

Ofsted's inspection of Cafcass East Midlands

Key challenges and opportunities

An inspection of service provision by the Children and Family Court Advisory and Support Service (Cafcass) to children and families in the East Midlands.

The East Midlands region comprises Derbyshire, Leicestershire, Lincolnshire, Nottinghamshire, Northamptonshire and Rutland. The inspection fieldwork was carried out in June and July 2007.

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Following the implementation of the proposals in the consultation paper A single inspectorate for children and learners (July 2005) and the Education and Inspections Act 2006, the Office for Standards in Education, Children's Services and Skills (Ofsted) was established in April 2007.

From that date responsibility for the inspection of the Children and Family Court Advisory and Support Service (Cafcass) transferred to Ofsted from Her Majesty's Inspectorate of Court Administration (HMICA).

The Education and Inspections Act 2006 section 143 states that Her Majesty's Chief Inspector must:

- inspect the performance of Cafcass functions
- make a written report on it
- send copies of the report to the Secretary of State and to Cafcass
- arrange for the report to be published.

Sections 144 and 145 set out powers to:

- enter for the purpose of the inspection any premises occupied by Cafcass
- inspect, take copies of or take away any documents kept by Cafcass
- require any person holding or accountable for any documents to produce them including those kept on computer.

When the Department for Education and Skills was divided in June 2007, responsibility for Cafcass transferred to the new Department for Children, Schools and Families (DCSF).

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Foreword

This is the first inspection report to be published by Ofsted about the Children and Family Court Advisory and Support Service (Cafcass) since the duty to inspect it came within our remit. Cafcass has statutory functions to provide a social work service to children and families who are involved in family proceedings and where the welfare of children is, or may be, in question. Children and young people are very vulnerable during such proceedings and the courts are charged with making key decisions about their lives. These decisions rely heavily on the advice which the courts receive from Cafcass.

The overall aim of the inspection of Cafcass in the East Midlands was to assess the quality of service, front line practice and management in the region. Cafcass East Midlands performs well for many of its key performance indicators and I am pleased to report that there are some positive findings and judgements. However, the main judgement is that front line delivery is inadequate and needs to improve urgently. Ofsted is concerned that the existing key performance indicators, focusing on process rather than outcomes, omit crucial areas such as the quality of front line services to children and young people.

Cafcass East Midlands region has some strengths. These include the timeliness of the allocation of work, good relationships with partners in both the statutory and voluntary sector, constructive responses to complaints, and the sound management of its financial resources.

Ofsted has made 10 recommendations for the region, and for Cafcass more broadly, to address in order to help ensure that services deliver better outcomes for children, young people and families. Ofsted will continue to monitor the improvement of planning closely. However, planning is not in itself an outcome. Cafcass must translate its current and future efforts into improved outcomes for all the children, young people and families who receive its service. Ofsted will continue to work with Cafcass East Midlands region to ensure that children's needs are at the heart of our mutual agenda to transform practice.

Michael Hart
Director
Children's Directorate
Ofsted

Definitions

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.

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.

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.

Private and public family law are not entirely separate. Arrangements are more flexible. For example, where in private law family proceedings it appears to the court that it may be appropriate for a care order to be made, the court may direct the local authority to investigate.

The Private Law Programme, 2004, defines the way private law proceedings under Part II of the Children Act 1989 are managed. Where an application is made to the court under Part II of the Children Act 1989 the welfare of the child will be safeguarded by the application of the overriding objective of the family justice system in three respects:

- dispute resolution at a first hearing
- effective court control including monitoring outcomes against aims
- flexible facilitation and referrals (matching resources to families).

The Public Law Outline will replace the existing judicial protocol for management of public law proceedings in April 2008. This is one of two key strands of work that are being taken forward following the review of the childcare proceedings system in England and Wales. The review was published jointly by the Department for Constitutional Affairs, the Department for Education and Skills and the Welsh Assembly Government in May 2006 and is available from www.dca.gov.uk/publications/reports_reviews/childcare_ps.pdf. The second is the revised statutory guidance (Children Act 1989 Guidance and Regulations – Volume 1)

to support local authorities in preparing care applications, which is due to be issued by the Department for Children, Schools and Families and the Welsh Assembly Government.

'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' (C Prest and S Wildblood, *Children law: an interdisciplinary handbook*, ISBN 0853089442, Jordans, 2005, p312).

Family court adviser

Family court adviser (FCA) is Cafcass's generic title for officers of the service who undertake a variety of roles set out in court rules, including children's guardian, guardian ad litem, children and family reporter, parental order reporter and reporting officer.

Gradings

The gradings used in this report are those formerly used by HMICA. All inspection gradings are currently under review by Ofsted to ensure consistency across all inspection:

- Excellent: where practice is evidenced as well above the minimum requirement, consistently innovative and making a full contribution to improved outcomes for children
- Good: where practice is demonstrated to be above the minimum requirement with some innovation and some contribution to improved outcomes for children
- Adequate: where minimum practice requirements are met but there is no significant innovation or significant contribution to improved outcomes for children
- Inadequate: where minimum requirements are not met and little or no contribution is made to improved outcomes for children.

Requirements are set out in the Ofsted framework for the inspection of Cafcass, available from www.ofsted.gov.uk/publications/070238. The framework is based on statutory requirements, case law, research, best practice guidance, Cafcass's national standards and other relevant standards. Proportions are expressed as follows: 'almost all' means over 80%; 'most' means over 65%; 'majority' means over 51%; and 'few' means less than 20%.

Every Child Matters outcomes

The Government's aim is for every child, whatever their background or their circumstances, to have the support they need to:

- Be healthy
- Stay safe
- Enjoy and achieve
- Make a positive contribution
- Achieve economic well-being.

Visit www.everychildmatters.gov.uk/aims for further information.

Summary and recommendations

Focus

The overall aim of this inspection was to assess and make recommendations to Cafcass on the quality of service, front line practice and management of its East Midlands region. The inspection involved scrutiny of case files, court reports and other documentary evidence. Inspectors met with a range of staff and managers from Cafcass and with key stakeholders. Ofsted surveyed the views of children and adult service users, as well as observing Cafcass officers working with children and families.

Key findings: the quality of practitioners' work with children and families

The East Midlands region of Cafcass has a track record of performing well against many of the measures set by government. Where this performance is most successful the measures are of processes rather than outcome, for example the region allocates work in a timely manner. However, inspectors found serious and significant deficits in the service it delivers to children, young people and families involved in family proceedings, particularly in private law.¹

Safeguarding

Most serious is the lack of consistency in safeguarding the welfare of some children and young people. Inspectors found an unacceptable number of instances where they could not be assured that a child's safety or welfare was being safeguarded. Some cases were of such concern that inspectors had to ask Cafcass to take immediate action to satisfy itself that children were indeed safe. Some other instances concerned deficits in practitioners' recording practice.

