

Ofsted's inspection of Cafcass: Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire

Cafcass A14 service area provides services to children and families in Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire.

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Introduction

1. Ofsted carried out the inspection of service provision by the Children and Family Court Advisory and Support Service (Cafcass) in the A14 service area in the week commencing 11 February 2013.
2. 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.
3. The Cafcass A14 service area provides services to children and families across the local authority areas of Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire. The National Service Director has been in post since April 2012 and was previously the Operational Director for the area. The Head of Service has been in post since 2007 when she had responsibility for the Norfolk and Suffolk area. This was extended to include Essex in 2008 and Bedfordshire, Hertfordshire in 2010 and Buckinghamshire in 2012.
4. The professional staff who provide the social work service to children and families subject to private and public law proceedings are organised in teams in Norwich, Ipswich, Chelmsford, Luton and Milton Keynes. Nine operational service managers manage service delivery, supported by 106 full-time Family Court Advisors (FCAs), 13 part-time FCAs, 22 administrative officers and a designated business manager.
5. 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 senior members of the judiciary, representatives of local authorities, the National Service Director, Head of Service and groups of managers and staff in all offices. Inspectors evaluated schedule 2 letters, private and public law reports and case files. The views of Cafcass adult and child service users were surveyed at a time before the inspection. The inspectors observed Cafcass practice with service users, including children and young people and interviews with a small number of adult service users.

Overall effectiveness

Grade 2 (Good)

6. The overall effectiveness of the Cafcass Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire service area is good.
7. A well-established and competent management team is supported by an increasingly stable and experienced workforce to deliver child-focused and timely assessments, interventions and reports for court. The service knows itself well and has a significant track record of sustained improvement. Good planning is based on a thorough system of internal audits and quality assurance which results in well-evidenced evaluation. As a result, practice is satisfactory in all areas and good in many. Deficits are well understood with appropriate strategies in place to address them, including the targeted use of the National Improvement Service (NIS). Performance information is used effectively and financial management is robust. Value for money is achieved through regular review of resources to ensure their effective deployment. Safeguarding is a key priority for the area and managers and practitioners are skilled in the recognition of risk to children. A culture of learning and development is well-embedded across the area and all staff are committed to providing high quality services. Partnerships with key partners are effective and consultation with service users is improving. Service responsiveness is good and reports are allocated, commenced and filed in a timely manner. Schedule 2 letters and reports are based on a comprehensive range of evidence and offer recommendations that ensure that the best interests of children are prioritised.
8. However, equality and diversity issues are not sufficiently considered in assessments and the standard of presentation of schedule 2 letters and reports is not sufficiently high. In some parts of the area, systems to share information with local authorities are not sufficiently robust.

Capacity for improvement

Grade 2 (Good)

9. Capacity to improve is good. The Head of Service and managers share a clear vision for the Cafcass Service Area (CSA) in aiming to provide 'the right report, first time.' To achieve this, they have gained an accurate and shared understanding of the strengths and weaknesses of the area. As a result, business planning is robust and focuses on addressing the key areas for improvement and also recognises the planning needed to address the impact of national and legislative changes to the family justice system. Performance against key performance indicators is good and where shortfalls are recognised, effective action is taken to address these. Systems to manage performance and quality assurance are in place and these drive improvements in the services, particularly in improving the quality of case planning and recording. Value for money is strong and, through effective re-allocation of resources, the area has successfully increased its throughput of work without impacting on timeliness. The recent re-alignment of the role of business support staff to monitor the progress of cases ensures that work commences in a timely manner. Change is managed well and effective systems are in place to recruit and retain a stable and suitably experienced workforce.
10. Partnerships with statutory stakeholders are effective and improving and the active involvement of managers in local family justice boards has resulted in targeted work to address long-standing issues. Some limited work has been undertaken to gain the views of stakeholders and a pilot service user engagement project has started with the intention being to roll this out nationally.

Areas for improvement

11. In order to improve the quality of provision and services for children and young people in Cafcass Essex, Suffolk, Norfolk, Hertfordshire, Bedfordshire and Buckinghamshire, the service area should take the following action.

Within three months

- improve the consistency of recording so that key activities in cases are clearly recorded and progress can be monitored effectively
- establish an escalation policy with local authorities to ensure that local difficulties in relation to information sharing are resolved in a timely manner

Within six months

- implement robust systems to monitor case plans to ensure that they remain focused on the changing needs of the child and the timely completion of the case
- ensure that case plans are shared with children and their families at the earliest opportunity so that they understand the work that will be undertaken to prepare the report for court
- ensure that the impact of issues of diversity is considered routinely as part of all work undertaken within the CSA.

