

# Ofsted's inspection of Cafcass: Thames Valley (in the Oxford and Reading areas)

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Cafcass A7 service area provides services to children and families in Slough, Bracknell Forest, Windsor and Maidenhead, West Berkshire, Wokingham, Reading and Oxfordshire.

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Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

T: 0300 123 1231  
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W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

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## Introduction

Ofsted carried out the inspection of service provision by the Children and Family Court Advisory and Support Service (Cafcass) in Thames Valley (in the Oxford and Reading areas) in the week commencing 10 December 2012.

Cafcass is a national organisation delivering services to children, families and the courts from 17 service areas across England. The Head of Service is the senior manager in each service area and is accountable to the National Service Director. The National Service Director is directly accountable to the Cafcass Chief Executive.

The Cafcass Thames Valley service area provides services to children and families across the local authority areas of Slough, Bracknell Forest, Windsor and Maidenhead, West Berkshire, Wokingham, Reading and Oxfordshire. The National Service Director has been in post since March 2012 and the Head of Service has been in post since November 2011.

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 Oxford and Reading. Three operational service managers manage service delivery, supported by business support staff.

During the fieldwork, inspectors examined an extensive range of documentation and held meetings or telephone conversations with stakeholders, the judiciary, local authorities and interest groups. Interviews were held with the National Service Director, Head of Service, service managers, family court advisers and administrative staff. Inspectors evaluated private and public law reports, case files, complaints records and human resources files. They observed Cafcass practice with service users, including children and young people and conducted telephone interviews with adult service users. The views of Cafcass adult and child service users were surveyed at a time before the inspection

## Overall effectiveness

### Grade 3 (adequate)

1. The overall effectiveness of the Cafcass A7 service area is adequate. The area is meeting its statutory functions. A new management team has created significant organisational improvements in the Oxford and Reading offices, in line with clear national priorities and despite increased demand. This has resulted in significant improvements in internal processes, meeting of performance targets and in starting to re-establish effective working with external partners. All services are being delivered to at least minimum standards.
2. There has been a complete change in the management team personnel who now comprise an experienced Head of Service, an Enhanced Service Manager and two Service Managers. They have a shared vision of the developments they wish to implement and their leadership has successfully engaged staff in much needed changes. Significant resources have been effectively used to increase staff knowledge of areas of performance that require improvement. Area audits 'health checks' and individual audits have provided a generally sound understanding of team and individual staff areas for development in performance. Financial management is strong. Value for money has improved. Despite increased demand, performance in delivering services in a timely manner is in line with targets.
3. The allocation of work is efficient and filing times for reports have improved, so that children and families now receive a more timely service. Practice and reports are child-focussed but the quality of direct work, assessments and reports is too variable. Managerial self-evaluation of strengths and areas for development are sound and management oversight has improved, for instance through the use of tools for managers to observe practice, but more focused planning and implementation to increase the quality of work is needed. In some private law reports reviewed by inspectors, there were no clear safeguarding or welfare issues.
4. The quality of partnerships with key agencies is variable. Significant efforts have been made to improve information sharing and working protocols across the service area but they are not fully embedded with all key stakeholders, which impacts on the timeliness and quality of practice.