¹ See definition on page 6.

Case planning and management

Inspectors found an unacceptable number of case files and case plans to be of an inadequate standard. Many case files did not provide evidence that planning and intervention were proportionate to the child's needs. Inspectors concluded that too great a number of practitioners concentrate on writing down what has happened rather than concentrating on the very important task of analysing and evaluating information.

Assessment

Inspectors could not find evidence of a consistent assessment model in use by staff to aid and guide their practice. Ofsted recognises that the national organisation has developed practice models and is in the process of rolling these out, but at the time of the inspection they were not evident in the region's front line practice.

Court reports

Overall, public law reports were of a better standard than private law reports.² Key faults in inadequate reports included: lack of clarity over criteria used in assessment; failure to make statements relevant to the conclusions; insufficient evidence to support statements; lack of focus on the wishes and feelings of children; and failure to evaluate the options available to the court, particularly the implementation of the 'no order principle'.³

Service user views

Service users, both adults and children, reported that they are mostly satisfied with the service they have received. However, a significant minority are dissatisfied. The region recognises that it has progress to make in improving both its methods for seeking user views and the level of user satisfaction achieved.

Inspectors did find examples of good and adequate practice where the needs of children and young people were met. But the prevalence of inadequate practice leaves Ofsted concerned about the quality of some of the services provided by Cafcass in the East Midlands.

Key findings: systems to support and assure work with children and families

Quality assurance

The national organisation has developed and the region put into operation systems to quality assure practice. Although this is a positive development, these systems are

² See definition on page 6.

³ See definition on page 7.

not yet effective in challenging inadequate practice and delivering improvement. Supervision and appraisal systems concentrate insufficiently on monitoring the performance of practice and providing constructive criticism.

Performance management

The region has some experience of achieving improvement through the use of performance management, for example in diversity monitoring. However, this ability has not yet been used to improve front line practice.

Race and diversity

The region has greatly improved diversity monitoring. Although this is a positive, inspectors are concerned that the lack of evidence of any impact assessment activity and the failure to achieve a more representative workforce remain areas of weakness.

Leadership and management

The region has developed business plans and risk assessments, and has provided first line managers with appropriate key priorities. However, these initiatives have yet to deliver the necessary impact on front line practice. Inspectors found evidence of a cultural shift towards becoming a more managed service, but also saw a continued influence from the traditional self-directed practitioner approach.

In contrast, inspectors found that the region has good relationships with its partner agencies in both the statutory and voluntary sectors. The region demonstrates sound management of its financial resources and is performing well in its response to complaints.

Managers in the East Midlands region have acknowledged many of the shortcomings identified by Ofsted. Plans to drive up the quality of practice are in place but have yet to result in sufficient or sustained improvement.

Prospects for improvement

Inspectors have identified a number of areas as indicating prospects for improvement. These include evidence of willingness amongst staff and managers to achieve greater accountability for the work and improved practice through regional and team level planning. Ofsted concludes that these prospects for improvement, if fully implemented, could raise many future judgements to adequate.

Recommendations

Ofsted makes 10 recommendations to help Cafcass improve practice and service outcomes for children. The recommendations cover:

- quality of case planning and recording
- guidance in assessing drug using parents
- guidance in the application of the 'no order principle'⁴
- assuring the quality of safeguarding practice
- strengthening quality assurance
- effectiveness of supervision
- information for service users on how to complain
- management priorities
- collaborative work with partner agencies
- the impact of training.

Recommendation 1

Cafcass should take steps to ensure a good quality of case planning and case recording and that accountability is demonstrable through effective management oversight.

Recommendation 2

Cafcass should develop practice guidance on the assessment of drug using parents in relation to contact.

Recommendation 3

Cafcass should update its guidance for practitioners about the application of the 'no order principle' and ensure that this is underpinned by necessary training.⁵

Recommendation 4

In order to make sure that all Cafcass child protection and safeguarding practices are of an adequate standard, a thorough audit should be undertaken of the work across all teams to ensure that this work is subject to rigorous quality assurance and compliant with guidance.

Recommendation 5

In order to strengthen the quality assurance of reports to court and to raise overall reporting standards, Cafcass should review its use of peer participation and introduce more robust arrangements including an increased role for senior managers.

Recommendation 6

In order to improve management of performance and quality of practice, Cafcass should review and strengthen its guidance, particularly around the role and responsibilities of managers, in support of the supervision policy.

⁴ See definition on page 7.

⁵ See definition on page 7.

Recommendation 7

Cafcass needs to ensure that information about complaints procedures reaches the significant minority of service users who report that they do not know how to make a complaint.

Recommendation 8

In the context of organisational change, Cafcass should ensure that service managers understand and implement stated priorities on the improvement agenda.

Recommendation 9

Cafcass should explore further opportunities for collaborative work with those partners it has a contract with or grant aids.

Recommendation 10

Cafcass should develop systems to measure the impact and outcome of staff training, to capture these and to ensure that learning is embedded in practice.

Introduction

1. The aim of this inspection was to inspect and report to ministers and make recommendations to Cafcass on the quality of front line services and practice and the management of Cafcass East Midlands.
2. The inspection report is divided into three sections: the quality of practitioners' work with children and families; systems to support and assure work with children and families; and prospects for improvement.
3. The region covers Derbyshire, Leicestershire, Lincolnshire, Northamptonshire, Nottinghamshire and Rutland. The inspection fieldwork was carried out in June and July 2007. The methodology is in Annex B.
4. At the time of this inspection Cafcass was restructuring in England. An outcome of this is that the East Midlands region will cease to exist as a distinct entity. However, local Cafcass teams will continue to deliver front line services.
5. Recommendations contained in the report are based solely on evidence from the East Midlands region. Cafcass may judge that some of the issues raised under the recommendations also reflect wider practice nationally and would be most appropriately addressed across the whole organisation, while others are solely regional matters.

6. Cafcass is part of the wider family justice system and this is also subject to considerable change and development. The roll-out of the Private Law Programme and the Public Law Outline provide challenges for Cafcass and its family justice partners.⁶

The quality of practitioners' work with children and families

General assessment

Overall, the quality of practitioners' work with children and families in the East Midlands region is inadequate.

Of concern is the unacceptable number of instances where Cafcass has failed to ensure the safeguarding of the children and young people to whom it is providing a service. The proportion of case records, case plans and court reports judged by inspectors as inadequate is not acceptable.

