

# Ofsted's inspection of Cafcass: Staffordshire and the Marches service area

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Cafcass Staffordshire and the Marches service area provides services to children and families in Herefordshire, Shropshire, Staffordshire, Stoke on Trent, Telford and Wrekin and Worcestershire.

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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 Staffordshire and the Marches service area in the week commencing 5 October 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 Staffordshire and the Marches service area provides services to children and families across the local authority areas of Herefordshire, Shropshire, Staffordshire, Stoke on Trent, Telford and Wrekin and Worcestershire.

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 Shrewsbury, Stafford, Stoke on Trent and Worcester. Four operational service managers manage service delivery, supported by two specialist managers: one for quality improvement; and one for customer service, complaints handling and organisational learning.

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 (Central), the Head of Service, the Head of Service (Central) for quality improvement, the senior Human Resources manager, family court advisers, family support workers and all the service managers. A telephone interview was held with the Cafcass Chief Executive. Inspectors evaluated private and public law reports, case files, complaints records, human resources files, supervision and appraisal files, duty systems and Cafcass work at court. They surveyed the views of Cafcass staff, adult service users, children and young people. Inspectors directly observed Cafcass practice with adult and young service users, met with foster carers, met with four children looked after by the local authority and conducted telephone interviews with adult service users.

## Overall effectiveness

### Grade 4

The overall effectiveness of the Cafcass Staffordshire and the Marches service area is inadequate.

Despite some clear strengths, the service area is inadequate in several important aspects and there are significant concerns about safeguarding practice in some cases. The overall effectiveness of this service area is limited by inadequacies in its arrangements for safeguarding children and in promoting effective equality and diversity.

The quality of case planning and recording is variable, quality assurance is inconsistent and allocation procedures do not take sufficient account of all important aspects of cases on the waiting list. Engagement with service users is very weak and assessments are not shared consistently with children and families. Complaints handling, equality and diversity and the contribution by Cafcass to the promotion of improved outcomes for children and young people are inadequate, in particular the effect in private law of family breakdown on outcomes for children.

Leadership in the service area is clear and purposeful and minimum standards are mostly met in service delivery to children and families. In the main the service area meets the Cafcass statutory functions and resources are deployed satisfactorily. The majority of reports to court are satisfactory or better. Satisfactory performance management systems have been introduced but these have yet to be applied consistently by managers.

Direct work with children and young people is strong and in most cases there is evidence of effective advocacy for them in both public and private law cases. While the majority of young service users surveyed say they are satisfied with the service they have received from Cafcass, most also said that their views made little difference to what happened in their case.

The service area knows its areas of strength and weakness in most respects but overestimates the quality of practice and consistency in safeguarding children and young people by managers and practitioners.

## Capacity for improvement

### Grade 3

Capacity to improve is satisfactory.

The management team has only been in place since January 2009 and has not yet had the opportunity to demonstrate a track record of sustained change. Nonetheless, it is already having an impact in several aspects that are fundamental to the future

improvement of the service. These include a strategic approach to tackling delay which in the context of rising demand is beginning to show positive results. Individual action planning has been targeted at practitioners where there is a need to ensure basic compliance with Cafcass policies. Several staff have already achieved their action plan as the new culture to promote practice improvement across the service area begins to have impact.

While practitioner staffing resources are sufficient, recruitment to middle manager posts is problematic in parts of the service area, limiting management capacity.

Although performance management processes are now in place they are not yet used consistently. The data currently provided by the Quality for Children performance management system is not sufficiently reliable. It gives a more favourable view of some aspects of practice than is warranted, including safeguarding.

The leadership team has ensured that the training programme is now linked more specifically to the business plan objectives to meet local and national priorities for practice improvement.

While partnership working at an operational level is sound, strategic partnerships are less well developed.

Financial management and planning is strong and some effective action has been taken to realign service delivery to improve value for money, deliver priorities and improve the quality of service to children and families.

