performance management

#### Grade 3 (Satisfactory)

19. Performance management is satisfactory. The service area has made significant improvements in meeting most key performance indicators and most are at a



good level. Required standards of performance are met in financial management. The timely allocation of public and private law work and the good trend of improvement have been sustained over the last six months. Some indicators, such as meeting filing dates for court reports in private law cases, are showing better than national average performance. The interim Head of Service ensures that performance information is accurate, and the use of management information is timely and relevant to improving practice.

Improvement is recent and it is too early to demonstrate sustained impact on practice and better outcomes for service users. However, these are significant achievements in a short time period. The interim Head of Service recognises that these are only first steps in the implementation of the changes needed to improve services to children and families and has a realistic appreciation of the scale of improvements required. Commissioned services are monitored effectively through quarterly meetings and performance reports, and findings are used in decisions regarding future commissioning.

20. Performance management of staff is now being used more effectively. Appropriate measures are being taken by using action plans and formal human resources procedures to address some areas of poor practice by managers and practitioners. All staff are now supervised regularly and have an annual appraisal of their performance. However, these and other quality assurance systems are not applied consistently and their impact on improving practice is still to be demonstrated. For example, managers do not use an agreed model of supervision and appraisal or share a common standard when assessing the quality of work in their teams. The use of quality assurance to raise standards in report writing and service delivery is not yet effective. These deficits have been recognised by the interim Head of Service, who has commissioned the National Improvement Team to complete a benchmarking exercise as a first step to developing consistent standards to improve performance. While efficiencies have been achieved through the creation of an area-wide early intervention team, the time taken and the methodology used to prepare Schedule 2 reports for courts require further improvement.

## **Workforce development**

### **Grade 4 (Inadequate)**

21. Workforce development is inadequate. The service area is highly reliant on the use of agency staff to fill vacancies, including two at service manager level, and the current Head of Service is managing the service area on an interim basis, while retaining overall responsibility for another Cafcass service area in the Midlands. This is not sustainable in the long term and current interim arrangements carry high risk. Senior managers recognise this risk and are actively seeking to recruit permanent staff. Plans are also in place to appoint two enhanced practitioners to assist with overseeing the quality of work. Although the current workforce plan complies with the requirements set by Cafcass National Office and contains a briefing about current arrangements in the service area, it does not include an effective action plan to ensure that a

suitably diverse and competent workforce is established. The service area lacks a clear plan to address training and staff development and a skills audit has not been carried out. However, staff have good opportunities for training and development and the Operational Director and interim Head of Service are implementing an established training strategy from another region to ensure that training needs are identified and addressed.

22. Induction arrangements are not robust. Some recently appointed staff had been working without adequate induction, but the interim Head of Service has now ensured that induction has been carried out retrospectively for them. Where full induction has been absent, for example in the work of the recently centralised early intervention team, custom and practice are informing ways of working rather than the use of a consistent model of practice. The lack of consistent practice leads to a wide variety of approaches to similar tasks; it creates inefficiencies and indicates spare capacity in current working arrangements.
23. Human resource policies and practices are robust with outstanding attention to the use of good systems to support safe staff recruitment. Good attention is paid to ensure that Criminal Records Bureau checks are carried out prior to employment and are up to date. Effective steps are being taken to address poor performance in managing sickness absence, and a sensitive approach is used appropriately.

## Partnerships

### Grade 4 (Inadequate)

24. Arrangements for working with key statutory stakeholders, relevant community groups and commissioned services are inadequate. Strategic links with key statutory stakeholders, with the exception of the Sussex judiciary, are not well established and communication with some agencies is limited. In particular, communication with local authorities, at both a strategic and operational level, is too variable and there are insufficient formal opportunities to resolve concerns.
25. Although there are some individual good examples of practitioners working with community groups and voluntary agencies to offer additional support to children, young people and their families, community groups are not well used. Strategic links with these groups are also underdeveloped and although plans are in place to address this deficit, these are still at an early stage. As a result, few opportunities are available for key stakeholders and relevant community groups to offer their experience and expertise to influence and improve the services of the Cafcass service area.
26. Arrangements for the procurement and subsequent monitoring of contracts for commissioned services are undertaken effectively. All commissioned contact centres are accredited and are well used by practitioners. Regular monitoring

ensures that services meet local need. For example, recent commissioning of programmes for perpetrators of domestic abuse offers wider geographical access to improve the take-up of this service. However, feedback from service users about the quality of provision is limited.