The region's delivery of services to children and their families is not sufficiently consistent; where work is adequate or good, overall delivery is undermined by levels of unsatisfactory practice.

Case planning and management

7. In this section Ofsted assesses the extent to which:
 - there is compliance with Cafcass policy
 - case planning and management is of a good standard
 - case records are capable of demonstrating accountability through management oversight.
8. The timely allocation of work to family court advisers (FCAs) is a priority set for Cafcass by government and is subject to key performance indicators.⁷ The East Midlands region consistently performs well on this measure and inspectors saw evidence of timely allocation of cases, which is **excellent**.⁸
9. Inspectors read 33 case files and assessed them against a standardised checklist.⁹
10. Inspectors expect an FCA to plan and adequately record their work with children and families. Cafcass policy states that 'the professional case file is a tool for the practitioner and a record of practice in terms of information

⁶ See definition on page 6.

⁷ See definition on page 7.

⁸ See definition on page 7.

⁹ Wherever inspectors assess or grade an FCA's work a standardised checklist is used. This checklist is based on Cafcass's own policy, procedure and standards, and on accepted social work standards such as the National Occupational Standards for Social Work.

gathered and evidence obtained to support a professional assessment.¹⁰ When reading case files inspectors found insufficient evidence to show that the planning and intervention in each case was proportionate to the child's needs.

11. In one example of inadequate practice, inspectors found that notes that had been made on the back of a court list had been retained in a case file. This list contained confidential information including court applications with names and addresses of children and adults of no relevance to Cafcass. This poor practice demonstrated a lack of management oversight and inattention to data protection issues, including confidentiality.
12. The Cafcass policy states that 'the practitioners' notes provide the basis for reports and the analysis leading to her/his recommendation.' Furthermore, the policy underlines this standard by quoting authoritative judicial guidance¹¹ on the matter and quotes Lord Laming:

'the case file is the single most important tool available to social workers and their managers when making decisions as to how best to safeguard the welfare of children under their care. It should clearly and accessibly record the available information concerning the child and the action that has been taken on the case to date.'¹²
13. Another example of inadequate practice concerns a significant omission in case recording. The court report detailed the actual words of the children regarding their wishes and feelings. This is good practice; however, while the case file recorded aspects of the home visit at which these wishes and feelings were ascertained, including a description of being shown the children's bedroom, it contained no record of what the children told the FCA. When interviewed, the FCA stated that he had quoted the children 'from memory'.
14. Almost two thirds of case plans did not demonstrate analysis of information. Those that did were assessed by inspectors as demonstrating **adequate** practice.
15. Inspectors found that case file recording at best recorded information about process, but again crucially did not demonstrate evidence of analysis of information. This practice is **inadequate**.
16. In both case recording and court reports, FCAs often make an inference rather than arriving explicitly at an assessment based on evidence. Inspectors consider this is unhelpful as it can lead to different readers reaching different

¹⁰ *Professional record keeping standards, policy and guidance*, Cafcass, October 2006.

¹¹ Munby J, Re L [2002] 2 FLR 730.

¹² The Victoria Climbié Inquiry (January 2003) paragraph 6.623; available from www.victoria-climbié-inquiry.org.uk/finreport/2haringey_analysis.htm.

conclusions. For example, a headteacher's view was quoted as 'H is a popular child and there are no real problems with him other than on occasion he can be stubborn'.¹³ This comment is not made relevant to H's welfare and the reason why it is included is not clear. The words in the report make an inference about H rather than report to court what is specific to H's welfare arising from his education.

17. Inspectors found that managerial oversight of case planning was not evidenced on case files, which is **inadequate**. The issue is explored further in the third section of this report.
18. Overall case planning and management in the region is **inadequate**.

Recommendation 1

Cafcass should take steps to ensure a good quality of case planning and case recording and that accountability is demonstrable through effective management oversight.

Assessment

19. In this section Ofsted assesses the extent to which FCAs' practice with children, young people and families is underpinned and informed by a clear and agreed assessment framework, with identifiable models or tools that are research validated.
20. An agreed assessment model might include the framework for the assessment of children in need and their families.¹⁴ Cafcass nationally has been doing excellent work in this area with the development of its practice 'pathways', its National Standards and its safeguarding framework, which includes an analysis and intervention model.¹⁵
21. Inspectors found no consistent use of any such assessment framework in their analysis of case files and court reports, or in discussion with FCAs. Recent inspections of Cafcass have reported similar findings from around the country.¹⁶ Inspectors found that FCA practice is not supported systematically by knowledge which is based on research and best outcomes. Instead, service

¹³ Names in this report have been changed to protect their identities and preserve confidentiality; the gender of some children has also been changed.

¹⁴ This framework is a systematic approach to gathering information about children in need and their families. It provides all the supporting documentation needed by social workers and agencies involved with the assessment of children in need; available from www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4008144.

¹⁵ The case pathways illustrate how the National Standards apply to each stage of a case in private law, public law and adoption.

¹⁶ *Private law front-line practice*, HMICA, 2006 (www.ofsted.gov.uk/publications/20072011); *Adoption – the new law*, HMICA, 2006 (www.ofsted.gov.uk/publications/20072002); and *Children's guardians and care proceedings*, HMICA, 2007 (www.hmica.gov.uk/pubs_caf.htm).

delivery is determined by the individual experience of FCAs or that of their immediate colleagues.

22. However, there was evidence of some good practice. Inspectors observed 15 interviews of FCAs undertaking assessment activity with children, young people and adults. Most of these interviews were well planned and there was some evidence of FCAs linking their assessments to the Every Child Matters (ECM) outcomes, which is positive.¹⁷

Good practice

One FCA takes a laminated copy of the five ECM outcomes into her initial interviews to help emphasise the importance of her focus on the welfare of the child.