## Capacity for improvement

### Grade 2 (good)

5. Capacity for improvement is good. The service area has an appropriate business plan in place, which include risk assessments and these are focussed on a number of relevant areas. Self-evaluation regarding the quality of practice is accurate and a number of potentially useful steps have been identified such as to improve practice in equality and diversity issues. Action plans arising from the Cafcass internal health check are not always sufficiently specific and measurement of progress is not always robust which reduces their impact.
6. The Head of Service and managerial team have ensured that significant changes have occurred over the past year such as improving performance against Key Performance Indicators. The trend in performance is positive and no services are deteriorating. Inactive cases (where the work is finished but still remains an open case) have substantially reduced from a very high level but it remains a priority to reduce the numbers to those in line with the national average.
7. Managers have skilfully enabled considerable change and improvement whilst also ensuring that staff are well engaged in the process of change. Workforce planning is adequate in ensuring that there are sufficient staff numbers that are appropriately trained and skilled. Appropriate activity has been taken to increase the proportion of permanent staff, and to retain them, which is beginning to positively impact on the quality of practice. Sickness levels are low. Rigorous action has been taken where there are performance issues. Quality assurance systems are not always sufficiently rigorous to ensure that all reports submitted to court are of sufficient quality. Inspectors observed practitioners engaging well with service users and young people in offices and on home visits but this was not consistently seen at court.
8. Managers have successfully re-established partnerships with local authorities and these initiatives have had a positive effect on the delivery of services. Channels of communication have significantly improved between the judiciary and the service area but members of the local judiciary have variable views regarding the service provided by Cafcass practitioners. Considerable effort has been made in developing partnerships with other stakeholders but some potentially important commissioned services are significantly underused. Partnerships with local community groups, such as those that represent faith groups and parents in private law, are underdeveloped.
9. Feedback from the Cafcass young inspectors has improved leaflets and reading material for young children. Service user views have been gathered regarding some aspects of services, for instance regarding their opinions on interviews, and Cafcass's response to these views has been appropriate.

10. There is an adequate equality impact assessment and action plan which identifies a number of areas for improvement. The National Improvement Service has provided well-received training in equality issues. However, it is too early to assess how this has improved practice. There is an acknowledged gap in information regarding disability of service users with almost half of data returns failing to provide specific information.
11. Financial management has significantly improved and the CSA is on course to be on budget this year after a substantial overspend the previous year. Resources to meet current demand are sufficient. Business plans recognise and address most aspects of likely future demand. Value for money is adequate and effective action has been taken to improve proportionate working.

## **Areas for improvement**

In order to improve the quality of provision and services for children and young people in Cafcass A7 the service area should take the following action:

### **Immediately**

- Ensure that the quality of interviews and reports undertaken by all staff is raised to at least an adequate standard.

### **Within three months**

- Improve the quality of case planning to ensure that case plans are timely and comprehensive, and are based on thorough needs assessment and analysis.
- Ensure that case recording is accurate and timely and provides a clear and succinct account of case activity.
- Ensure that the impact of all relevant equality and diversity issues is included in case planning, assessment and direct work with children, young people and their families.
- Ensure that managers utilise the observation tool to assess the overall effectiveness of interviews, that sufficient detail is captured and that good practice is identified.
- Ensure that family court advisors are appropriately trained to act as court duty officers to enable them to offer timely and appropriate advice to the court and avoid unnecessary delay.
- Improve communication with the judiciary and local authorities to ensure that there is more effective partnership working.

## **Within six months**

- Develop relationships with local community groups such as faith groups and those that represent parents, to ensure that good feedback mechanisms are in place, and that this is used to improve service delivery to children and young people.
- Ensure that action plan targets are specific, include measurable outcomes and focus on activities most likely to affect outcomes for children and young people.
- Identify the value of the contribution of practitioners' work in both public and private law and take all practicable steps to ensure that this contribution adds value.



