

Ofsted's inspection of Cafcass: Greater Manchester service area

Cafcass Greater Manchester service area provides services to children and families in Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

The Office for Standards in Education, Children's Services and Skills (Ofsted) regulates and inspects to achieve excellence in the care of children and young people, and in education and skills for learners of all ages. It regulates and inspects childcare and children's social care, and inspects the Children and Family Court Advisory Support Service (Cafcass), schools, colleges, initial teacher training, work-based learning and skills training, adult and community learning, and education and training in prisons and other secure establishments. It assesses council children's services, and inspects services for looked after children, safeguarding and child protection.

If you would like a copy of this document in a different format, such as large print or Braille, please telephone 0300 123 1231, or email enquiries@ofsted.gov.uk.

You may copy all or parts of this document for non-commercial educational purposes, as long as you give details of the source and date of publication and do not alter the information in any way.

To receive regular email alerts about new publications, including survey reports and school inspection reports, please visit our website and go to 'Subscribe'.

Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA

T: 0300 123 1231
Textphone: 0161 618 8524
E: enquiries@ofsted.gov.uk
W: www.ofsted.gov.uk

No. 090313

© Crown copyright 2010



Contents

Introduction	4
Overall effectiveness	5
Grade 3	5
Capacity for improvement	6
Grade 3	6
Areas for improvement	7
Immediately	7
Within three months	7
Within six months	7
Meeting the needs of service users	8
Ambition and prioritisation	8
Performance management	8
Workforce development	9
User engagement	10
Partnerships	10
Equality and diversity	11
Value for money	11
Safeguarding	12
Evaluation	13
Service responsiveness	13
Case planning and recording	14
Assessment, intervention and direct work with children	14
Reporting and recommendations to the court	15
Complaints	15
Outcomes for children and young people	16
Definitions	16
Family assistance order	16
Inspection grades	17
'No order principle'	17
Principle of 'no delay'	17
Private and public law	17
Review reports	18
Rule 9.5 cases	18
Section 37 enquiry	18
Welfare checklist	19
Presidents interim guidance (issued 30 July 2009 valid until 31 March 2010)	19

Introduction

Ofsted carried out the inspection of service provision by the Children and Family Court Advisory Support Service (Cafcass) in the Greater Manchester service area in the week commencing 1 March 2010.

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.

The Cafcass Greater Manchester service area provides services to children and families across the local authority areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

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 Manchester, Bolton, Rochdale and Stockport, with a sub-office in Wigan. Nine operational service managers manage service delivery; they are supported by two specialist service managers for quality improvement. At the time of the inspection, these managers had temporarily been deployed as operational service managers to cover vacancies.

During the fieldwork, inspectors examined an extensive range of documentation and held meetings with stakeholders, the judiciary, local authorities and interest groups. Interviews were held with members of staff, the Operational Director (North) the Head of Service, the Head of Service (North) for quality improvement, the Human Resources manager, family court advisers, family support workers and all the service managers. Inspectors evaluated private and public law reports, case files, complaints records, staff supervision and appraisal files and human resources files. Inspectors observed Work to First Hearing and Cafcass's work in court. They surveyed the views of Cafcass staff, adult service users, children and young people. They observed Cafcass practice with service users, including children and young people; they also spoke to one young person looked after by the local authority and conducted telephone interviews with adult service users.

Overall effectiveness

Grade 3

The overall effectiveness of the Greater Manchester Cafcass service area is satisfactory.

Resources have been redeployed effectively to significantly reduce the number of cases waiting allocation by more than 50% since July 2009, despite increased demand for services over the period. Some children and families still wait too long for services, but waiting lists are monitored effectively to ensure that services are prioritised to those in most need.

The area has clear priorities and utilises its resources effectively to achieve them. Structural changes to the service area, including the consolidation of two service areas under the banner of 'One N7', have been well received by staff and key stakeholders.

Performance management is not sufficiently embedded in the area. There is too much emphasis on achieving quantitative targets and insufficient attention is given to ensuring the quality of work. While the frequency of supervision and the appraisal of staff meet national targets, there is insufficient emphasis on the oversight of current work and in developing staff skills. There is no effective system to ensure the systematic quality assurance of reports prior to filing with the court, which results in the submission of some poorly presented material.

Safeguarding is satisfactory and is given an appropriately high priority; in almost all cases, it is managed effectively.