23. An inspector saw the above good practice in operation in a difficult initial interview with a parent in a private law case. While the interview remained challenging, the FCA successfully used the ECM outcomes to bring the discussion back to the best interests of the child.
24. Inspectors conclude that assessment is process led: files, assessments, case plans, contact logs and court reports almost always focus on processes. This emphasises what happened rather than providing an analysis of what this information means in terms of the interests of the child and the proceedings before the court. It was not possible for inspectors to identify how FCAs reached their conclusions and moved their thinking from assessment to a recommendation to the court. Equally, inspectors could not find evidence about how service managers satisfy themselves that FCAs are reaching sound conclusions in order to make the right recommendations to courts about children's lives.
25. Inspectors found an absence of clearly stated criteria, validated by research, for FCAs to use when observing contact between a child and a parent. Inspectors consider this lack of transparency to be unacceptable. From a family's perspective this process may be viewed as unclear or unfair because service users cannot know if they are meeting the criteria or what they are being judged against.
26. There was a similar situation in two interviews where parents seeking contact with their children were cannabis users. Inspectors observed FCAs struggling with how to address this use: they demonstrated confusion over how to quantify the impact of this use in relation to a parent having contact. Echoing the issue raised in the previous paragraph there were no defined criteria on which to assess risk. In both cases, the parent freely admitted to using cannabis and said they had no intention of stopping. One parent had care of

¹⁷ See definition on page 8.

children through another relationship. Although the FCA said she could not comment on that matter, she expressed concern that the cannabis use might affect her decision whether or not to recommend contact. The key issue is that FCAs do not know how to make sense of adult behaviour in terms of its impact on a child's welfare. Concerns are not adequately balanced across all aspects of the welfare checklist.

27. In a further example of inadequate practice inspectors observed an interview where the FCA:
- had prepared an incomplete interview outline
 - did not take into account information that was already available in the file
 - failed to use information about the other applicant's mental health that had been made available by the supervising probation officer with whom the FCA had already spoken
 - assumed the parent being interviewed knew all about Cafcass and its procedures as he had been involved with Cafcass before, although he had not attended previous appointments.
28. There is need for greater consistency in the use of assessment frameworks and the introduction of practice guidelines. Ofsted's overall judgement of assessment work is that it is **inadequate**.

Recommendation 2

Cafcass should develop practice guidance on the assessment of drug using parents in relation to contact.

Court reports

29. In this section Ofsted assesses the extent to which FCAs' court reports:
- are produced in accordance with both national and local guidelines
 - are consistent with Cafcass's statutory functions
 - are focused on the child and their welfare
 - present and analyse relevant information.
30. Using a standardised checklist, inspectors assessed a random sample of 62 reports comprising 33 private law and 29 public law reports.^{18,19} Overall, the public law reports that were inspected were assessed as better than the private

¹⁸ Children Act 1989 section 7: these reports provide the courts with Cafcass advice about applications under section 8 and are mainly about who the child should have contact with and where the child should live.

¹⁹ Children Act 1989 section 31: these are typically applications by local authorities for care or supervision orders where Cafcass not only advises on the child's wishes and feelings but also recommends which course of action available to the court would best promote the child's welfare.

law reports that were inspected. Of the 33 private law reports, one was assessed as good, seven adequate and 25 inadequate. Of the 29 public law reports, six were assessed as good, 14 adequate and nine inadequate. None was assessed as excellent.

31. Where private law reports were assessed as good or adequate they recorded that children had been seen; local authority and police checks had been completed; background information to the proceedings was provided; sensitivity to children and families was demonstrated; and reports were fair to parties and were written in a way that did not exacerbate relations between parties. Good reports represented the voice of children, were based on evidence rather than opinion and, using the welfare checklist in full, made a recommendation to the court that was practical rather than speculative.²⁰ Good reports included only information that was made relevant to best outcomes for children. Such reports did not include advice to parties that was based only on the FCA's personal opinion.
32. Inspectors found in private law reports that there were a number of key features which they assessed as inadequate. These features were:
 - **Assessment** – where the criteria by which assessments were made were unclear or unfair, particularly those assessments made through limited observation of contact between child and parent.
 - **Information excluded** – where FCAs excluded key information about children, such as learning difficulties, or failed to consult other relevant professionals in relation to a child's health, development or education.
 - **Information included** – where this was unnecessary, inappropriate or made implications rather than explicit evaluations. Examples included reference to 'spent' convictions (which were not restricted) and inappropriate descriptions such as a child 'having slightly lower than average ability'.²¹ Inspectors consider that unless information is relevant to the best interests of children and young people and the proceedings it should not be put before the court.
 - **Children's wishes and feelings** – where FCAs failed to include children's views or feelings because of their age and without considering the child's understanding or including reference to their feelings.

²⁰ The Children Act 1989 section 1(3) sets out what is known as the welfare checklist and includes '(e) any harm which he has suffered or is at risk of suffering'. 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'.

²¹ The Rehabilitation of Offenders Act 1974 determines which convictions and when they may become 'spent'.

- **Evidence** – where FCAs did not investigate thoroughly or did not provide evidence to substantiate allegations or assertions made in reports. Similarly, where reports used important terms without clarity such as asserting that ‘the children have clearly suffered emotional distress’ or that a parent ‘misuses drugs’ or ‘does not handle children well or consistently’.
- **Relevance** – the relevance of reporting some statements was not clear. For example, ‘their relationship commenced without their parents’ consent, although once their families learned of the relationship it was agreed they would marry.’ The report does not clarify why the issue of parental consent is mentioned at all. Another example concerned an 11-year-old girl: ‘D has explained that she thinks she will shortly start her menstrual cycle. She will not talk to her father about this but has explained that she feels she has plenty of female adults around her whom she can talk to. D is prepared for her first period. She would appear to have no outstanding needs in this respect.’ Inspectors can see no reason to include such information in an application about contact.
- **Recommendations** – where FCAs made recommendations that were reliant on optimism or had not been discussed with or agreed by the parties to the proceedings. Examples included suggesting specific contact arrangements or attending mediation or therapeutic interventions such as anger management courses.
- **‘No order principle’** – inspectors are concerned that almost all private law reports gave insufficient attention to the ‘no order principle’ and most did not give reasons why it was better to make an order in the case.²² Such practices mean that most reports contain recommendations to the court that fail to take account of a key principle of the Children Act 1989 that there should be minimum state intervention in family life.
- **Welfare issues** – where FCAs completed an investigation and wrote a report to court in cases where no welfare issues were identified. Statute indicates that Cafcass functions operate ‘in respect of family proceedings in which the welfare of children is or may be in question’.²³
- **Expertise** – where FCAs offered views outside their professional expertise such as in relation to mental health.
- **Cafcass report template** – where this was not used by FCAs.
- **Description** – where the report described rather than evaluated information it did not differentiate fact from opinion and failed to give a reasoned assessment of the consequences of the options set out for the court.

²² See definition on page 7.

²³ Criminal Justice and Courts Services Act 2000 section 12 (1).