## **Equality and diversity**

### **Grade 4 (Inadequate)**

27. Work to promote equality and diversity is inadequate. The required monitoring of the ethnicity and diversity of families is not consistently evident on files. In most cases seen by inspectors, the relevance of ethnicity and culture is not fully explored in case planning and assessments. Senior managers are aware of this deficit. Recent training in equality and diversity for frontline staff and managers has been well received but has yet to show an impact on practice.
28. Business planning processes do not routinely consider equality and diversity issues. The failure to rigorously collect data as part of the assessment process results in the lack of an accurate profile of the users of the service. In addition, workforce planning does not consider whether the staff group properly reflects the area that it serves. Complaints from service users are not analysed in respect of issues of equality and diversity. Although an equality impact assessment has been completed recently, this is not sufficiently rigorous in considering the distinct equality and diversity issues of this service area.
29. All offices in the area are easily accessible to service users and staff with disabilities. Designated rooms are available for work with children, offering a range of age-appropriate resources to encourage effective engagement.

## **Value for money**

### **Grade 3 (Satisfactory)**

30. Value for money is satisfactory. The interim Head of Service has taken rapid and robust action to improve value for money. For example, the two early intervention teams have been merged to create a more efficient service, all cases in private and public law are allocated without delay, and all requests for the allocation of cases to self-employed contractors are now subject to authorisation by the interim Head of Service. Consequently, the throughput of private law cases is higher than the national average and the cost of using self-employed contractors is reducing significantly. Sensitive work has also been carried out together with the human resources manager to review and take effective action to reduce the high rate of sickness absence in the service area. The rate is now reducing. Action is now being taken to increase the proportion of permanently employed staff, with four new family court advisers currently being appointed. However, there continues to be a significant reliance on agency staff.

31. Financial planning for the Cafcass service area is effective and financial monitoring systems are sound. Good financial management has reduced a predicted overspend on the budget to a small predicted underspend. Unit costs for service delivery are reducing and are now similar to national averages. From a low base, the area has made sustained progress towards meeting the key performance indicators for the delivery of services.
32. Some of the private law work currently undertaken by the Cafcass service area includes cases where there are no apparent safety or welfare issues. In some cases, report authors in private law cases unnecessarily attend court to present reports where recommendations have been agreed by parties, which reduces their time to give attention to a wider range of children. The interim Head of Service has also identified that the Cafcass service area produces a relatively high number of addenda reports in private law proceedings, and that the area has a high number of cases open under Rule 16.4. The reasons for this are being explored with the judiciary and appropriate steps are being taken to ensure that practitioners' time is used to best effect.
33. Workloads are not distributed effectively to respond to the changing demands on the service. Most practitioners specialise in either private law or public law work. This means that managers have reduced flexibility when allocating cases and this system also limits the ability of practitioners to develop their skills and knowledge.

## **Safeguarding**

### **Grade 3 (Satisfactory)**

34. The contribution of the service area to safeguarding children and young people is satisfactory. In case files seen by inspectors, staff identify and respond appropriately to safeguarding concerns, complying with the Cafcass safeguarding framework. Relevant and, in most cases, timely referrals are made to children's social care services when child protection concerns are identified. Effective and timely responses are made when safeguarding concerns are raised in complaints, to ensure that children are protected.
35. Case files seen by inspectors indicate that most children and young people are given the opportunity to express any safeguarding concerns and their wishes and feelings, although engagement with younger children is less robust. However, the Cafcass service area does not formally request or collate feedback from service users so it is not possible to evaluate the impact of the service as to whether they feel safe. Senior managers recognise that this is an area for development of the service.
36. Managers in the Cafcass service area have good awareness of responsibilities and actions required when allegations are made against staff. The referral process to local authority designated officers is understood and meets statutory requirements.

37. The service area does not contribute effectively to the work of the Local Safeguarding Children Boards. The majority of board meetings in the last year have not been attended by Cafcass, although there are some individual examples of effective joint working by Cafcass staff and managers. The Cafcass service area has recently contributed to a serious case review in one local authority. This has resulted in appropriate changes to practice, for example that all cases should be allocated to qualified workers. Most staff have attended mandatory child protection training and further training dates are planned. Recent training has been provided on learning lessons from serious case reviews.

## **Evaluation**

### **Grade 3 (Satisfactory)**

38. The quality of evaluation is satisfactory. The internal review carried out by Cafcass senior managers in May 2011 provides a very thorough and accurate evaluation of the service area's strengths and weaknesses. Senior managers have good understanding of the outcomes that need to be achieved. Action plans are regularly monitored and updated and early signs of impact are evident, such as ensuring that all cases are allocated.
39. Quality assurance of case work is not robust in all cases. Management oversight is not evident on every case, and the quality of challenge and feedback to practitioners is too variable. While supervision is now taking place more regularly, there is not yet consistency in how this is undertaken.

