

Ofsted's inspection of Cafcass: Far South West service area

Cafcass Far South West service area provides services to children and families in Cornwall, Devon and Somerset.

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Introduction

Ofsted carried out the inspection of service provision by the Children and Family Court Advisory Support Service (Cafcass) in the Far South West service area in the week commencing 15 June 2009.

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 Far South West service area provides services to children and families across the local authority areas of Cornwall, Devon, Plymouth, Torbay and Somerset. The Operational Director (South) has been in post since July 2008 and the Head of Service has been in post since May 2007.

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 Taunton, Exeter, Plymouth and St Austell. Four operational service managers manage service delivery, supported by three specialist managers, one for quality improvement, one for customer service, complaints handling and organisational learning and one to manage the safeguarding and assessment team for the whole service area.

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 (South), the Head of Service, the Head of Service (South of England) for quality improvement, the senior 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 and human resources files. 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 children and young people looked after by the local authority and they conducted telephone interviews with adult service users.

Overall effectiveness

Grade 4

The overall effectiveness of the Cafcass Far South West service area is inadequate.

Despite some emerging strengths, Cafcass Far South West service area is not yet providing an adequate service for children and young people.

There are weaknesses in case planning, assessment, intervention, complaints' handling, court reporting and recommendations, with only service responsiveness judged as satisfactory. While some improvements have been made in most areas of service provision, these are very recent. Overall, there is still much to do to demonstrate sustained improvement against a background of deficiencies in the current quality of the area's work. While there is evidence of good practice in some functions, this is not yet manifest across the service area as a whole. Safeguarding is satisfactory and there are good signs of some recent improvements in other areas, but minimum standards are not yet consistently met in all the services provided.

In the main, the service area knows its strengths and weaknesses. Although important changes have been achieved in a short time, the management team is very new and consequently sustained improvement cannot yet be demonstrated. However, the service area has assessed accurately that its key weakness lies in the quality and effectiveness of its workforce. It is taking robust effective remedial action to ensure that the quality of provision is improving, children are kept safe and that the service area can contribute to improving the other Every Child Matters outcomes.

The service area has some clear strengths. Although there is a very recent increase in delay in responding to private law cases, it is one of the top performers across Cafcass nationally in meeting key performance indicators, and one of only five service areas nationally in the Cafcass top band for providing value for money in service provision. While a more consistent approach to quality improvement is needed locally, performance management is strong overall. In particular, the support provided to the area through the quality improvement team for the Cafcass South sector is good. The human resources function is very sound and effective steps are being taken through performance management procedures to improve practice across the service area. The majority of children and young people say they are satisfied with the service they have received from Cafcass in Somerset, Devon and Cornwall.

Capacity for improvement

Grade 3

Capacity to improve is satisfactory.

The Operations Director (South) provides strong support and leadership to the service area, and the contribution made to practice improvement by the national performance management team is particularly effective. The area knows its strengths and weaknesses at a general level and has sound plans in place to address these. For example, effective plans are in place to improve the Cafcass contribution to better Every Child Matters outcomes. Some partnerships with stakeholders, community groups and commissioned services are effective and managers are working hard to improve these further. They are also aware that they need to address weaknesses in the service area's effectiveness in gathering the views of children and young people to contribute to improving service provision.

Although recently constituted, the management team has taken very effective steps in a short space of time to ensure that poor staff performance is identified and appropriate action taken. Robust human resources action and performance improvement are being undertaken and these are having some evident impact. Staff are highly motivated and there is some evidence that they are relieved that managers are now managing effectively by setting clear expectations. The service has also taken effective steps to recruit new and experienced managers and practitioners to replace those who have left the workforce.

There has been a very recent increase in demand for Cafcass services in the area. While vacancies have been filled effectively, there will be a time lag before all new family court advisers take up their posts and become fully effective. Therefore there is a high risk that service provision could decline rapidly if the increase in demand continues and effective contingency arrangements are not put in place.