## **Ambition and prioritisation**

### **Grade 3 (adequate)**

12. Ambition and prioritisation are adequate. The management team was appointed with the expectation from Cafcass nationally, that they would implement change with an appropriate long term aim of improving the service to a good level. The team is well supported in making necessary changes, for instance through national support to managers and coaching of staff by the National Improvement Service. Managers' and staff commitment to the effective safeguarding of children is recognised by partners.
13. An internal health check in May 2012 recognised a number of shortfalls in the service, which led to an action plan. This action plan has resulted in some improvements in practice and performance, for example, in improved recruitment in one of the offices. However, the action plan lacks sufficient detail about milestones to achieve improvements and specific outcomes and does not take sufficient account of the likely impact of changes within the judicial system.
14. The area's performance in meeting key performance indicators has improved and is consistent with national performance supported by effective data collection systems. The area business plan acknowledges that the filing times for Section 7 reports, whilst being met, could be improved; but is not clear as to the new target. Resources are mostly used efficiently and economically.
15. Change has been managed effectively within the service and despite the considerable changes experienced staff are, overall, engaged well and express confidence in the management and the future direction of the area.
16. Relationships with local authorities have been recognised as requiring improvement and some work has been effective, for example, in improving the timeliness of conclusions in public law cases. Although much remains to be done in some parts of the service area to improve the timeliness of information-sharing, particularly in Work To First Hearing. Communication with the judiciary is not sufficiently robust to ensure that the service area provides a consistently responsive service and that resources are properly focused. Equality and diversity issues are not yet addressed within the service area in a robust manner.
17. Financial management is well-understood and subject to regular and rigorous monitoring by the Head of Service. The area is managing well within national budget constraints, a substantial improvement since 2011/2012. Commissioned services are in place for domestic violence perpetrators but are not sufficiently promoted within the CSA and are underutilised and so do not represent effective value for money.

## Performance management

### Grade 3 (adequate)

18. Performance management is adequate. Performance management has resulted in some improvement in the standards and quality of practice, particularly within recent months, but this has not yet been sufficiently embedded to achieve consistency in practice, planning and the implementation of plans.
19. The service area currently meets or exceeds its key performance indicators regarding allocation in the majority of areas. Where deficits are recognised, effective action is being taken by managers. For example, in reducing the high number of cases that remain open, despite the fact that the work has been completed. Performance management of staff has improved significantly over the past year and is now more effective. Appropriate measures have been taken to tackle performance issues, for some staff, through the proportionate use of action plans and through monitoring and formal human resources procedures. All staff receive regular supervision and have ready access to managers and support from enhanced practitioners and colleagues. Management oversight of cases is improving but this is not yet sufficiently rigorous to ensure consistently adequate practice and reporting to court, with particular regard to those practitioners whose performance has been identified as not meeting the required standards.
20. Tools for auditing are adequate. Case auditing is beginning to have a positive impact and managers have also recently begun to undertake observations of office based practice. This is starting to enable them to have a better understanding of the strengths and weaknesses of staff. However, the practice observation tool focuses on whether the practitioner has met a standard but does not identify good practice or assess whether interview plans have been successfully implemented, and this limits its effectiveness. Plans to expand observations by managers to practice in court have yet to be implemented.
21. Learning from complaints and compliments is disseminated but there is insufficient evidence of this being used to significantly shape service development.

## Workforce development

### Grade 3 (adequate)

22. Workforce development is adequate. Historic problems in recruiting suitable staff had led to an overreliance on the use of agency staff. The service area has mitigated the implications of this reliance by encouraging the employment of staff on a variety of flexible contracts which has had a positive impact in enabling continuity.
23. The workforce plan effectively recognises some of the risks to providing an effective workforce, including the high number of staff nearing retirement. The

service area has implemented some effective initiatives, for example, recruiting newly qualified social workers and this has gone some way to reduce the use of temporary staff. Within the existing staff group, performance is managed well to meet both the needs of the service and individuals. Sickness levels are now below national averages.

24. A range of training is available to develop staff, including comprehensive induction for new staff, Myskills on-line training and a variety of internal training opportunities. The introduction of the enhanced practitioner roles has effectively offered career progression and staff with leadership potential are offered systematic opportunities to progress within the organisation. Specific in-house training events are organised and promoted across the service, for example in relation to child sexual exploitation. There is some evidence of learning from relevant national serious case reviews. It is, however, not fully evident how this learning is then translated into improvements in practice beyond general self-reported feedback from practitioners. Although FCAs offer expert advice to the court whilst on court duty, this is not of a consistently high standard and there are no agreed standards under which this aspect of the service operates.
25. Due to prompt case allocation, there is now no unallocated private law work. Workloads are manageable, monitored effectively through a well-embedded workload weighting system and are largely in line with national levels. However, in some part of the service area there remain a high number of inactive cases awaiting closure.