- **Poorly written** – where reports repeated information unnecessarily, included poor grammar and contained factual mistakes or significant typographical errors.
33. Inspectors conclude that the extent and nature of inadequate private law reports demonstrate that the quality assurance mechanisms (see next section) used in the region are not effective.
34. In public law reports most inspectors scored most reports as adequate, but there were no examples of excellent. The strong areas of these reports were those on assessing children’s needs and issues of harm. Section 31 reports are more robust than section 7 reports in, for example, advising courts on the relative merits of particular orders and why it is better to have a specific order. Reports that were assessed as inadequate had one or more of the following features:
- **Evaluation** – where reports consistently failed to provide an evaluation of the advantages and disadvantages of the local authority care plan for the child.
 - **Repeating information** – as found in private law reports.
 - **Proportionality** – it was difficult for inspectors to find evidence of how children’s guardians had positively influenced the local authority plan to improve outcomes for children and to assess whether their role in the specific case had been proportionate to the needs of the child and complexity of the case.
 - **Children’s wishes and feelings** – inspectors found examples of reports stating ‘the child is too young to express wishes and feelings’. In one example, a report for a four-year-old child included nothing regarding the wishes or feelings of the child. Another report included the following inappropriate comment about an 11-month-old child: ‘J is too young to appreciate the political significance of his circumstances’.
 - **Relevance** – examples of statements where possible relevance was not made clear included ‘their first child was stillborn... P was born by caesarean section’ and ‘The parents live together in a maisonette rented from the LA [local authority]’. If these comments were relevant to the court in arriving at a decision about the child’s best interests, it was not possible for inspectors to see how.
35. Ofsted’s overall judgement is that the quality of court reports is **inadequate**.

Recommendation 3

Cafcass should update its guidance for practitioners about the application of the 'no order principle' and ensure that this is underpinned by necessary training.²⁴

Safeguarding

36. In this section Ofsted assesses Cafcass practice in safeguarding the welfare of children and young people who are the subject of family proceedings.
37. In all cases where there is strong evidence of child abuse, or the need to protect a child, guidance requires Cafcass to refer the matter to the local authority to investigate.²⁵
38. Cafcass policy clearly sets out how the protection of children fits within a broader safeguarding agenda.²⁶ The policy states:
 - 'Professionals in all agencies have a duty to refer a child to Local Authority Children's Social Care when it is believed or suspected that the child
 - (a) either is currently suffering, or is likely to suffer significant harm (S47 Children Act 1989);
 - (b) has developmental and welfare needs which are likely only to be met through provision of family support services (S17 Children Act 1989).'
39. The inspection included the tracking of cases through the reading of reports, scrutiny of case files and interviews with a small number of FCAs. Inspectors found that the region's performance in this area is mixed in quality.
40. During the course of the inspection, inspectors had to refer seven serious issues to the regional director for immediate review to ensure that a child was not left at risk of harm. Inspectors' concerns included: child protection and failure to refer to the local authority; failure to address issues of domestic violence; serious deficits in the quality of case recording; and failure to ensure service user/child safety in one office. Inspectors received prompt feedback on actions taken by the region in response to most of these matters. However, inspectors remain concerned about the robustness of some of the responses and these remain the subject of continued oversight by Ofsted.
41. The most serious issue concerned a case file with an undated handwritten note about the FCA's meeting with the mother in the case. The note stated 'SSD

²⁴ See definition on page 7.

²⁵ *Working together to safeguard children: a guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, 2006; available from <http://www.everychildmatters.gov.uk/socialcare/safeguarding/workingtogether/>.

²⁶ *Cafcass safeguarding framework*, Cafcass, 2006; available from www.cafcass.gov.uk/publications/policies.aspx.

rang mum about K as he has suffered fractured skull'. Nothing was recorded about what Cafcass had done with that information. There was no record about whether Cafcass established whether the injury to the child was accidental or non-accidental. If the latter, the file did not show whether the FCA assessed the relevance of the information to the then live proceedings and child safety in relation to the adults in the case.

42. Inspectors found an unacceptable long standing practice in one office: confidential case files were stored in unlocked filing cabinets in the public waiting area. Inspectors ensured that Cafcass took immediate action to remedy this.
43. Inspectors found examples across the region of adequate safeguarding and child protection practice. Inspectors saw adequate safeguarding, child protection and safe working in 15 direct observations of practice. However, there is also a level of poor practice that is not acceptable. This is recognised in the region where one manager described some practice as, at worst, 'dangerous'.
44. Inspectors discussed the serious cases with Cafcass managers. Their responses ranged from no surprise to 'this is what we would expect to find and you'd find this in other regions'. Inspectors view with concern these responses as showing complacency by some managers in this region. Some FCAs expressed concern to inspectors about safeguarding practice and some service managers were also aware of these issues. However, there was no coherent plan to deal with them. Ofsted considers this to be unacceptable.
45. In addition to those safeguarding and child protection matters referred to regional management during the inspection, other examples of poor practice came to light, including insufficient attention to domestic violence. In one example, a very experienced FCA did not know what to do when the parties' advocates persuaded the court not to go ahead with a finding of fact hearing in a case of domestic violence.²⁷
46. Overall, Ofsted judges safeguarding in the region as **inadequate**.

Recommendation 4

In order to ensure that all Cafcass child protection and safeguarding practices are of an adequate standard, a thorough audit should be undertaken of the work across all teams to ensure that this work is subject to rigorous quality assurance and compliant with guidance.

²⁷ Finding of fact hearings are held to determine whether any allegations of violence are proved to the civil standard of proof, i.e. on the balance of probability. If the allegations are proved, it is a matter for the court to decide their relevance to the proceedings.

Children's and service users' views

47. Forty-five children and young people responded to the Ofsted postal survey; see Annex C for detailed responses. All these young people were subject to private law proceedings. Overall, about two thirds of children and young people reported that work was good, that it made a difference and that they were listened to, although the remaining third reported that they were dissatisfied with the service they had received from Cafcass. Almost all reported that they understood why their Cafcass worker had come to talk with them.

48. Individual comments from children and young people were largely positive and included:²⁸

'I liked the Cafcass worker because she helped me and my family.'

'It was very stressful and scary. I preferred seeing him at home than at the office.'

'A big thank you.'

'Cafcass helped me very much and I want to say "Thank you". They helped me get a relationship back with my dad; slowly so I didn't feel uncomfortable. My brother and I are very grateful that we have a great relationship with both our parents. All thanks to you, thanks for your help.'

'I am so happy now it is just me and my mummy. Thank you for your help. I will enjoy being at home now, there is no argument, it's lovely!'

'I think it is a great idea Cafcass officers because you can tell them things you don't really want to tell your parents.'

'I am glad my Cafcass worker came as they helped me to understand more about what was going on, overall I am very happy now as my worker helped me and my family to get the right outcome.'

49. However, some children and young people expressed a much less positive experience, saying:

'The Cafcass report didn't contain what I said to the Cafcass worker.'