Partnerships with the courts are satisfactory and this has resulted in the prompt implementation of the President's interim guidance. However, insufficient communication with other stakeholders about these changes has led to some misunderstandings.

Most practitioners demonstrate an awareness of the importance of equality and diversity. Interpreters are used effectively and practitioners have made links with community groups relevant to their work in supporting children and families. Issues of age, gender, disability and ethnicity are appropriately addressed in reports. However, equality and diversity are less well addressed at a strategic level.

Work with children and their families is generally satisfactory. Case file recording and reporting standards have been adapted appropriately to meet the President's interim guidance. Children are involved effectively in making decisions about their future. Most children felt that reports accurately reflected their views. While there are some sound examples of consultation with children and young people resulting in changes in practice, consultation is not undertaken on an ongoing basis.

Overall, while the area knows its own strengths and weaknesses, it does not use self-assessment systematically to improve service delivery to children and families. It also overestimates its strength in service responsiveness and performance management.

Capacity for improvement

Grade 3

Capacity to improve is satisfactory.

The Head of Service has been in post since June 2009, having previously worked as a service manager in the area. She has considerable support from both staff and key stakeholders. From a poor starting point, the area has made significant improvements in performance over the past nine months. However, while some performance indicators show a consistently improving trend, they remain below target. Systematic planning has resulted in the introduction of new working practices which have reduced backlogs effectively in the allocation of cases and in the time taken for cases to reach court. Particular success has been achieved through the timely implementation of the President's interim guidance.

Staffing resources are sufficient to meet the needs of the area. Historic problems of high levels of sickness absence have been appropriately addressed. Staff turnover at practitioner level is low and difficulties in recruitment at service manager level have been now been resolved. However, concerns about the demands of this role have resulted in limited interest shown by existing staff in applying for these posts.

Financial planning and management are robust and services are routinely delivered within, or below, budget. Sound systems have been introduced, such as the central allocation of cases, to improve the deployment of resources across the area. However, systems for the effective use of commissioned services are less clearly established. The area is aware of this shortfall and systems are being instigated to improve this.

Partnership work is variable. While there is good information sharing with the police and most local authorities, liaison with local authorities at a strategic level has not always been effective due to service manager vacancies.

Engagement with children and young people has resulted in some service development, but this has not been systematic and the impact has been limited.

The national performance management system, Quality 4 Children, is well established in the service area. However, the quality of the information recorded is not sufficiently robust to ensure that performance is managed effectively.

Areas for improvement

In order to improve the quality of provision and services for children and young people in Cafcass Greater Manchester, the service area should take the following action to ensure that:

Immediately

- the quality of supervision and appraisal is improved to ensure more effective oversight of current casework, with a clearer emphasis on the professional development of staff
- a strategy is in place to communicate appropriately with all relevant stakeholders regarding changes in service delivery
- all reports are reviewed effectively to ensure the quality of presentation before their submission to court
- audits of casework are undertaken and the outcomes shared with staff.

Within three months

- case plans and recommendations to court are routinely shared with children and families in a timely manner
- develop local understandings between Cafcass and local authorities regarding the implementation of the nationally agreed protocol about the completion of Section 7 reports
- commissioned services are used more effectively to support children and families

Within six months

- a strategy is in place to ensure that all service users are systematically consulted and that their feedback continues to be used to improve services.

Meeting the needs of service users

Ambition and prioritisation

Grade 3

Ambition and prioritisation are satisfactory.

The inspection was conducted shortly after a restructuring of the service area and changes in leadership. The Head of Service provides effective leadership through a clear vision and direction which are communicated well to all staff. She is supported by a strong management team that demonstrates high morale and good motivation to effect improvement in service delivery, which has improved substantially in the last few months. Staff have confidence in, and feel supported by, the local leadership. The restructuring of the service area staff group to prioritise the backlogs of cases and reduce waiting times has been effective. The organisational structure and lines of accountability are clear and effective. The number of unallocated cases has reduced by 75% in public law cases and by almost 50% in private law cases since July 2009. The time taken to allocate cases has reduced from 19 weeks in July 2009 to 16 weeks in February 2010. The recent establishment of the Early Intervention Team demonstrates effective leadership, good project management and efficient use of resources.