Meeting the needs of service users

Ambition and prioritisation

Grade 2 (Good)

12. Ambition and prioritisation are good overall. The Head of Service and service managers have a clear, shared vision for the CSA and effectively model this through the provision of strong, visible leadership that is having a positive impact across the whole service area. The incremental enlargement of the area over the last four years has been managed well. Managers have worked hard to ensure that the significant improvements needed in service delivery in some areas have not been made at the expense of other teams. As a result, the Head of Service and the management team have retained staff and motivation has remained high throughout this period of extensive reorganisation. Local managers have created a culture that is child focused and also supportive of the needs of practitioners in terms of training and support. Staff are positive about the changes that have been made, such as the provision of more child-friendly office accommodation and aligned business support staff, and feel well informed as a result of good communication by managers and the wider organisation.
13. Progress is regularly reviewed through national and local health checks and audits, for example of the Early Intervention Team (EIT) and through performance and learning reviews (PLRs), and effective action is taken to address shortfalls. The timeliness of allocations and filing times for reports and schedule 2 letters have improved as a result of good business systems.
14. Commissioned services are being used effectively to improve outcomes for children and young people, with increasing use of parenting information programmes and domestic violence perpetrator programmes, and regular meetings are held with providers to ensure that services are used effectively.
15. Managers demonstrate a strong culture of safeguarding which is reflected by practitioners in their work with children and families. Investment in creating a highly skilled EIT has resulted in safeguarding concerns being identified quickly and appropriate action taken. However, further work is required with local authorities to ensure that there is a common understanding of thresholds for referrals.
16. Practitioners are aware of the need to ensure that the child's identity is well considered in assessments and reports, although this is yet to be fully achieved.

Performance management

Grade 3 (Adequate)

17. Performance management is adequate overall. The service area meets government targets for the key performance indicators. Performance overall shows an improving trend for the key performance indicators, and for other indicators such as the number of new Rule 16.4 appointments made and the duration of care cases.
18. Performance and financial management and evaluation are in place and have led to improvements in outcomes for children with more timely completion of cases. Performance information is used well by managers to monitor and understand the work of the area. Remedial action is taken in a timely manner to ensure that services are consistently available across the area, for example in allocating additional staff to teams where there has been an increased workload. Performance information is also provided at an individual level, which enables managers to target learning and development appropriately. Staff are regularly informed and consulted about performance priorities of the area through discussion at team meetings and regular bulletins from the Head of Service and, as a result, understand them and their role in achieving these.
19. However, systems to monitor some activities are not sufficiently robust. Despite concerns about the quality of responses to referrals by some local authorities, information about referrals and responses is not collated which means that the extent and type of these concerns have not been fully understood. The area is aware of this deficit and has recently begun to collate this information within the Early Intervention Team. While the use of expert assessments is reported to be at a low level, the monitoring of the requests for the use of these assessments is not routinely undertaken leading to some inconsistency in practice and the potential for unnecessary delay in the completion of cases.
20. Quality assurance is adequate and improving. Management oversight of case plans has improved, particularly at the start of a case and at the point of closure, but there is less evidence of management oversight while cases are in progress, which has led to some drift in long running cases. Managers have recognised deficits in case planning and in the quality of reports and are taking appropriate steps to increase oversight and support for staff, including use of the National Improvement Service. However, the range of the quality of work is still too wide across the service area. Some reports and schedule 2 letters seen by inspectors were of inadequate quality, containing significant errors such as names being wrong and key words being omitted, changing the meaning of the information.

21. Learning from complaints and compliments is used to improve practice, for example in aligning the role of business support staff to family court advisers to improve the timeliness of contact when cases are allocated, and in providing smartphones to staff to improve accessibility.

Workforce development

Grade 2 (Good)

22. Workforce development is good. The planning for recruitment and retention of high quality staff is undertaken well across this large and diverse area. The workforce is mostly stable and practitioners are suitably qualified and experienced to undertake their role. However, significant problems in recruiting and retaining staff in one office has resulted in a higher turnover of staff, which has impacted on the quality, though not the timeliness, of work. The use of agency staff and self-employed contractors is limited and used proportionately to support staff shortages and to respond to short term surges in demand. The ethnic composition of the workforce is consistent with that of local communities across the CSA.
23. The service area has a well-embedded culture of learning and staff development. As a result, staff understand and embrace changes at both national and local levels. Comprehensive induction arrangements are in place so that newly appointed staff understand their role in the family justice system. Newly qualified practitioners undertake a placement within a local authority to enhance their skills and former family support workers are being supported to obtain qualified social worker status so that their skills are retained within the agency. The business support staff are recognised and valued as key members of the team. Recent changes in their role to align their work with the progression of individual cases has begun to show an impact with more timely communication with parties at the start of the report process and at the end of involvement with cases.
24. The use of PLRs is well-embedded within the service to track individual performance in a transparent manner. The quality of these reviews has been recently enhanced by the use of disaggregation of performance information at practitioner level to target development needs, including for career progression. Commissioned work from the NIS is used well to address areas for development on both an individual and area-wide level. For example, work that is currently being undertaken across the CSA to improve the quality of case plans is beginning to have an impact in areas where this has been completed. Few practitioners are subject to formal action plans to improve their performance but, where these are in place, appropriate action is taken to address areas of concern.