## **Areas for improvement**

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

### **Immediately**

- Ensure that safeguarding practice complies fully with statutory guidance and Cafcass requirements in all cases.
- Ensure the consistent application of allocation and duty processes to safeguard children and young people, including taking account of children's ages and time awaiting service.
- Ensure that performance improvement tools are used consistently to achieve better outcomes for children and young people across the service area.

Within three months

- Ensure that case plans and recommendations to court are shared with children and families appropriately and in a timely manner.
- Ensure that strategic partnership working is effective across all courts, local authorities, commissioned services and relevant community groups.
- Ensure that complaints are managed and responded to consistently and comply 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 informs reports and recommendations to court.
- Secure meaningful participation by children, young people and families in improving services.
- Ensure that the service area's equality impact assessments are implemented effectively.

## **Meeting the needs of service users**

### **Ambition and prioritisation**

#### **Grade 3**

Ambition and prioritisation are satisfactory overall.

Since the appointment of the Head of Service in January 2009, the clarity of purpose in the leadership and management of the service area has increased. Safeguarding is a key local and national priority. However, some cases inspected showed that effective safeguarding is not secured consistently.

Previously, the service area had been managed through several temporary appointments which resulted in inconsistency and a lack of strategic direction. Business planning is now risk-assessed well and focused appropriately on agreed national and local priorities. There is a good and effective strategic approach to tackling delay in the delivery of services to children and families.

An effective working relationship between the service area and the Cafcass Central Quality Improvement team is now in place. This has helped to begin to change working practices. Effective action planning and mentoring of staff has been introduced for family court advisers whose work does not yet meet the required standards of performance and service delivery. In some cases managers have taken appropriate steps to ensure that lines of accountability are effective. This includes ensuring that their individual action plans cover all requirements and that practitioners comply routinely with Cafcass policies and guidance.

Managers ensure that sufficient resources are provided to meet local need such as laptops to assist staff to work flexibly where necessary within this large geographical area. Managers are addressing resource deficits such as inadequate office accommodation in one case, through robust action planning and monitoring.

## **Performance management**

### **Grade 3**

Performance management is satisfactory.

Almost all performance measures exceed the national average and, significantly, the key performance targets are met. Service improvement and management meetings are used effectively to analyse performance and address deficits and inconsistencies in service delivery to children and families. There is sound financial management and effective decision making to ensure that budgetary constraints are met, including a more efficient use of the flexible workforce.

The national performance tool, Quality for Children, is now used in all teams and is recognised by managers as an effective process. However, its application in this service area is not yet consistent. Audits are regularly undertaken but actions resulting from these have yet to show a sustained improvement in effective outcomes for children and families.

Although managers are committed to improving practice, there are as yet too many inconsistencies in practice and management between teams at an operational level. When assessing the quality of practice managers rely on their own judgement and do not, for example, quality assure and assess court reports consistently using agreed criteria. Consequently, data about the quality of work held in Quality for Children is not always reliable and can give a more positive view of the work than can be substantiated by closer examination. Some reports are only assessed after they have been filed with the court and therefore have not been subject to management oversight before advising the court. Managers recognise the need for consistency in assessing practice and have begun to address this through better scrutiny of practice and more effective use of benchmarking.

## **Workforce development**

### **Grade 3**

Workforce development is satisfactory.

The workforce strategy is mostly effective in planning for the area's staffing needs. The establishment and staffing structure is satisfactory overall. Recruitment and retention planning is satisfactory and the twin track approach whereby both specific and general vacancies are advertised is effective. This is delivering appropriate



outcomes in recruiting practitioners, but is less effective in securing the appointment of service managers in the service area.

Recently, the training programme has been linked more specifically to the business plan to meet local and national priorities. It provides a comprehensive range of courses for managers and practitioners. There are early indicators that individual action planning for those staff identified with weaker practice is effective in improving performance, but this needs to be more robust in order to ensure that all staff fully adhere to safeguarding procedures in all cases.