Strategic planning is generally sound and focuses appropriately on the priorities of the area to improve the timeliness of reporting. Good links exist with the judiciary and some recent developments to improve work with service users and community groups show promise. Information-sharing protocols are in place and used appropriately with relevant agencies. In most areas, the quality of provision is satisfactory. However, information about the impact of commissioned services is not sufficiently rigorous or understood by the area.

Performance management

Grade 4

Performance management is inadequate.

The national performance monitoring system, Quality 4 Children, is not being used effectively by managers in the service area to raise standards and improve the quality of service delivery. There is a lack of evidence of regular and effective management oversight of case files and court reports through quality assurance activity such as file audits. Where audits are taking place, these are not used in a systematic way to improve practice. Although a record is kept of quantitative information about throughput of cases, there is no consistent check on the quality of the work of practitioners. Oversight of the work of family court advisers is undertaken during supervision but this activity is not sufficiently structured or well-recorded to underpin improvements in the quality of practice. Pre-court checklists,

used for the quality assurance of court reports, are not always evident on files and those that are present are often of poor quality and completed after the court filing date or after the case has been closed.

Service improvement meetings are used well to monitor the performance of the area. As a result, resources have been redeployed to improve the speed of the delivery of services but this has yet to show a significant impact. Some progress has been made in reducing the time taken to allocate cases and for cases to reach court but performance remains below that of comparators. Other key performance targets related to the timeliness of initial checks from police and local authorities and the efficient closure of cases are met consistently.

Workforce development

Grade 3

Workforce development is satisfactory

Effective systems for carrying out Criminal Record Bureau and General Social Care Council checks are in place and all such checks are up to date. Good, safe recruitment and selection processes, which exceed statutory minimum requirements, are operated rigorously by human resources staff. High levels of long-term sickness absence have been tackled well and most of those staff have now returned to work with appropriate support in place. Some effective succession planning has taken place in relation to the age profile of the family court adviser workforce. Despite budgetary and time constraints, the service area has continued to provide some mandatory and non-mandatory training for staff. Good work has been done by the Chief Executive with the staff on an Appreciative Enquiry, which is a workshop-based approach to helping staff recognise what they value in their work and to improve the morale of all staff. Staff turnover for the family court adviser group is low.

The workforce development strategy does not sufficiently encourage staff to progress within the organisation. For example, career progression is not available to family support workers who want to achieve a social work qualification. Most appraisals are poor and do not support the performance improvement strategy across the service or the professional development of individuals. Two human resources files reviewed as part of the inspection showed that, although the investigation and decision-making processes had been undertaken comprehensively, they had not been recorded effectively.

User engagement

Grade 3

User engagement is satisfactory

The service area has taken effective steps to address the issues raised by Young Inspectors in their assessments of Cafcass offices in Greater Manchester. Consultations by Cafcass with looked after children have resulted in some service improvements and a focus group has been held for children and young people in public law proceedings to consider how their needs, wishes and feelings are collected and reflected in reports to the court. Young people have been involved in the recruitment of staff with the recent example of the last round of service manager recruitment. Feedback received from service users has been appropriately considered by the area. Posters showing the outcome of this feedback are prominently displayed in the waiting rooms of each office. The majority of service users who responded to the Ofsted survey of their views were satisfied with the quality of the service that they received from Cafcass. More than half of the children and young people felt that life had improved for them since their involvement with Cafcass.

However, there is no overall strategy for user engagement in the service area. Managers have recently considered how to improve links and develop working arrangements with community groups, but this initiative is still at an early stage and impact is not yet evident.

Partnerships

Grade 3

Arrangements for working with key stakeholders, relevant agencies, community groups and commissioned services are satisfactory.

Strong partnership working with the courts has resulted in a range of changes in practice to improve services to children and their families, including the effective implementation of the President's interim guidance. Good information-sharing systems are in place with the police and most local authorities. However, communication with local authorities, at an operational level, is too variable and this has resulted in a lack of clarity over roles and responsibilities in a small number of cases.

Clear arrangements for the tendering of contracts for commissioned services have been implemented effectively in the service area. Robust quality assurance mechanisms are in place to ensure high quality commissioned services. A recently established partnership forum shows some good potential to improve communication with those providing commissioned services. However, the monitoring of the impact of commissioned services on the work of the area is not sufficiently robust.