'I could do with more help as the one I seen was useless.'

'Too many Cafcass [officers] came to see me.'

²⁸ The quotes of children and adult service users in this section are taken from written responses to the Ofsted postal survey for this inspection.

50. In answer to the question about race and ethnicity, one young person said:
- ‘Why does it matter? The Cafcass lady twisted my words and said things I didn’t.’
51. Eighty-nine adult service users responded to the Ofsted postal survey; see Annex C for detailed responses. Of these only a very small number were involved in public law proceedings and did not represent a large enough sample to report separately. The following is the aggregated responses from those involved in both private and public law proceedings.
52. As with children, two-thirds of adult service users said they were satisfied that the FCAs knew what they were doing, spent enough time with their child and understood their child’s wishes and feelings. However, about a third of adult service users expressed dissatisfaction with many aspects of the service. Just over half of those who responded said Cafcass was helpful to them and a slightly smaller proportion was happy with the outcome of their case. More than half said things had remained the same or got worse since the Cafcass officer had worked with them.
53. Examples of adult service users expressing their satisfaction with how helpful Cafcass had been included:
- ‘They led to my partner and I sitting down together and deciding what we really wanted for us and the children – I’m not sure this would have happened without Cafcass involvement.’
- ‘The FCA was very helpful. She listened and understood my situation. All the advice she gave me was clear and explained well. Now I get to see my daughter, whereas before I saw [the FCA] I never thought it would happen. She made me feel at ease as I was very nervous. Couldn’t ask for better.’
- ‘It was beneficial to have an impartial third party mediate between both parties. It would have been more helpful to have sessions fully documented to have complete accuracy.’
- ‘Been able to sort some issues out with my ex-partner, and have now got the foundations to build on. Practitioner was easy to get hold of to answer any of my concerns.’
- ‘Helped me to get contact with my son again after one year, also started communication again with my ex-partner.’

'My contact from Cafcass was delightful, understanding, knowledgeable and a support ambassador for an agency that does such wonderful work. Top marks!'

54. Examples of adult service users expressing their dissatisfaction or how unhelpful Cafcass had been included:

'Because of extraordinary circumstances of our case we felt the assigned officer was not qualified to assist in our child's needs.'

'They asked to see my children twice at the office and it would have been better if all the questions were dealt with in one session – in addition to the children being seen at both their homes. (The children were not so happy to go a second time.)'

'My Cafcass officer was intimidated by my ex-husband as I am and seemed to be nervous in his presence. I had advised Cafcass that I didn't want to be in the same room as him and they didn't respect my wishes – I couldn't talk freely because of this. I left the Cafcass office in a terrible state feeling that it was a complete waste of time.'

'Sent correspondence to wrong address, then when I contacted Cafcass I was told the report was already written. Refused to raise vital questions.'

'Did not address serious domestic violence issues appropriately. Did not listen to children's wishes. Filed inaccurate reports for court hearings. No offers of support or advice. Unnecessary distress to my children. Had too biased opinion towards father.'

'The initial response of Cafcass officer was unsympathetic, non-supportive and pushed me towards suicide. It was the unreasonable behaviour of my ex-partner during the process that caused her [Cafcass officer] to change her mind.'

'I just wasn't listened to. Absolutely nothing (financial abuse, domestic violence) was in her remit. My ex-husband stopped contact completely and after three sessions, leaving my four-year-old son bereft and confused. WHAT IS THE POINT OF CAF-CASS???'

'Not strong enough with his decision; he would change his mind about recommendations depending on who he would talk to at the time.'

'The Cafcass officer did not allow the children to voice their opinions. She was unaware of the pressure that the children were under yet consistently refused to take this into account when dealing with them. She did not take into account that many girls instinct to daily bullying would not be able to express themselves.'

55. Inspectors heard the views of a number of fathers. Feedback about Cafcass was mixed with examples of both positive and negative experiences. For example:
- one father rated the first contact with the FCA as good and stated he was clear about the purpose of the contact and what the FCA was assessing
 - another father found their two FCAs' advice and information was not consistent. He said that the FCAs gave him false assurances.
56. In summary, the views of children, young people and adult service users show a very mixed experience of Cafcass East Midlands. Many are positive but there is a significant proportion of people who are dissatisfied. The region has demonstrated a commitment to improving service user feedback, as described later in this report. Taking into account Cafcass-wide developments around user feedback, the region may wish to undertake further survey exercises and set targets for an increased level of user satisfaction.

Systems to support and assure work with children and families

General assessment

Overall, the systems that support and assure work with children and families are inadequate.

Local leadership has shown that it has some strengths, but has been inadequate in its quality assurance functions. Good services are not delivered consistently, which is unacceptable. The region has demonstrated a positive direction of travel which provides some good prospects for improvement. The region has strengths in partnership working, delivering on some key performance indicators and its complaints service, but has yet to extend such standards to the full range of its activities.

Quality assurance

57. In this section Ofsted assesses the East Midlands region's performance in assuring the quality of the work of its practitioners to ensure that practice is delivered to at least minimum acceptable standards and to help drive improvement in outcomes for children and young people.
58. Cafcass has a range of quality assurance mechanisms including a report reading form (QA6), practice observation, supervision and appraisal: the latter two are addressed later in the report.
59. Inspectors found that, although the region's use of these quality assurance processes aspires to good practice, the evidence shows that, in reality, the system is unsatisfactory.

60. As noted in the previous section, the sample of reports read by inspectors was of mixed quality and included a number of inadequate reports. Inspectors also looked at a sample of 88 completed report reading forms, which included those from the report sample; 15 were completed by a service manager and the remainder by a peer FCA. The report reading form requires the person completing it to state whether pre-defined issues have been satisfactorily dealt with. It also provides an opportunity for written comment. Sixty of the 88 had no written comments.

61. Of those that did include written comments most were positive and validated the content of the report, rather than providing constructive challenge or criticism. An example is:

‘Although there has been some historical information re domestic violence it appears they were fully investigated by police and social services, and the incidents were limited to what was happening in the household at that time. No allegations or incident reported since. The couple’s relationship appears to have improved on separation. The care of the children appears to be good.’

62. This example is taken from a form completed by a service manager whose practice demonstrated the most thorough approach of all the report reading forms seen. Even so, any impact on report quality could not be linked to these forms. Other comments from report reading forms that had no discernible effect on individual reports included:

‘Particularly thorough.’

‘Looked okay to me.’

‘Very much so.’

‘Comprehensive.’

‘Just typos.’

‘None evident [domestic violence].’