## Quality of provision

### Service responsiveness

#### Grade 3 (Satisfactory)

40. Service responsiveness is satisfactory. The Cafcass service area has taken effective steps to reduce avoidable delay in service provision. Additional short-term funding in 2010/11 has been used well to eradicate the backlog of unallocated cases. As a result, allocations in both public and private law cases are now timely and strong performance is being sustained. Almost all private law reports are now filed by the agreed date. Where requests for legitimate extension are agreed, these are authorised only by the interim Head of Service, providing consistency in decision-making. Performance in this area has recently significantly improved, with consistently good performance since March 2011 from a low baseline.
41. All work is allocated and caseloads are manageable. Staff and managers demonstrate awareness of the impact of delay on families. Schedule 2 letters are processed in a timely manner by the area-wide early intervention team.

### Case planning and recording

#### Grade 3 (Satisfactory)

42. Case planning and recording are satisfactory. Most files contain evidence of case planning, although the use of the Cafcass case planning document is inconsistent, leading to variations in the quality of planning. However, in the majority of cases, the important issues are identified alongside the key information, and the activities required are clear. Case files also adequately demonstrate how plans are implemented and how these promote improved outcomes for children and young people. However, it is not clear in most cases seen by inspectors whether or how case planning is shared with service users.
43. Most files seen by inspectors are well ordered and contain clear recording to ensure that progress can be monitored. Safeguarding issues are clearly identified and recorded, together with the action taken. However, some case recording describes activity without sufficient analysis or establishing its relevance to the case plan. Similarly some files have gaps in recording, including failing to record ethnicity and inconsistent use of diversity monitoring forms. Consequently, the relevance of those issues is not taken into account.
44. The recording and impact of management oversight are not evident in some case files. Similarly, although managers do consistently oversee case closures, this is often some time after casework has been completed, resulting in misleading data on the electronic recording system. Robust action has recently been taken by the interim Head of Service to ensure that cases are closed in a timely way and that information on the electronic recording system is accurate.

## **Assessment, intervention and direct work with children**

### **Grade 3 (Satisfactory)**

45. Assessment, intervention and direct work with children are satisfactory. Most assessments examined by inspectors are child-focused and result in a sound understanding of the individual needs of children and young people including their safeguarding needs. Most practice observations seen by inspectors were planned and purposeful and demonstrated sensitivity to the age and feelings of the child.
46. Case files demonstrate that children, young people and adults are routinely seen in the assessment process, although evidence of the use of child friendly documentation is limited, and it is not always clear whether the outcomes of assessments are shared or discussed with service users. Examples were seen of good support being offered to children and young people at times of significant change in their lives. Case records show that in most cases contact is made with partner agencies such as health and schools to inform assessments.
47. The level of scrutiny and challenge to local authority care planning is satisfactory in most case files seen by inspectors. Assessments include direct observation of and interaction with the child or young person, appropriate to their age, and the child's wishes and feelings are represented well. However, in some cases, there is an over-reliance on externally commissioned expert reports, with limited contribution from the Cafcass practitioner.

## **Reporting and recommendations to the court**

### **Grade 3 (Satisfactory)**

48. Reporting and recommendations to the court are satisfactory. Appropriate recommendations are made in most reports and these promote improved outcomes for children and young people. Reports and recommendations are mostly proportionate to need and safeguarding issues are adequately addressed. However, in a minority of cases, reports fail to focus sufficiently on the key issues and include too much descriptive material whose relevance to the proceedings is unclear. Schedule 2 letters are mostly of a suitable quality and present the relevant safeguarding information to the court so that decisions can be made on satisfactory risk assessments. However, the policy on the relevance of previous convictions is not clear to staff and this results in inconsistent practice, both in Schedule 2 letters and in reports to the court. The interim Head of Service has improved practice in the sharing of reports, and reports are now routinely sent to children and families as well as to other relevant parties prior to the court hearing.
49. Most local authority care plans are scrutinised effectively. Reports set out and consider the options available to the court and the majority make appropriate, child-centred recommendations. Feedback from the judiciary indicates that most reports are effective in ensuring that recommendations are realistic and

that practitioners are focused on timely progression of cases. However, the quality of reports in both public and private law cases is still too variable and the quality assurance of this work is insufficiently robust.