Although links with service user and community groups are not yet fully embedded, individual practitioners have made relevant links with organisations who can contribute to improved service delivery. Recent developments to establish formal liaison arrangements with some community groups have yet to demonstrate an impact on practice.

Equality and diversity

Grade 3

Work to promote equality and diversity is satisfactory.

The service area exceeds the key performance indicator for the monitoring of the ethnicity of staff. Equality Impact Assessments have been produced for all offices and some actions, particularly in improving office facilities, have been undertaken effectively. However, action plans arising from Equality Impact Assessments are too variable in quality with a lack of monitorable targets.

Information is available to service users in languages appropriate to the needs of the local community and interpreters are easily accessible where necessary. Practitioners show a clear understanding of equality and diversity in their work with the majority of reports addressing effectively issues of age, gender and ethnicity.

All offices have appropriate accommodation and resources for children which take account of their age and cultural needs. Three of four offices are accessible for service users and staff who have a disability and there are plans to address any deficit in the remaining office. Service user information is held confidentially in offices and a majority of service users reported in the Ofsted survey that they were treated with respect by Cafcass. The majority of service users said that their diverse needs were met by the service area. However, the workforce is not representative of the community that it serves.

Value for money

Grade 3

Value for money is satisfactory.

From a low starting point, the area is making sustained progress towards meeting the key performance indicators for the delivery of services. Effective planning and re-deployment of resources are beginning to show an impact. Better targeting of reports and the use of single issue reporting have improved the timeliness and throughput of reports. As a result, overall unit costs have dropped and are now lower than the national average. In view of the context of a significant increase in demand for Cafcass services, this represents a substantial achievement. Financial planning and monitoring are strong and sustained, enabling the service area to remain consistently within budget. Savings have been used effectively to employ temporary staff to undertake work to reduce the waiting list for services, although the impact of

this has been limited by the availability of suitable staff. The service area has also acted appropriately to operate a central allocation system across the whole service area, thereby reducing the likelihood of inequity arising from imbalances in staffing and demand in different offices.

In a small but significant number of cases reports are produced where there is no discernible welfare issue in the case. Value for money is not demonstrated in the few cases where some practitioners engage inappropriately in work that is either outside their remit or they continue to work with families when their involvement is no longer necessary.

Safeguarding

Grade 3

The contribution of the service area to safeguarding children and young people is satisfactory.

The needs of children and young people are the primary focus for staff and managers and safeguarding is a clear priority for the service area. Staff receive appropriate training and almost all those who have been assessed are competent in safeguarding practice.

Completed risk assessments were seen on most files read by inspectors, where this was required. Most assessments appropriately identified, analysed and assessed risks of harm to children, including risk of domestic violence. Although some risk assessments seen were of good quality, a small number failed to identify clearly the risks to children in the family. However, no children, in the sample of cases seen by inspectors, were judged to be at immediate risk of significant harm. Reports demonstrate a clear focus on the child and on safeguarding.

Safeguarding concerns are referred to children's social care services appropriately in most cases. Children and young people are able to see family court advisors in safe and confidential facilities which provide a child-focused and comfortable environment for them and their families. The establishment of a dedicated safeguarding administrator post has resulted in more effective information sharing, including with overseas agencies where this is relevant.

There are satisfactory arrangements for Cafcass representation on Local Safeguarding Children Boards. In some local authority areas these are working well, with Cafcass representatives attending and contributing regularly. However, service manager vacancies have impacted in other areas, resulting in unsatisfactory attendance or contribution.

There is a satisfactory office duty system in operation which undertakes initial screening of cases and checks with partner agencies. A recently established early intervention team shows good promise in providing a timely service to children and

families in the court system. Waiting lists for a Cafcass service have been significantly reduced over the last six months. In the majority of cases the needs of children who are still on waiting lists are adequately prioritised. Nevertheless, systems for reviewing waiting lists are not sufficiently systematic and lack sufficiently active managerial oversight.

Evaluation

Grade 4

Evaluation is inadequate.

While in most respects the self-evaluation for this inspection is accurate, it is not systematically used to improve service quality. Monitoring arrangements are weak and unsystematic. Although regular audits of the duty system have been undertaken there have been no recent audits of case files.

Service responsiveness

Grade 4

Service responsiveness is inadequate.