## **User engagement**

### **Grade 4**

User engagement is inadequate.

No regular or systematic process is in place to ensure effective participation of service users in service design or development in this Cafcass service area. Service users make little use of the national 'HearNow' system for providing feedback. The area has established a small working party to consider how opportunities for feedback can be developed, but this is at a very early stage and representation from service users has not yet been agreed.

Cafcass Young Inspectors have been involved in assessments of service provision in local offices. Their findings have been largely positive, although they note that not all offices had information available about the feedback mechanisms that Cafcass has, or information about the peer mentoring service. They made recent recommendations which the service area has plans to address.

In response to the Ofsted survey of service users' views, while many children and young people are positive about their involvement with Cafcass and feel that they are able to talk about what is important to them, only a third report that Cafcass has made a difference to the outcome in their case. Most adult service users report that Cafcass information is easy to understand and they feel listened to by Cafcass practitioners but almost half state that things have not improved for their children as a result of the Cafcass service.

## **Partnerships**

### **Grade 3**

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

Representation on local safeguarding children boards is good, with increasing Cafcass participation in their associated subgroups and training. Monitoring of commissioned services is satisfactory, assisted by the appointment of a specialist

team for commissioning and partnerships. Operational relationships with the judiciary are satisfactory overall and in some areas are particularly strong.

While partnership work at an operational level is good, it is less well developed at a strategic level. Partnership work with other stakeholders, relevant community groups and commissioned services is not yet delivering a sustained positive impact on service delivery, design or effectiveness. Front-line Cafcass staff, including family support workers, have made an effective contribution to local partnership working for children's services with for example contact centres and mediation services.

Working relationships with parents and carers' groups are variable, and some are still at a very early stage of development.

## **Equality and diversity**

### **Grade 4**

Work to promote equality and diversity is inadequate.

While there is information collected about the profile of people who use the service locally, this intelligence is not used to inform how resources are deployed or services designed to meet diverse needs across the service area. For example, there is little evidence of planning to address the needs of service users in rural areas or to provide for diverse communities in urban areas. Feedback from service users is not systematically used to inform service planning, and in response to the Ofsted survey a significant minority of adult users felt that they were not treated fairly by Cafcass.

Equality impact assessments have been completed and in one office this has resulted in an initiative to recruit staff to reflect more accurately the composition of service users locally. However, the service area has yet to make full use of those assessments to establish local need and implement a range of initiatives as a result.

While there are some good examples of sensitivity to cultural needs in assessments and work with families, some case files do not take appropriate account of important identity issues including ethnicity, learning disability or mental health issues.

However, the layout and practice at most local offices ensure that Cafcass complies with the need to protect confidentiality. Children's and adult's confidentiality and dignity are respected by meeting them at a variety of appropriate venues. One office has been sensitively re-designed by a group of young people to include information that meets local need such as posters with greetings in a number of languages. The key performance indicator for diversity monitoring is met.

## Value for money

### Grade 3

Value for money is satisfactory.

Budgets are controlled well by managers and the financial plans for the current year are on course to deliver within budget. Almost all key performance targets are met. Allocation times for public law cases are within the required timescale despite a recent increase in demand for services. Effective steps are being taken to manage demand and deliver a cost-effective service through more focused work in family proceedings. The decision to cease early dispute resolution work and reconfigure services by establishing duty systems demonstrates an effective realignment of services and better value for money.

The service area has commissioned services appropriately and resource allocation is consistent with business priorities. Effective action has been taken to use the flexible workforce more efficiently and staff sickness absence is well managed.