63. There were a few constructively critical comments, but it was not possible to assess whether any reports had been subsequently amended or had been read before the report was filed at court. Comments included:

‘Within the welfare checklist missed opportunity to link to placement within extended family.’

‘Could have been more concise.’

‘May be useful to state dates and times when people seen.’

'Front sheet not used.'

'Not clear from content of the report whether child has been notified of the content of the report.'

'Paragraph 2 needs cross reference updating page 4/5.'

'Could have been more from father. How does he deal with conflict? More about dad's drinking/mental health.'

Systems to support and assure work with children and families continued

'Not clear the writer has spoken to the child.'

'Allegations of domestic violence referred to, but not decided, not clear if check with domestic violence unit undertaken.'

64. In total, this sample of 88 report reading forms provided in excess of 1,000 opportunities to comment on the quality of reports. Among the 28 report reading forms that recorded any views, there were only eight critical comments. In contrast, inspectors identified serious deficits in the same reports.
65. Inspectors conclude that the report reading form process is not effective and where used it mainly involves rubber-stamping the report. The majority of comments are positive and do not help improve the overall standards of report writing.
66. It is not possible to establish, despite the report reading form being called pre-court, how many of the reports were read ahead of their filing with the court and therefore how many had an effect or made changes to the actual report used by the court. In one case referred to the regional director due to significant concerns, the report reading form had been neither read nor acted upon by the FCA ahead of filing the report. Where this is the case this process can at best be described as quality control, rather than quality assurance.²⁹
67. In line with Cafcass-wide expectations, it has been determined at regional level that each FCA should be the subject of a practice observation by a service manager. Inspectors found evidence that this practice had begun, which is good. However, because the written observations were generally positive in tone, inspectors conclude that this process tends more to validate current practice than to encourage improvement through appropriate constructive criticism and challenge.

²⁹ Quality control is a method of monitoring that a product is produced to a minimum standard, based on random checks. Quality assurance can be defined as a series of planned actions necessary to provide improvement in a product and meet customers' expectations.

68. Inspectors were told by managers that they acknowledge that peer review is 'potentially the weakest link' in the quality assurance regime. It did not appear that a plan had been agreed at regional level to address this serious problem.
69. Overall, Ofsted's assessment of quality assurance in the region is that it is **inadequate**.

Recommendation 5

In order to strengthen the quality assurance of reports to court and to raise overall reporting standards, Cafcass should review its use of peer participation and introduce more robust arrangements, including an increased role for senior managers.

Performance management

70. In this section Ofsted assesses the management of the performance of Cafcass's key functions in the East Midlands region.
71. Cafcass performance is measured against agreed key performance indicators. Linked to these are policies to ensure that staff are subject to supervision and appraisal.
72. The region can evidence excellent performance against some key performance indicators, for example on the allocation of work and improved diversity monitoring. The region's management team has good performance analysis support. However, performance on sickness absence and on completion of appraisals remain areas for improvement.
73. Inspectors conclude that delivering outcomes through performance measurement in the East Midlands has many strengths, but the region has not used this to develop other local performance indicators to help drive much needed improvement identified elsewhere in this report. Ofsted considers that the lack of local performance indicators demonstrates a missed opportunity. In the light of the forthcoming structural reorganisation, Cafcass should look further at the wider development of local performance indicators.
74. Inspectors scrutinised a sample of 27 supervision records and those aspects of case files, such as case plans, which give insight into the quality of management oversight. Inspectors assessed supervision records as significantly deficient in the following areas:
- as a source of advice
 - improving staff performance
 - Cafcass standards and competencies being achieved
 - supporting quality assurance
 - ensuring accountability and productivity
 - focus on continuous practice improvement
 - providing evidence when challenging performance and practice judgement

- contributing to staff learning
 - promoting self-reflection.
75. Cafcass has given priority to developing supervision practice and invested in good quality training for all service managers. However, inspectors found that the culture of supervision in the region mainly functions as a support mechanism, although, as Cafcass's policy recognises, support is only one of the dimensions of supervision.³⁰ The region's approach to supervision discourages constructive criticism or challenge, leading to complacency and a lack of focus on practice improvement, which is **inadequate**.
76. In addition, inspectors found that supervision is inappropriately supervisee led: FCAs determine which cases they take into supervision. Inspectors saw a number of cases that they judged needed discussion with a manager but had not been taken into supervision by the FCA. Several FCAs referred to such cases as 'bread and butter cases'. This led inspectors to conclude that there is insufficient rigour to supervision.
77. Inspectors found that supervision notes are not systematic, regular or purposeful, except in supporting staff. They lack directions or advice to staff, constructive challenge, validation or judgement. However, there was some evidence of some service managers appropriately linking supervision records with improving practice. Service managers described the existing supervision policy as being insufficiently prescriptive to enable them to be effective in managing performance and quality of practice, and in monitoring improvement.
78. Inspectors conclude that most supervision fails to connect with the performance framework. Ofsted's judgement is that the use of performance management systems is **inadequate**.

Recommendation 6

In order to improve management of performance and quality of practice, Cafcass should review and strengthen its guidance, particularly around the role and responsibilities of managers, in support of the supervision policy.

³⁰ The Cafcass supervision policy defines the purpose of supervision as: to ensure that staff feel supported in delivering appropriate services to children and families; to improve the performance of every member of staff, ensuring Cafcass's objectives and standards are achieved; to ensure that every member of staff receives strong emotional and psychological support; to focus on solutions to any issues concerning the member of staff being supervised; to support quality assurance and ensure accountability; to ensure appropriate workload and productivity; to both inform and ensure the delivery of the staff member's personal development plan; to provide a further channel of communication for Cafcass and all staff.

Feedback and complaints

79. In this section Ofsted assesses the effectiveness of the region's complaints process, its ability to take complaints seriously and learn lessons from them to improve services, and its practice in seeking the views of children, young people and adult service users.
80. Cafcass nationally has a comprehensive comments, compliments and complaints procedure to be used by all regions.
81. Inspectors found evidence of compliance with the complaints procedure and some very good aspects of performance in response to complaints.

Good practice

The regional office was involved in speedy and careful work between the national complaints officer and the region in response to a letter from a young person. The complaint concerned the young person not feeling listened to, particularly regarding his siblings, not being given the opportunity to attend court and concerns about information on the Cafcass website. The Cafcass response included the service manager meeting with the young person and addressing each of his concerns. The closing letter demonstrated both sensitivity and evidence of learning from the complaint.