## **Partnerships**

### **Grade 3 (adequate)**

26. Arrangements for working with key stakeholders, agencies and commissioned services are adequate. The management team has recognised the need to improve the range of existing relationships from what has been a very low base and there has been significant improvement in the relationship with some agencies such as local authorities.
27. Steps have been taken to identify a number of areas for improvement. All local authorities in the area report that recent progress has been made, relating in particular to the improving liaison arrangements with managers regarding practice. However, improvements are still needed in ensuring the use of effective escalation protocols in the event of disagreements and in the consistent application of protocols with local authorities in S7 reports. However, a long-standing problem in not receiving timely responses to safeguarding checks leads to delays in the court process. The CSA have plans to address this, but the response to this has been too slow.
28. Partnership working with the judiciary is variable and is recognised as needing improvement. Cafcass managers are now seen as accessible, responsive and

cooperative, although in parts of the service area this has yet to fully impact on sustained improvements. For example, the timeliness of reporting is mostly considered by the judiciary to be good but the quality of the Cafcass contribution is not seen to be consistently high. Managers are fully engaged in the Local Family Justice Boards which have commenced constructive work in establishing a local tracking framework to meet a 26 week target in public law matters. The Oxford and Reading offices are part of seven Local Safeguarding Children Board areas and their contribution to these Boards is increasing.

29. A small number of local services are nationally commissioned by Cafcass and subject to adequate national procedures regarding financial management and quality. Whilst there have been recent developments in the constructive and responsive relationships with Cafcass managers there has been long-standing limited provision and take up of some services, notably domestic violence perpetrator programmes. Relationships with other stakeholders such as local community groups that represent parents in private law are not well established. Other local service organisations report positively on improving relationships and a greater level of mutual understanding of roles and responsibilities.

## **Value for money**

### **Grade 3 (adequate)**

30. Value for money is adequate. Despite increased demand, financial planning has improved and as a result the area has moved from a large budget deficit in 2011-2012 to a projected balanced budget in the current financial year. Savings from reducing the use of agency staff and replacing them with staff employed on fixed term contracts have been effectively used to improve capacity. The savings have been used to employ additional permanent staff and this has contributed to improved performance. There has been considerable improvement in the throughput of cases but it remains high and consequently unit costs remain high, although they are reducing. The workload weighting system is used systematically to provide monitoring and management of practitioners' workloads.
31. In private law, proportionate working is becoming embedded and reports generally are well-focussed and succinct, although some improved efficiencies and effectiveness are needed. For instance, the added value of some private law work is not clear and the high numbers of Rule 16.4 Guardians in part of the service area, although reducing, does not demonstrate an efficient use of resources. The difficulties in gaining timely information from all Local Authorities create some delays in the court process. The lack of clear guidance about the role of the court officer and the deployment of insufficiently experienced staff to undertake this key role, sometimes results in delays in obtaining relevant information to assist the court and in unnecessary adjournments.

32. The use of commissioned services in support of Contact Activity Directions is too variable. Separated parents' information programmes are used well to support families without recourse to unnecessary involvement with Cafcass. However, domestic violence perpetrator programmes are not sufficiently promoted by the CSA and are therefore significantly underutilised as an effective resource available to the area.