## Safeguarding

### Grade 4

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

Safeguarding is not effectively assessed in some cases. In a small but important minority of cases seen by inspectors, children were left at potential risk of significant harm. This required the service area to take immediate steps to ensure their protection, which included the provision of further information to the court and referral to the local authority. In each of those cases, the service area acknowledged the failure to safeguard the children concerned. Such examples of failure to follow Cafcass safeguarding policy and procedure contribute significantly to the judgement that safeguarding in this service area is inadequate overall.

Managers and practitioners across the service area do not have a shared understanding of the Cafcass role in safeguarding children in private law cases. This is despite good access to appropriate training and procedures. While there were some good examples of risks being identified and assessed, there were also cases where risks had either not been recognised or given sufficient weight. Managers have not consistently identified or challenged weak practice in some cases. Although audit activity addresses safeguarding, this has been unsuccessful in identifying reliably those staff, whose performance is least effective. Findings from audits have been used to tailor staff training, but the impact of this has yet to be demonstrated.

Information sharing procedures with other agencies are not consistently applied nor always understood by practitioners, particularly in relation to the information from the police and use of the multi-agency risk assessment conference in domestic

violence cases. While duty systems are in place across the service area, some risk assessments undertaken by duty officers and managers are not sufficiently rigorous.

However, Cafcass nationally has recently revised its safeguarding policy and procedures to improve practice. Most work in the service area is clearly focused on the welfare of the child and the majority of cases on waiting lists are appropriately risk-assessed. Practice observed by inspectors demonstrated that most children are given good opportunities to express safeguarding concerns. There are some good examples of effective challenge by practitioners of local authority plans and proposals in public law cases.

Service area recruitment complies well with safe recruitment procedures. All Criminal Records Bureau checks are up to date and all relevant practitioners are registered with the General Social Care Council. However, there is not a clear system in place for liaison with the Local Authority Designated Officers in the event of allegations against staff members.

## **Evaluation**

### **Grade 4**

Evaluation is inadequate.

While in most areas the self-assessment shows a sound level of analysis which accurately reflects performance in the service area, it is deficient in two key aspects.

The self-assessment does not assess effectively the quality of practice in safeguarding children and young people. It does not recognise sufficiently the extent of the challenge facing the service area for it to achieve consistently safe practice. The analysis of equality and diversity is not rigorous enough and does not address strategically the specific issues that have an impact on this service area.

## Quality of provision

### Service responsiveness

#### Grade 3

Service responsiveness is satisfactory overall.

While the performance by the service area for the allocation of public law work is better than the national average, there is a small and reducing waiting list of cases in private law. In that sense children in public law proceedings receive a priority service when compared with children subject to private law proceedings. However there is some good evidence that the volume of cases awaiting allocation is being reduced and practitioners are aware of the significant impact of delay on children's welfare.

A creative strategy to tackle delay has been introduced by managers and even in the context of rising demand, it is beginning to show positive results. The strategy recognises that a range of factors contribute to delay and seeks to use resources more efficiently. It includes more effective ways of working such as the introduction of an area wide team who focus exclusively on work prior to first court hearings. The strategy also seeks to manage demand better through improved liaison with the judiciary to ensure that reports requested in private law have an identified welfare need.

Cases on the private law waiting list are risk-assessed by managers and prioritised using a national set of criteria to try to ensure that allocation is on the basis of need rather than category of case. Whilst inspectors recognised some improving practice in the management of waiting lists the checklist used is deficient in two key aspects. Firstly, it takes no account of the length of time a case has been on the waiting list and secondly the age of the child is not a feature of the criteria used. For example, in one application for contact for a very young child, there was a delay in allocation of six months.

### Case planning and recording

#### Grade 3

Case planning and recording are satisfactory overall.

Cafcass policy and procedures for case plans and records are followed in most cases. The majority of case files seen were satisfactory overall, although there was a wide variation in their quality. Most case files had a case plan and there were some good plans with clear objectives linked to intended outcomes.

Many files did not show evidence of reflective social work practice that demonstrated that desired outcomes had been achieved, recorded and evaluated. There was no

evidence that case plans had been shared in a timely way with children, young people and families.