25. Sickness absence is carefully monitored and overall sickness rates remain relatively stable. Effective action has been taken to tackle long-term absence and a number of cases have been successfully resolved recently. Inspectors saw good evidence to support the well-being of staff, including resilience training which has been well-received by practitioners.
26. Caseloads between teams vary considerably and plans are underway ensure more equitable caseloads by the re-allocation of FCA posts. However, in discussions with inspectors, the majority of practitioners in these areas felt that their caseloads were 'busy but manageable.' Managers at all levels are competent and demonstrate strong and consistent leadership. As a result, staff morale is good and staff express a high degree of confidence in local managers across the area.

Partnerships

Grade 2 (Good)

27. Arrangements for working with key stakeholders, relevant agencies, community groups and commissioned services are good overall.
28. Working relationships with the judiciary, at both a strategic and operational level, are strong. Through effective communication, the understanding of proportionate working is understood by the courts. As a result, almost all reports ordered by the courts have a clear welfare or safeguarding focus and the use of addenda and sequential reporting is reducing. Where areas of practice have resulted in delay, for example by a high number of Rule 16.4 appointments in a particular court area, protocols have been established to improve consistency in their use. As a result, there has been a significant reduction in new orders. On an operational level, an effective court protocol properly defines the role of FCAs as court officers and this, combined with the deployment of appropriately skilled workers at court, contributes to the effective throughput of work within the court arena.
29. Local authorities, who contributed to the inspection, felt that relationships with Cafcass were effective and improving. Quarterly liaison meetings between operational managers and individual local authorities have resulted in improved communication between agencies and the resolution of areas of concern at the earliest opportunity. Long-established working relationships between managers in some parts of the area have resulted in some effective joint working in training activities and regular liaison with some adoption services and independent reviewing officers. Additionally, in local authorities, where timely conclusions of care cases have been problematic, the area has worked with local authority colleagues to provide more focused and timely

services. In one area, for example, plans are in place to allocate a designated Children's Guardian to work with local authority colleagues from the start of the Public Law Outline (PLO) process. The Head of Service effectively uses her role as a member of the strategic East of England Safeguarding group to highlight the safeguarding needs of children in the family justice system.

30. The local Cafcass area works effectively as a core member of local family justice boards, recognising their role as the key strategic partnership in steering family justice policy. Managers use their influence appropriately to address the most important issues that impact on effective service delivery. A significant concern, in some parts of the area, has been the ability of the partnership to meet the new target to reduce the time taken to complete public law cases. As a result, targeted 'common interest groups' have been established with the support of the Cafcass Chief Executive to try to resolve these issues and improve performance.
31. Work with commissioned and contracted services is well-established and their use is in line with the national average. Some local links have been made with community groups on an 'ad hoc' basis but the area recognises the benefits from establishing community links in a more systematic manner. Consultation with service users has been limited and managers are aware that this is an area for development. Some work has been undertaken with the Cafcass 'Young Inspectors' who were consulted as part of the planning process for new offices in Norwich and Chelmsford. Some other consultation with service users has been undertaken through comments boxes in the reception areas of offices. From a limited response, some changes have been made which include more timely contact with the allocated practitioner. To improve the use of overall feedback from service users, the area has been involved in a service user feedback pilot since December 2012 to obtain the views of children and young people at the completion of private law proceedings. If successful, it is intended that the project will be rolled out across all Cafcass areas.

Value for money

Grade 2 (Good)

32. Value for money is good overall. Key performance indicators are consistently met across the CSA. Work is allocated in a timely manner and almost all S7 reports are filed within agreed filing times. Resources are well managed to ensure effective and efficient delivery of services and are supported by good financial monitoring systems. The effective deployment of resources to provide early intervention work assists the court to make clear and appropriate orders. This, underpinned by a clear understanding of

proportionate working, has resulted in the area absorbing a significant increase in demand while maintaining good performance.