Where there are significant delays in allocating cases, these impact negatively on outcomes for children and young people. Inspectors saw cases where this resulted in delayed decision-making about children and young people's lives or reduced their ability to sustain relationships with significant people in their lives. In two offices, service managers who are already under considerable workload pressure are holding cases for staff who are on sick leave. This can result in the lack of a prompt and responsive service to children and families. While key performance indicators such as case allocation and filing of reports are showing an improving trend, they are still too low when compared with average performance at national and regional levels.

There are no local protocols in place with regard to provision of Section 7 reports. This results in inappropriate requests to and from local authorities. Where there has been delay in the allocation of a Cafcass practitioner to a case there are additional requests for file information from other parties, which can result in an increasing burden of work for local authorities.

Nevertheless, the area has developed a prompt and effective local framework in response to the President's interim guidance and as a result has reduced avoidable delay. There has been a 50% reduction of cases awaiting allocation over the last six months and there are now clear targets for the allocation of public law cases within two days. The early intervention team has been introduced to tackle delays initially in private law work, although it is as yet too early to show any impact.

Case planning and recording

Grade 3

Case planning and recording are satisfactory.

Most case records sampled by inspectors were of satisfactory quality. The majority of case files comply with Cafcass recording policies and are clearly structured and up to date. A minority of case files seen by inspectors were of inadequate quality, including those with a lack of current key information or with illegible, handwritten records. Some case records and plans lacked evidence of analysis.

Most of the case plans seen identified the key issues to be addressed and included a satisfactory plan of work which is reviewed at required intervals. However, case plans are not systematically shared with parents and children and a small number of files sampled by inspectors did not contain adequate case plans.

Assessment, intervention and direct work with children

Grade 3

Assessment, intervention and direct work with children are satisfactory.

Practice observed by inspectors was mostly satisfactory and in some cases good. Most practitioners clearly explained their role to children and young people and were proportionate and sensitive in their involvement. There is a clear focus on improving outcomes for children, which is evident in the majority of the work undertaken with service users. Nevertheless, there is variation in practice and a small but significant proportion of cases were inadequate, with evidence of a lack of sensitivity to the child or family or inadequate assessment of key aspects of the case.

Practitioners make effective use of a range of good-quality tools which have been provided by Cafcass for working and communicating with children and young people. Children and young people are involved in their assessments according to their age and understanding and, in most cases, key information is appropriately sought from other agencies. Although the new assessment framework had been introduced in the area, there was no evidence of its use in the files reviewed by inspectors. Inspectors were only able to meet a very small sample of foster carers; all foster carers reported very positively on the quality of assessment, intervention and direct work by children's guardians whom they had met in public law cases.

Workload pressures and caseload backlogs have reduced the amount of time that practitioners are able to spend with children and young people. Local authority partners report that, in some cases, this has resulted in a lack of child focus. Assessments are not routinely shared with children and young people and their families.

Reporting and recommendations to the court

Grade 3

Reporting and recommendations to the court are satisfactory.

Most court reports comply with the requirements of Cafcass policy and procedures and overall the quality of reports is satisfactory. Two thirds of the court reports seen by inspectors were graded as satisfactory or better and the length of reports was generally proportionate to assessed need. Public law cases reports provide a satisfactory level of scrutiny and challenge to the work of the local authority and its plans for children. Most recommendations to the court are clear and appropriate, based on a satisfactory assessment of children's needs, and are well evidenced. In most reports, the options to be considered are set out within the context of the powers available to the court. Survey evidence shows that the majority of children and adult service users thought that reports were fair. Most reports focus appropriately on the needs of children and reflect clearly their wishes and feelings.

However, there is too much variation in the quality of reports, ranging from good to inadequate. There is little evidence that reports are shared in advance of the hearing with relevant parties including, where appropriate, with children and young people. Inspectors saw little evidence of effective management oversight and quality control of court reports. Pre-court checklists for quality improvement were not always present on files, or were poorly completed and sometimes not graded. In almost all cases, pre-court checklists were not completed in a timely way, precluding their use to improve the quality of practice. While options available to the court are listed, some reports do not evaluate the advantages or disadvantages of each option for the child.

Complaints

Grade 3

Complaints handling is satisfactory

The number of complaints from adult service users is consistent with the national average and the Hear Now Cafcass survey indicates that a majority of service users know how to make a complaint or comment. Most complaints investigations seen by inspectors were responded to in an appropriate manner with managers comprehensively addressing the issues raised. A large majority of complaints are resolved effectively at the initial stage of the complaints process. While the number of children and young people who have made a complaint is small, advocacy is available to support them through the process.