## Complaints

### Grade 4 (Inadequate)

50. The service area's response to complaints from children, young people and families is inadequate. Complaints seen by inspectors show that the response of the Cafcass service area to complaints is not consistently timely and some show significant drift and delay. When complaints are made, the quality of response is very variable. Adult service users are not provided with information in a timely manner on how to raise a formal concern or complaint. Children and young people are not provided with any information about how they can compliment or raise concerns about the services they have received. Professionals have no formal process to raise concerns, complaints or compliments, as the formal complaints procedure relates solely to service users.
51. The Cafcass service area has only recently put in place systems to learn from complaints. The poor response to complaints is recognised as an area for development by the service area and is an appropriate priority in the business plan. In June 2011, service managers received a briefing about the changes to the concerns and complaints procedure and specific training on complaints is to be commissioned to improve staff awareness of their customer focus.
52. As from June 2011 new complaints have been responded to centrally by the National Business Centre in the first instance. This change has resulted in a significant improvement to the quality and timeliness of the response to service users. Some longstanding complaints are now being dealt with by Cafcass centrally as from June 2011. The number of longstanding complaints has reduced from 40 in June 2011 to 16 at the time of the inspection.
53. Children, families and other professionals are not invited or encouraged to provide feedback during or at the end of their involvement with Cafcass. Compliments are not collated so staff are not able to share and learn from good practice.



## Definitions

### Inspection grades

Grade 1 - outstanding	The service provided is well above the minimum requirements and makes a demonstrable contribution to improving outcomes for children and young people.
Grade 2 - good	The service provided is consistently above the minimum requirements and contributes to improving outcomes for most children and young people.
Grade 3 - satisfactory	The service provided meets minimum requirements and contributes to improving outcomes for children and young people.
Grade 4 - inadequate	Minimum requirements are not met by the service and it makes little or no contribution to improved outcomes for children and young people.

### Principle of 'no delay'

Section 1(2) of the Children Act 1989 sets out the general principle that any delay in determining the question about a child's upbringing 'is likely to prejudice the welfare of the child'. This means that any unnecessary delay should be avoided.

### Private and public law

Family law is that area of the law which regulates and deals with family and domestic relations, including, but not limited to, marriage, civil and domestic partnerships and the welfare of children. Where these matters are dealt with by courts, they are known as family proceedings. The person or body that brings the issue to court is known as the applicant and the person or body opposing the application is known as the respondent. In general terms applicants and respondents are known as parties to the proceedings.

Private law is that part of the family law where the state does not normally need to be involved. Private law proceedings involving Cafcass are usually about situations where parents have separated and they cannot agree where a child should live or with whom they should have contact. The law that established Cafcass states that it should only become involved in family proceedings where the welfare of the child is, or may be, in question.

Private law cases are dealt with through what is known as The Private Law Programme. This is designed to provide a framework for the consistent national approach to the resolution of issues in private law proceedings. It is designed to assist parties to reach safe agreements where possible, to provide a forum in which to find the best way to resolve issues in each individual case and to promote outcomes that are sustainable, that are in the best interests of children and that take account of their perspectives.

Public law is that part of the family law which deals with relationships between parents, or those with a parental role, where the state does need to be involved to ensure that a child does not suffer significant harm. Court proceedings are usually initiated by a local authority applying for a care or supervision order. This may result in the child being looked after by the local authority under a care order. Adoption-related applications are also normally public law proceedings.

Public law cases are dealt with through the Public Law Outline.<sup>1</sup> This is a system aimed to control delay in family court public law proceedings. It was introduced across England and Wales in April 2009, with new Statutory Guidance for Local Authorities.

### **Rule 16.4 cases**

The proper conduct and disposal of proceedings concerning a child that are not specified within the meaning of section 41 of the Children Act 1989 (that is, many public law proceedings) may require the child to be made a party to the proceedings. This rule provides for this and for the appointment of a Children's Guardian or Litigation Friend for the child party. This will apply in private law proceedings, usually Children Act 1989 section 8 applications concerning residence, contact, specific issues or prohibited steps.

Arrangements for the use of Cafcass in such cases are governed by Practice Direction 16A of The Family Procedure Rules 2010.

### **Schedule 2 letter**

A Schedule 2 letter is provided to courts by Cafcass for first directions hearings in private law proceedings. The letter informs the court about whether there are any risk factors to children known at that stage in proceedings which the court should consider before deciding next steps. The duty on Cafcass to make risk assessments is set out in section 16A Children Act 1989.

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<sup>1</sup> For further information visit: [www.justice.gov.uk/guidance/careproceedings.htm](http://www.justice.gov.uk/guidance/careproceedings.htm)

## Record of main findings

<b>Cafcass service area</b>	
Overall effectiveness	Satisfactory
Capacity for improvement	Satisfactory
<b>Meeting the needs of service users</b>	
Ambition and prioritisation	Satisfactory
Performance management	Satisfactory
Workforce development	Inadequate
Partnerships	Inadequate
Equality and diversity	Inadequate
Value for money	Satisfactory
Safeguarding	Satisfactory
Evaluation	Satisfactory
<b>Quality of provision</b>	
Service responsiveness	Satisfactory
Case planning and recording	Satisfactory
Assessment, intervention and direct work with children	Satisfactory
Reporting and recommendations to the court	Satisfactory
Complaints	Inadequate