## **Safeguarding**

### **Grade 3 (adequate)**

33. The contribution of the service area to safeguarding children and young people is adequate. During the inspection no children were found to have been left at immediate risk of significant harm as a result of action or inaction by Cafcass staff.
34. Safeguarding checks are consistently requested on new cases. However, records check requests with one local authority are not always responded to in a timely way resulting in limited risk assessments being presented to Court. Insufficiently effective work has been undertaken to resolve this issue and inspectors saw a case where better communication between courts, Cafcass and the local authority was needed. There were a small number of cases where domestic abuse had been sufficiently recognised by practitioners within Schedule 2 letters but consistent information sharing with the LA had not been followed through. Managers recognise that improvements are necessary in parts of the service, for example, in the need for a greater use of risk assessment tools.
35. Children's cases are allocated promptly and almost all cases had been effectively evaluated for risk, although there was some variability in this across the area. Reports focus sufficiently on the needs and views of the child. Referrals had been made to children's social care services where appropriate.
36. Observations of practice show a clear orientation towards safeguarding, with practitioners fully alert to potential vulnerability or harm. Feedback from children provided strong evidence that they feel safe with their Cafcass practitioners who take account of what they have to say. Feedback from parents and carers about the contribution of Cafcass to their own safety was limited but positive. Case audit arrangements strongly profile safeguarding and vulnerability issues.
37. The Oxford and Reading offices are located within seven Local Safeguarding Children Board areas and contributing to this number of Boards presents considerable challenges. Attendance and contributions to the work of the Boards has recently improved. For example, presentations have been made to some Boards to raise awareness of private law issues. However, contributions to other elements of the Boards' work, such as audits in accordance with Section 11 of the Children Act (2004), are national and therefore limited in their

focus on local performance. Appropriate processes are in place to enable safe recruitment. Criminal Records Bureau checks are updated every three years and records are maintained to ensure that practitioners maintain their registration as social workers. Premises used to see children; young people and adults are safe and provide confidentiality.

## **Evaluation**

### **Grade 3 (adequate)**

38. Evaluation is adequate. Self-evaluation by the area provides a realistic analysis of strengths and weaknesses in service provision and managers were aware of most of the issues identified within this inspection. An internal health check, undertaken in the area in March 2012, accurately identifies key strengths and areas that require development and improvement. This, together with local strategic plans, robust performance management information and improved management oversight has enabled managers and staff to have a realistic, common understanding of practice and management issues to be tackled. As a result, some significant recent progress has been achieved in addressing most of the issues identified.
39. Managers and staff demonstrate commitment to sustaining improvements, with a realistic understanding of immediate work pressures. However, in regard to some issues such as changes in the legal aid system in the near future, there has yet to be sufficient consideration of the potential impact on demand.

## **Quality of provision**

### **Service responsiveness**

#### **Grade 3 (adequate)**

40. Service responsiveness is adequate. Appropriate action has been taken to reduce avoidable delay in allocation, intervention and reporting on cases. Practitioners and managers are aware of the need to provide a timely service to children and families.
41. Across the range of national performance indicators, and other measures, timeliness has improved significantly in a number of areas as a result of effective work in national and local Cafcass processes. For instance, the average time for requests for police and Local Authority checks and for the return of these checks has improved significantly. The timeliness of Schedule 2 letters is improving but there are delays in obtaining all necessary information from Local Authorities.
42. Timeliness of allocation in public and private law work is in line with national figures or slightly better, which is a considerable achievement. Filing times for Section 7 reports are now meeting the timescales agreed with the judiciary, although still slightly longer than average national performance figures.

## **Case planning and recording**

### **Grade 3 (adequate)**

43. Case recording and planning are adequate. Case planning generally contributes to improving outcomes for young people and to ensuring proportionate working. Plans are based on sufficient assessment of the key issues in the case but the Cafcass template does not sufficiently encourage practitioners to identify the purpose of the actions in the case plan. However, the inspection and an internal Healthcheck both concluded that planning is variable. The internal audit identified a number of steps to improve practice, although it is too early to fully assess their impact.
44. Some plans are clear and the key issues identified for the adult parties involved are specified. However, case plans are not always sufficiently specific about the work that needs to be undertaken. In some cases seen by inspectors the work undertaken did not match the case plan, for instance, where a child had not been seen to ascertain their wishes and feelings despite an appropriate case plan specifying that this was to be done. In addition, no rationale is provided as to why certain aspects of case plans are not implemented and there is insufficient monitoring of this issue.
45. Contact logs are not consistently robust in demonstrating the sequence and content of work undertaken and do not provide detailed or consistent recording. Evidence of management oversight within the contact log is not consistently robust. Some do not contain sufficient evidence to support the content of the report.
46. In the majority of cases, in which inspectors observed interviews with service users, staff had prepared appropriately for the meeting and created clear and appropriate interview plans. Overall, families were well-informed about what the practitioner intended to cover in the interview but this was not consistent in all cases.