Areas for improvement

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

Immediately

- Take action to ensure effective management of all aspects of the recent increase in delay across the service area.
- Ensure that the quality assurance work in the service area is timely and consistent.

Within three months

- Ensure that the quality of all case planning, assessment, intervention, direct work with children, court reporting and recommendations reaches at least minimum standards consistently across the service area.
- Ensure that case plans and recommendations to court are shared with children and families appropriately.
- Ensure that the management and handling of complaints is consistent with the Cafcass complaints policy.

Within six months

- Ensure that the impact of family disruption on all aspects of the Every Child Matters outcomes for children is considered fully when planning assessments and is demonstrated within reports and recommendations to court.
- Secure meaningful participation by children, young people and families in improving services.

Meeting the needs of service users

Ambition and prioritisation

Grade 3

Ambition and prioritisation are satisfactory overall.

The service area management team is supported by a very effective operations director with a realistic view of the strengths and risks in the area. The head of service, well supported by the head of quality improvement, has a clear vision for the area and has an uncompromising commitment to safeguarding children and the need to improve front-line social work practice. Their priorities are now appropriately focussed on improved outcomes through a clear plan for improvement and the rigorous use of the Cafcass performance improvement tool Quality for Children.

The head of service has effectively implemented a number of innovative ways to improve service delivery, such as a trainee family court adviser scheme, the area wide safeguarding and assessment teams and pilots for developing the private law pathway and public law outline. By effectively demonstrating a new way of working, the safeguarding and assessment team helps the family court advisers to recognise that positive engagement with new ways of working will result in lower caseloads, better quality of work and increased throughput.

A significant risk is created by the number of staff vacancies and a concurrent very recent increase in demand for the service, both in private and public law. While the vacancies have been filled, not all appointees have yet started work. Additionally, because of appropriate performance improvement measures taken, some staff

caseloads are being carefully managed and they are unable to take on new work. The increase in demand and current staffing availability is now leading to delays in private law allocation and the risk of further delay remains high. The service area has a previous very good track record on avoiding delay and now needs to take swift corrective action.

While a number of vacancies for service managers have been filled only recently, there are already good signs that this group is developing well and beginning to provide effective leadership. These managers are well regarded by the professional staff group and they are highly motivated to implement the vision for the area and so improve the quality of provision. Priority plans are focussed appropriately on the improvement of outcomes for children and young people. However, at this early stage in its development and experience, the management team has not yet had the opportunity to show evidence of sustained impact.

Performance management

Grade 2

Performance management is good overall.

Leaders and managers are using the service improvement meeting structure effectively to drive forward improvement at a strategic level. There are clear links to the area's business plan and the organisation's corporate objectives.

Despite recent demand pressures, performance indicators are better than the national average and the average for the south sector, and have been for some time. Nearly all performance targets are met. Where targets are not met, appropriate corrective action is in place at individual and team level. There is a strong culture of and commitment to performance management in the service area. There is also a determination to use this to improve the quality of front-line service and, through this, outcomes for children. There was some previous inconsistency in the judgements made by the local quality assurance team. For example, not all pre-court checks on court reports were done systematically and their quality was inconsistent. Some of those that were seen by inspectors were completed after the filing date which is poor practice. By contrast, audit activity by the national quality improvement team and by the service manager for quality improvement has been much more successful in identifying poor practice and modelling more effective ways of working. Where weaknesses are identified, the service area is robust in putting remedial measures in place and following those through.

Management information is timely, accurate and is being used to improve performance. The head of service keeps within budgets and has instituted regular finance meetings to keep track of spending and improve efficiency and effectiveness.

Workforce development

Grade 3

Workforce development is satisfactory overall with some good features.

There are good safe recruitment processes and procedures in the area and relevant staff have been trained to undertake recruitment in an effective way. Arrangements for recruitment and retention of staff are effective. Experienced staff have been recruited, including some with a strong recent background in front-line local authority child protection work. Staff who are performing well are very supportive of Cafcass work and have confidence in their local managers; those staff are enthusiastic about and well motivated by the many positive changes that have been made. Where there are performance or conduct issues, strong action has been taken through Quality for Children and human resources processes to improve performance. Where staff do not improve, appropriate and effective action is being taken.