33. Financial monitoring is good and the Head of Service has remained within budget for the last three years and through a number of reconfigurations of the area. The allocation of resources is regularly reviewed and work is re-allocated across teams to reflect changing demands. Where there are significant and long standing resource deficits in specific local offices, planning has been undertaken to permanently re-allocate posts across the teams. A preferred provider list of self-employed contractors is used to ensure that high quality staff can be deployed quickly to cover short term increases in demand.
34. Commissioned services are used well to enhance the work of the service and to support families. The usage of SPIP's is above the national average and FCAs use contact activities well to support their work with families.

Safeguarding

Grade 2 (Good)

35. The contribution of the service area to safeguarding children and young people is good. Staff and managers across the service area give the highest priority to safeguarding with risks of harm properly identified, analysed and reported to the court. During the inspection, no cases were referred back to the service area as a result of deficits in safeguarding practice. Schedule 2 letters have a clear focus on presenting safeguarding issues to the court. Other reports to the court are child focused with good risk assessments which form the basis of sound decision making and recommendations. Workers are alert to a wide range of safeguarding issues including a sound understanding of the impact of domestic abuse on children. Many practitioners regularly use a range of evidence-based assessment tools to determine risks to children and make plans based on the outcomes of these assessments. Managers provide strong oversight to the identification of the likelihood of harm and risks to children. In almost all cases, initial case plans robustly consider risks to which children may be exposed and action required to reduce them. Quality assurance frameworks equally provide a strong focus on safeguarding. When children experience or are identified as being at risk of significant harm, appropriate and prompt referrals are made to the local authority. Additionally, appropriate information is shared with multi-agency risk assessment conferences (MARAC) or, where appropriate, the local authority designated officer (LADO). While some good examples were seen, information sharing by some local authorities within the service area is not of sufficiently good quality or timely. Delays in receiving appropriate information promptly from a small

number of local authorities reduces the robustness of risk assessments. The CSA is aware of this deficit and has plans in place to address this.

36. Until recently, the area had contributed to local safeguarding children boards (LSCB) at the nationally defined level of annual attendance at meetings, although a number of managers continued involvement through chairing and attending sub-groups. This level of involvement has been recognised by the service area as insufficient. As a result, each board now has a designated service manager who is expected to contribute fully to their work but this initiative has yet to show a direct impact on practice. Learning from serious case reviews is used well across the area to develop safeguarding practice and inspectors saw direct changes in working practices resulting from learning from the outcomes of serious case reviews.
37. Premises where practitioners meet with families are appropriately child friendly although sound confidentiality in two offices is not sufficient. Conversations are easily audible in adjoining rooms. Increasingly, practitioners meet with children in venues in the community which are familiar to them.

Evaluation

Grade 2 (Good)

38. Evaluation is good overall. The use of evaluation is well-embedded to monitor and improve services. As a result, the service area has an accurate understanding of its strengths and weaknesses and business planning processes properly address these. Performance against local and national priorities is monitored closely and improvements have been achieved such as in timely case allocation and filing times. Where anomalies in performance are highlighted, for example in the low conversion rates of schedule 2 letters to reports in one area, the reasons for this were properly reviewed to ensure that this was not linked to any performance issues in the team.
39. All staff are well informed about where practice needs to improve and, on an individual level, the performance of practitioners is evaluated regularly and actions are targeted to ensure improvement. Findings from complaints are analysed and the learning is used to improve the quality of the service. Evaluation of practice as a result of a serious case review has resulted in improvements to the system for the allocation of cases within the early intervention team, ensuring continuity of practitioner, and improvements to evidence gathering at the beginning of a case.

Quality of provision

Service responsiveness

Grade 2 (Good)

40. Service responsiveness is good overall. The Cafcass service area has taken robust and effective steps to tackle avoidable delay in service provision which has resulted in sustained high performance against key indicators. Performance for the timely allocation and filing of reports is good and has been continuously improving over a considerable period, despite a considerable increase in the demand in private law applications. Requests for extensions to filing dates or addendum reports are limited and those seen by inspectors are relevant to the needs of the case. Public law average times from application to completion have also consistently reduced over the past year although there are variations in different parts of the area, with parts continuing to exceed 50 weeks. Some long-running problems in completing some public law and Rule 16.4 cases have impacted on the throughput of work in some teams. However, active and constructive work is underway with partners to resolve the reasons for these delays in concluding cases. For example multi-agency professionals meetings have been convened to ensure the progress is made on all long-standing Rule 16.4 cases held within the team.
41. The development of a skilled EIT ensures that thorough and timely information and advice is available at the first hearing. As a result, the reasons for ordering reports are clear and almost all meet the statutory responsibility of Cafcass in the family justice system. All staff are fully aware of, and committed to, the drive to reduce unnecessary delay. Cases in both public law and private law are allocated promptly and FCAs commence work on new cases immediately. The support provided by the developing case coordinator role within business support has positively contributed to work being undertaken in a timely way.