Some case records remain handwritten and, where these were illegible, they were inaccessible to managers and colleagues.

Despite an extensive programme of file audits, the resulting action plans provide limited evidence of consistent improvements in practice.

The service area has begun to address the deficits in case planning and recording with a variety of training and development initiatives such as individual coaching by the service manager for quality improvement, training sessions and workshops run by the Cafcass legal department. Although some improvements could be seen in action plans, their full impact is not yet apparent.

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

### **Grade 3**

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

Children and young people spoken to or observed during inspection said that their Cafcass practitioner had helped them to express their needs, wishes and feelings and put them clearly to the court. Almost all of the 67 children who responded to the Ofsted survey said that they understood why their practitioner was meeting with them and that they were listened to respectfully.

Direct work with children and young people is strong and is being done in a sensitive and supportive way. Family support workers are making a positive contribution to supporting children through court proceedings and are helping to promote their welfare through life story and wishes and feelings work.

In public law, inspectors saw some examples of good practice with effective scrutiny of local authority plans and appropriate challenge where necessary, leading to better outcomes for children and young people in most cases.

However, assessments are not routinely shared with children and adults and there is a lack of transparency in that the criteria used to make recommendations and decisions are not clear. Some assessments showed good liaison with other key agencies such as health visitors, child and adolescent mental health services and schools, but this is not consistent across all cases. While some assessments and case plans were updated in the light of changing circumstances, this was not always the case.

## Reporting and recommendations to the court

### Grade 3

Reporting and recommendations to the court are satisfactory overall.

Most reports to the court that were inspected are assessed satisfactory or better. Most are well written and follow Cafcass policy and procedures. Recommendations follow logically from the body of the report in most cases, are clearly evidenced and the options available to the court are considered and evaluated, including use of 'the no order principle'.

There is good evidence of effective advocacy for children in both public and private law cases. Reports by children's guardians are proportionate to need when advising the court and supplement rather than repeat information that is already known to the court such as the local authority assessment. Although there are some very good examples of the welfare checklist being used effectively to help form appropriate recommendations to the court, this is not done in a consistent way.

## Complaints

### Grade 4

Complaints handling is inadequate

The service area does not respond to complaints in a timely manner and the majority take longer to resolve than required by the national target. Some complaints show a lack of rigour in their investigation and, as a result, the responses to them appear cursory and unhelpful to the complainant.

Despite the good information about the complaints procedure provided by Cafcass at the outset of a case, the majority of adult service users responding to the Ofsted survey said that they do not know how to make a complaint about the service that they received from Cafcass. A recent visit from the Cafcass Young Inspectors also recommended that there should be improvements in information to help children and young people give feedback on the quality of the service that they receive. Locally, there is no mechanism to ensure that lessons are learned from complaints and lead to improvements in service delivery. Inspection findings are consistent with the results of a local audit which assessed that the response to the majority of complaints was inadequate.

While the service area was slow to address these deficits, an improvement plan is now in place. In the direct observation of practice, inspectors saw a number of children and young people being offered information by their Cafcass practitioner about how they could give feedback about the service they receive.

## Outcomes for children and young people

### Grade 4

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

Although the service area has a stated strategic emphasis on safeguarding, a significant number of cases demonstrate that some staff fail to take appropriate steps to protect children at risk of harm.

While there is some evidence of the Every Child Matters outcomes being recorded on a checklist at the time a case is closed, they are not incorporated consistently into the assessments of children and young people. Opportunities to analyse Every Child Matters outcomes at an early stage are lost and several files indicate that consideration of improved outcomes is only undertaken retrospectively. While children's views are frequently well represented in court reports there is insufficient analysis of the effect of family disruption on children's physical and emotional health, educational progress and economic well-being.

## Definitions

### 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'. 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'.



## **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. 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.

## **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'. 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.