However, the service area does not respond to complaints in a sufficiently timely manner and performance in this area is not in accordance with national timescales.

Lessons learnt from complaints are disseminated well through the management group but do not consistently result in changes in practice. The service area does not monitor the level of satisfaction of users of the complaints system and is therefore unable to determine how it is perceived by complainants.

Outcomes for children and young people

Grade 3

The contribution of the service area to improving outcomes for children is satisfactory.

As a national organisation, Cafcass no longer routinely monitors information about the impact of family breakdown on outcomes for children and young people. This significantly reduces the area's ability to assess the impact of its services on the outcomes for children and young people.

However, most practitioners show a clear understanding of the impact of family breakdown on outcomes for children. This was reflected effectively in reports, care planning minutes and record keeping seen by inspectors. Issues related to 'staying safe' and 'being healthy' were routinely addressed, with other relevant outcomes being considered where they were relevant to the case. Examples of effective consideration of the impact of changing schools and ability to engage in hobbies were seen in the cases reviewed by inspectors. Where there is unmet need, referrals are made effectively by practitioners to other agencies. Processes are in place for service managers to review cases on closure, to ensure that appropriate referrals have been made at the end of contact.

Most children feel involved in making decisions about their lives and the service area has undertaken some effective work with children and young people in service delivery.

Definitions

Family assistance order

This is a short-term order made by the courts for some families following separation or divorce. A family assistance order is designed to give specialist help where it is needed if it is in the child's interest and if the aims can be achieved.

Consent is required from everyone named in the order except any children.¹

¹ C Prest and S Wildblood, *Children law: an interdisciplinary handbook*, Jordans, 2005.

Inspection grades

Grade 1	Outstanding
Grade 2	Good
Grade 3	Satisfactory
Grade 4	Inadequate.

'No order principle'

The Children Act 1989 section 1(5) is known as the 'no order principle'.² It states: 'Where a court is considering whether or not to make one or more orders under this Act with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all.' The 'no order principle' 'is consistent with two of the philosophies underlying the Children Act 1989: that there should be minimum state intervention in family life and that parents should exercise and be encouraged to exercise responsibility for their children'.³

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.

² www.opsi.gov.uk/acts/acts1989/ukpga_19890041_en_2.

³ See footnote 1.

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.⁴ 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.

Review reports

These are reports that update the court about progress made, or lack of, in arrangements agreed by parties in court orders.

Rule 9.5 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. Rule 9.5 of the Court Rules provides for this and for the appointment of a guardian ad litem 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 a Practice Direction issued by the President of the Family Division.

Section 37 enquiry

Section 37(1) of the Children Act 1989 sets out the following powers of the court: 'Where, in any family proceedings in which a question arises with respect to the welfare of any child, it appears to the court that it may be appropriate for a care or supervision order to be made with respect to him, the court may direct the

⁴ For further information visit: www.justice.gov.uk/guidance/careproceedings.htm

appropriate authority to undertake an investigation of the child's circumstances.' The appropriate authority is the local area children's services.

Welfare checklist

The Children Act 1989 section 1(3) sets out what is known as the welfare checklist. It comprises seven features that should be balanced equally when courts consider whether an order should be made. The welfare checklist considers: children's wishes and feelings; their physical, emotional and educational needs; the likely effect of any change in circumstances; characteristics that make up their identity; any harm suffered or at risk of suffering; parental capability; and the court's powers. The Adoption and Children Act 2002 section 120 extends the definition of harm within the meaning of the Children Act 1989 section 31, 'including, for example, impairment suffered from seeing or hearing the ill-treatment of another'.⁵ Under court rules, Cafcass practitioners are under a duty to have regard to 'the matters set out in section 1(3)'. Note: requirements in regulations and court rules are not 'statutory' in that they are not set out in a statute and are therefore secondary legislation.

Presidents interim guidance (issued 30 July 2009 valid until 31 March 2010)

Guidance that provides a framework for local arrangements to address backlogs in work and prevent backlogs in new work in a planned and time limited way.

⁵ www.opsi.gov.uk/acts/acts2002/ukpga_20020038_en_9#pt2-l1g120.