Case planning and recording

Grade 3 (Adequate)

42. Case planning and recording are adequate overall. All cases have a recorded case plan. Almost all recent plans begin with a sound needs assessment and, in the best cases, clear management direction which helps identify key issues and appropriate actions to address these. Case plans that are completed on S7 reports effectively outline the work necessary and these are consistently reviewed at case closure and properly counter-signed by managers. However,

in long running public law and Rule 16.4 cases, the failure to routinely review case planning leads to delays in undertaking planned actions in a sufficiently timely manner and failure to robustly challenge the local authority about delays in accessing appropriate assessments and service. The CSA is aware of deficits in this area of work and has commissioned work with the National Improvement Service to improve the quality of case planning

43. Most case records that were seen as part of the inspection were up to date. However, in a significant number of cases, recording was not sufficiently comprehensive to show the progression of the case or act as an effective audit tool to indicate that key events had taken place. As a result it was not possible to find evidence that case plans and reports had been shared or whether structured assessment tools had been used as part of the assessment process.

Assessment, intervention and direct work with children

Grade 3 (Adequate)

44. Assessment, intervention and direct work with children are adequate overall. Assessments undertaken are child-centred and work is clearly focused on the best interests of the child. In almost all public law cases, local authority assessments and care plans are assessed effectively with appropriate challenge and this adds value to the case and contributes to better outcomes for children. Similarly, most private law cases seen by inspectors had a sound assessment including appropriate focus on risk but in some cases seen the analysis of the presenting information was underdeveloped and some significant areas of needs were not adequately explored. The use of structured assessment tools is increasingly being used to provide an evidence-based focus to assessments, for example, to assess risks posed by parents with drugs misuse problems or histories of domestic abuse. Most interventions were well focused, improved outcomes and were completed in a timely manner. However, in some public law and Rule 16.4 cases, involvement continued longer than was necessary because of a lack of clear focus in the work needed to conclude the case.
45. Appropriate priority is given to seeing and working with children with usually careful consideration given to where a child is seen. Work with children is usually sensitively managed and child centred, supported by the use of tools to communicate and obtain the wishes and feelings of children's.
46. Work undertaken to reduce the unnecessary commissioning of expert reports has been largely successful and in the majority of cases where specialist assessments are used this is appropriate and adds value to the assessment of need.

47. However, responses to identify and address risks arising out of diversity are variable and often inadequate. Inspectors did see some good examples of work that considered the ethnicity of the family as a core part of the assessment, in both schedule 2 letters and public and private reports. However, insufficient attention was given to the assessing the impact of wider issues of the identity of families on the safeguarding and welfare needs of children, particularly in relation to religion and learning disability.

Reporting and recommendations to the court

Grade 2 (Good)

48. Reporting and recommendations to the court are good. Schedule 2 letters are proportionate, clearly written and in almost all cases make appropriate recommendations based on the presented information. They are usually completed in a timely manner and sent to parties prior to the hearing unless there are good reasons not to do so.

49. Inspectors saw some good examples in public and private law proceedings of concise, well written court reports where all relevant information was considered and evaluated. This results in appropriate recommendations and supported improved outcomes for children. The 'No order principle' is considered well as a potential outcome for the case and the majority of recommendations are relevant to the current circumstances of the child, proportionate to the powers of the court and in most cases add value and promoted better outcomes for children. The reports are valued by the judiciary who believe them to be well balanced and thorough and make a significant contribution to ensuring that orders are made in the best interests of the children.

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'.¹ 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'.²

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

¹ www.opsi.gov.uk/Acts/acts1989/ukpga_19890041_en_2#pt1-l1g1

² See footnote 1.

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.

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'.³ 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.

³ www.opsi.gov.uk/acts/acts2002/ukpga_20020038_en_9#pt2-l1g120

Record of main findings

Cafcass service area A14	
Overall effectiveness	Good
Capacity for improvement	Good
Meeting the needs of service users	
Ambition and prioritisation	Good
Performance management	Adequate
Workforce development	Good
Partnerships	Good
Value for money	Good
Safeguarding	Good
Evaluation	Good
Quality of provision	
Service responsiveness	Good
Case planning and recording	Adequate
Assessment, intervention and direct work with children	Adequate
Reporting and recommendations to the court	Good