A knowledge, learning and development plan is in place and staff are undergoing mandatory training and developmental learning specific to their individual needs. The area training plan is clear and indicates that attendance is monitored. However, no systematic evidence has been produced to show how training has impacted on individual or team performance, or how it has improved outcomes for children. Appraisals are now being undertaken in a timely way. However, the quality is variable and the appraisals do not fit with the corporate objectives outlined in local business planning. Supervision is taking place in line with Quality for Children requirements but the quality and impact are also variable. The effective new human resources arrangements have successfully freed up the relevant business partner to support local managers with issues in relation to poor performance and conduct.

The workforce does not reflect the profile of the local communities served and there is a gender imbalance within the workforce which is 78% female.

User engagement

Grade 4

User engagement is inadequate.

While many children and young people are positive about their involvement with Cafcass, around a half said Cafcass made no difference for them. There is little evidence that their experience is being used to influence development of the local service, although young people have advised on the design of the St Austell office. Plans to involve young people as 'young inspectors' were in place but have not yet started.

While there is a policy to involve young people in the recruitment of new staff, this is also not yet operational. Positive relationships with representative groups of adult service users ensure regular opportunities to comment on service improvement.

These groups are broadly satisfied with the service. An effective strategy for achieving greater participation of children and young people has not been demonstrated.

Partnerships

Grade 3

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

The service area has effective liaison with most key stakeholders such as the judiciary and local authorities across the south west peninsula. While links with some statutory agencies show strengths, others are not well developed beyond liaison at an individual case level.

The service area business plan gives appropriate priority to enhancing partnership arrangements to improve outcomes for service users and is having an impact. This is evident in the participation by the service in the work of local safeguarding children boards, including active representation on all the local safeguarding children boards, training and other sub-groups. There is effective, active and focussed involvement with the local Family Justice Council.

Representatives from parents and carers groups are positive about the relationship between Cafcass and their organisations. The service area is robustly reviewing its use of commissioned services and has appointed a lead service manager to look at key issues such as safety risks and the costs associated with contact centres.

Equality and diversity

Grade 3

Work to promote equality and diversity is satisfactory.

The key performance indicator for diversity monitoring is met by the Far South West service area, and it therefore exceeds local and national performance. However, while good initiatives are in place to ensure the service area is making progress towards more inclusive practice, this is not yet fully realised.

The service area has taken several effective steps to improve practice in equality and diversity. These include the use of an independent manager to assist in the auditing of best practice equality work in cases and improvements to team learning. Each team is looking at both local and national 'learning action points' on a quarterly basis to consider what lessons can be learned. This is good evidence of managed change in the approach to equality and diversity. It is good that in each team a diversity lead has been appointed and that equality impact assessments have been completed recently in two of the four offices. These have been used well to develop a strategy to guide further work. There are also some signs in case files that staff are beginning to consider equality issues effectively to help ensure inclusive practice.

However there is still too much variation in recent casework between good and inadequate practice. Examples included good practice where the children's guardian delivered a sensitive, focussed assessment and report in a case where the parents were learning disabled. By contrast, the assessment in another case included judgemental views inappropriate to the cultural background of a parent

Cafcass premises are suitably accessible for all service users including people with disabilities.

Value for money

Grade 3

Value for money is satisfactory.

The service area is currently rated in the top band of Cafcass service areas nationally when performance indicators are measured against unit cost. This reflects good performance against most of the key performance indicators. Appropriately, the head of service has an annual appraisal target to improve value for money and a range of suitable measures are set out in the local business plan. Use of expenditure has been carefully reviewed and funds are being allocated to activities seen as likely to be more effective in the longer term, such as an increase in the number of employed family court advisers.