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

### **Grade 3 (adequate)**

47. The quality of direct work undertaken by practitioners observed by inspectors is too variable. In most cases the need for a Section 7 report and the type of report requested is appropriate but in some cases seen the rationale for the report and for the consequent recommendations was not clear. In public law cases, local authority plans are effectively assessed and local authority managers spoke positively about the work of Cafcass staff in challenging their views.
48. Consistently good engagement with service users was seen by inspectors. Adults are appropriately involved in assessments and practitioners engaged with adults appropriately. Direct work with children was at least adequate and

inspectors saw examples of sensitive direct work which enabled them to speak openly about their relationships within their family. However, in a small number of cases children were not spoken to because they were considered to be too young to verbalise. Practitioners did not consider alternative methods of communication and this limited the extent to which their wishes and feelings could be assessed and reported on.

49. Service user confidentiality was ensured for office based sessions and these locations are appropriately equipped and child-friendly. However, within the court environment sensitive discussions were not always undertaken within a sufficiently confidential way.
50. The consideration of equality and diversity issues is adequate and almost all assessments include reference to the child's ethnicity, language, religion and disability. Inspectors saw examples where equality and diversity issues were considered thoroughly to contribute to the assessment of the strengths and vulnerabilities for the child as well as those of the parent. However, it is not always clear how this information is used in direct work with children. Managers are aware of this issue and action has been taken to produce improvements.

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

### **Grade 3 (adequate)**

1. The quality of Schedule 2 letters is too variable, with some examples of clear analysis of safeguarding issues and advice. Some audits have appropriately identified areas for improvement and have led to improvements in practice.
51. Reporting and recommendations to the court are adequate. The quality of court reports is too variable, the majority being adequate and a few were of poor quality. Most reports to court contain an appropriate range of information, although some included extraneous material that did not contribute to an understanding of the child's needs wishes or feelings. Many incorporated references to the child's characteristics or interests that were not relevant to the matters before the court.
52. Almost all reports retained the child at the centre of considerations and recommendations to the court. However, there is limited evidence that the recommendations had been fully communicated to the child or parent.
53. Recommendations usually flow from the information and analysis contained within the reports, although some reports were too descriptive, having limited evaluation of the facts and features within the case. In some cases, however, the author made reference to research on understanding issues, as well as good practice materials.
54. The concept of proportionality is being increasingly understood by practitioners.



## Definitions

### Inspection grades

Grade 1 Outstanding

Grade 2 Good

Grade 3 Adequate

Grade 4 Inadequate

### 'No order principle'

Children Act 1989 section 1(5) is known as the 'no order principle'.<sup>1</sup> 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'.<sup>2</sup>

### 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.

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<sup>1</sup> [www.opsi.gov.uk/Acts/acts1989/ukpga\\_19890041\\_en\\_2#pt1-l1g1](http://www.opsi.gov.uk/Acts/acts1989/ukpga_19890041_en_2#pt1-l1g1)

<sup>2</sup> 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. 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 16.4 cases**

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

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

## **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'.<sup>3</sup> 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.

## **Schedule 2 letter**

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

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<sup>3</sup> [www.opsi.gov.uk/acts/acts2002/ukpga\\_20020038\\_en\\_9#pt2-l1g120](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020038_en_9#pt2-l1g120)

## Record of main findings

<b>Cafcass service area (insert CSA Number):</b>	
Overall effectiveness	Adequate
Capacity for improvement	Good
Meeting the needs of service users	
Ambition and prioritisation	Adequate
Performance management	Adequate
Workforce development	Adequate
Partnerships	Adequate
Value for money	Adequate
Safeguarding	Adequate
Evaluation	Adequate
Quality of provision	
Service responsiveness	Adequate
Case planning and recording	Adequate
Assessment, intervention and direct work with children	Adequate
Reporting and recommendations to the court	Adequate