Cost effectiveness has been improved in a number of areas, including streamlined recruitment procedures, and there are examples that demonstrate good use of public funds in reporting to court and in the service area's assessment work with service users. However, value for money was not consistently demonstrated by practitioners and managers across all the service area. This is recognised and it is timely that training on improved financial management is now being provided for local service managers.

Safeguarding

Grade 3

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

There is appropriate awareness by staff at all levels of the role of Cafcass as an agency that is responsible for the safeguarding of children and young people. At a strategic level, managers are contributing appropriately to the work of the local safeguarding children boards and good links have been established with the multi-agency public protection arrangements and the multi-agency risk assessment conference arrangements.

At an operational level, there is good evidence of effective screening and intervention to protect children and young people, including some good examples of effective challenge by children's guardians of local authorities' plans and proposals.

New referrals and cases awaiting allocation are risk assessed well. The safeguarding and assessment system ensures that new cases are comprehensively screened and risk assessed. Checks with other agencies appropriately inform the risk assessment. Evidence from files indicates that staff are focusing well on the safeguarding needs of children, undertaking effective vetting of cases for domestic violence issues, and making necessary notifications and referrals to local authorities, which are followed up with partner agencies appropriately. Auditing of the duty system is compliant with recommendations from the enquiry into the death of Victoria Climbié.

Practice observed by inspectors demonstrated that children are effectively enabled to express safeguarding concerns, although further attention needs to be given to a better assessment of their emotional needs. Staff have attended appropriate training courses on safeguarding, which include learning lessons from serious case reviews.

Service area recruitment complies well with safe recruitment procedures and all Criminal Record Bureau checks are up to date. However, not all managers are aware of the need to liaise with the Local Authority Designated Officer in the event of allegations against staff members.

The layout and practice at local offices ensures that they comply well with the need to protect confidentiality.

Evaluation

Grade 3

Evaluation is satisfactory overall.

The service area's self evaluation is accurate in most areas, although some weaknesses are underestimated. Although the service area has accurately identified where further efforts are required, it assesses its progress more positively than inspectors found. However, in one important area, performance management, leaders and managers have made even greater progress than their self evaluation concluded. The head of service and management team, supported by the quality improvement team, have demonstrated a strong commitment to using the inspection process to drive forward improvement.

Quality of provision

Service responsiveness

Grade 3

Service responsiveness is satisfactory overall.

The majority of public law cases are being allocated in a timely manner and the service area is achieving better average performance than regional and national averages for filing times in private law reports for courts. However, there are now significant delays in allocating private law work in some parts of the service area due

to recent increases in referral. As is recommended, any delay in service provision to children and families will need priority attention.

Practitioners are sensitive to the impact that unnecessary delay may have on a child's welfare and effective action is being taken to tackle this using a range of different approaches, including the new area wide duty team.

All referrals are routinely screened for risk and unallocated cases are clearly identified, reviewed and prioritised regularly. Service users whose cases are not yet allocated have access to Cafcass practitioners for advice and are dealt with effectively by the duty team as the need arises.

Information on electronic recording systems is timely, well managed and accessible, enabling a more responsive service. This improvement in responsiveness has been achieved within a local and national context of increase in demand and a reduction in capacity in the local workforce, as a result of robust action to address poor performance.

Case planning and recording

Grade 4

Case planning and recording are inadequate overall.

While internal audits and inspection evidence demonstrate an improvement in case records, this is not matched by a consistent high quality in case planning.

Case recording is timely, shows improvement and files from very recent cases are satisfactory or better. Comprehensive contact logs are maintained well and most are completed electronically and stored on shared folders.

There are some examples of satisfactory case plans that comply with Cafcass policy, but many lack clear goals and evaluation. Instead of purposeful analysis, such cases simply identify tasks to be completed. It is poor practice that case plans are not shared consistently with children, young people and adults.

While there is good evidence of management oversight of case plans and records in some teams, this is not consistent across the service area and management capacity has only recently increased.

Assessment, intervention and direct work with children

Grade 4

Assessment, intervention and direct work with children are inadequate overall.

The quality of assessments is highly variable. Assessments are not undertaken through a transparent and widely understood agreed framework. Few assessments demonstrate a comprehensive understanding of the individual needs of children and

young people. The intended outcomes of intervention in some cases are not sufficiently clear.

There are some examples of good, and sometimes outstanding, practice in direct work and communication with children, and the use of very effective materials to help children express their needs, wishes and feelings has been well received by many children and young people. There is some evidence that children and young people are being supported well in taking the opportunity to write directly to the judge. This Cafcass wide initiative effectively increases the opportunity for children and young people to contribute to improving outcomes in their cases.

However, while good opportunities have been provided for children and young people to participate in their assessment, their views are not yet represented adequately. In too many private law cases, the views of the children are not given sufficient weight. Children's guardians' assessments of local authority planning range from good to inadequate.

The Cafcass service area has recognised the weaknesses in assessment, intervention and direct work with children. Some recent improvements have been achieved through more regular supervision of staff, and by the effective work of an increased number of family support workers. Plans are in place to begin direct observation of practitioners by managers in their work with children and families to assist practitioners develop their practice skills.

Reporting and recommendations to the court

Grade 4

Reporting and recommendations to the court are inadequate overall.

Most reports evaluated during the inspection were inadequate. Many reports lacked sharp analysis and some were overlong. Where systematic and thorough assessments were absent, recommendations were unclear or were unsupported by evidence. The needs, wishes and feelings of children and young people are not a consistently strong feature of reports, and a complaint from a child was upheld when it was found that insufficient weight had been given to her views. Some reports do not consistently explore all of the options available to the court. Service delivery has been improved by sending reports direct to families rather than via solicitors.

Complaints

Grade 4

Complaints handling is inadequate.

The number of complaints received in the twelve month period between May 2008 and May 2009 is markedly higher than the national average, which demonstrates that the service area does not achieve a sufficiently consistent quality of work. The poor service experienced by some children and families was compounded by an

inadequate response to the complaints by some managers in the service area. In a number of cases, the first response was insufficiently reflective, including examples of poor quality letters to service users. In others, there was considerable delay in making the initial response and entries on file were updated after several months had passed. However, other responses were timely and well considered. The area is now taking steps to ensure that high standards will apply consistently in future responses to complaints and there is some early evidence of improvement.

The average response time across the service area has improved to just above the national average. However, while one local office achieved 100% compliance, others have more to do to reach the average. Monitoring and auditing of the complaints process was recently carried out by an independent team. In most cases, this audit correctly identified what was not working well. Lessons are being learned from the analysis of local and national complaints. Relevant findings are discussed with each team by the service manager for quality improvement every three months. Together, these measures have positively helped local service managers to improve their own response to complaints and to work jointly with poorer performing staff to achieve acceptable standards.

Outcomes for children and young people

Grade 4

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

While the service area's focus on safeguarding contributes adequately to the Staying Safe outcome, it is not contributing as effectively in all of the other outcomes. There are some satisfactory elements in terms of enabling children to make a positive contribution through the use of needs, wishes and feelings work and in letters to judges. However, the views of children and young people are not sufficiently well represented in reports to court.

While some files indicate that children's physical health needs are being considered, attention to emotional health is inconsistent. There is also insufficient focus on the economic well-being of children and the contribution made by Cafcass to improved outcomes in enjoying and achieving. Forms to capture the impact of case work on the Every Child Matters outcomes are completed at the closure of cases rather than being used as a tool to enable staff to conduct outcome-focused assessment. This is a missed opportunity.

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

Inspection grades

Grade 1 Outstanding

Grade 2 Good

Grade 3 Satisfactory

Grade 4 Inadequate

'No order principle'

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.

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

² www.opsi.gov.uk/Acts/acts1989/ukpga_19890041_en_2#pt1-l1g1

³ See footnote 1.

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.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, to 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.

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

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 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.

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