82. Through scrutiny of complaints records and interviews with key personnel, inspectors found that the region is becoming less defensive about complaints and is demonstrating a more customer focused approach to service users, which is good.
83. Cafcass reports that all service users are sent a complaints leaflet at the outset of their case. However, more than a third of service users reported, through the Ofsted postal survey, that they had not been told how to complain. Inspectors recognise that, given the stress of the proceedings, it is possible that some users may have forgotten that they had been told.
84. Overall, the region's complaints service is good and learning from complaints is contributing to some improvements. Inspectors recognise from the region's self-assessment that gaining service user feedback more broadly is an area for improvement. Ofsted is pleased to note the positive local efforts being made to improve this, as well as a more ambitious programme which is due to be introduced across Cafcass in the coming months.

Recommendation 7

Cafcass needs to ensure that information about complaints procedures reaches the significant minority of service users who report that they do not know how to make a complaint.

Race and diversity

85. In this section Ofsted assess how the Cafcass East Midlands region fulfils its duties under race and diversity legislation and addresses the diverse population it serves.
86. Cafcass has a system for collecting diversity information about its service users. This information serves three purposes:
- providing the region with monitoring information
 - ensuring that issues of race and diversity are introduced early into assessment and planning activity
 - informing workforce planning.
87. Diversity monitoring is subject to a key performance indicator and, historically, Cafcass has performed poorly against this, nationally and regionally.³¹ The region has made a concerted and successful effort to improve diversity monitoring performance, which now operates well. Particular credit must go to the contribution that administrative staff have made to achieving this improvement.
88. There has been a recent change in the key performance indicator, so that monitoring is undertaken at the completion of casework. Inspectors share local managers' concerns that the change in the national indicator may have the unintended outcome of reducing the momentum of improved performance.
89. There is a general duty in the Race Relations (Amendment) Act 2000 that a public body such as Cafcass must identify where the Act is relevant to what it does and check how its policies and practices impact on different racial groups. This process is known as impact analysis. Since many policies and procedures are organisation-wide in Cafcass, any such analysis will be the responsibility of its national office. However, the region still has a duty to assess the impact of local policies and practices. Inspectors found no evidence of such activity.
90. The region has commissioned training for staff on forced marriage and provides staff with a diversity newsletter. These examples provide evidence of some good practice. However, inspectors found that the region had not engaged with any of the local race equality councils. Following the inspection some service managers made contact. Evidence from discussion with staff leads to Ofsted's judgement that race is inappropriately subsumed within the diversity agenda.

³¹ All effective organisations measure their performance in order to know how well they are doing and to identify opportunities for improvement. A key performance indicator identifies a measurable activity, for example the allocation of work in a given timescale. The organisation can establish actual performance and set challenging targets to drive up performance.

91. The region's workforce is not representative of the population or service user group. This is particularly so in Leicester which has a large Asian population. There are very small numbers of Asian staff in Leicester, which is unacceptable. The region has a very good recruitment tracking form, but recently poor recruitment decisions unfortunately resulted in a missed opportunity to improve the profile of Asian staff in Leicester. In this instance, existing part-time staff were offered extra hours as an alternative to the appointment of an Asian social worker. This decision is unacceptable, as has been acknowledged by senior management.
92. In the Ofsted survey for this inspection, staff in the region reported a perception that the region is meeting the needs of its diverse population. The evidence assessed in this inspection does not support this perception.
93. Overall, Ofsted concludes that the region's approach to race and diversity, while having some strengths, is currently inadequate.

Local leadership and management

94. In this section Ofsted assesses the effectiveness of local leadership and management in the East Midlands region.
95. A regional director manages the region with the support of a business manager. Each is shared with another Cafcass region, so are in the East Midlands part time. The professional staff that provide the social work service to the family courts are managed by eight service managers and organised in geographical teams. The complement of service managers has recently been reduced by two in preparation for implementation of the national workforce strategy.
96. Since it began in 2001 Cafcass has faced the challenge of consolidating a number of organisations into a single one. Inspectors saw evidence that organisation in the region is evolving towards becoming a more managed service, which is good. However, the culture of the traditional, self-directed practitioner is still very influential. This was evidenced in interviews with FCAs and scrutiny of case files, court reports and supervision records.
97. The region has taken an appropriate approach to identifying and addressing its key risks through the drafting of its business plan, risk log and practice improvement plan. This work has therefore been integrated into regional business planning, and the current practice improvement plan demonstrates good managerial practice. The measures detailed in the plan broadly address the areas of concern identified by this inspection, which demonstrates that local priorities are appropriate. These need updating as so far progress to address them is **inadequate**.
98. Inspectors commend the fact that service managers have been set clear and appropriate priorities by the regional director to address the improvement agenda. Those priorities are:

- the supervision and appraisal of staff
- the allocation of work
- dealing with complaints.

99. Inspectors were not satisfied that the implementation of these priorities was evident in practice.
100. The Ofsted survey of staff in the region reported high levels of satisfaction with local management. Inspectors heard evidence of staff engaging in business planning through the implementation of the national initiative of team self-assessment.³² One positive feature is some FCAs talking to inspectors about being empowered to engage in planning and having a role in local practice improvement.
101. Overall leadership and local management display some facets that are **adequate and, in one or two aspects, good**. However, this must be set against the inadequate front line practice and quality assurance detailed elsewhere in the report.

Recommendation 8

In the context of organisational change, Cafcass should ensure that service managers understand and implement stated priorities on the improvement agenda.

Partnership working

102. In this section Ofsted assesses how the East Midlands region works with and manages its partnerships.
103. The region contracts with and grant aids a number of organisations. The Cafcass policy governing these arrangements states:

‘Cafcass recognises the diverse needs of children and families, and aims to provide everyone with access to services.³³ As a child-focused service Cafcass understands that vulnerable children and families need a range of services... a wide range of partnerships is encouraged, such as mediation, domestic violence programmes, child counselling, advice, parenting classes, supported and supervised contact centres and services to support children’s involvement including child advocacy services.’

³² Cafcass guidance says that self-assessment is ‘for use within teams and is one of the tools available as part of the overall quality assurance framework to promote best achievable outcomes for children and young people. All teams must carry out this self-assessment. The aim is to use this process to identify how well a team is currently meeting the National Standards, to clearly identify its strengths and areas in which improvements can be made. It is to encourage a culture of self-assessment within teams and culminates in planned improvement actions that are then monitored for progress.’

³³ *Funded partnerships policy procedures and guidance*, Cafcass, May 2006.

104. Inspectors met with six such organisations in the region and found good arrangements for managing these partnerships. Inspectors were impressed with the range of services provided by these organisations.
105. However, some partners reported missed opportunities to share good practice and undertake more collaborative work. There is the potential for mutual learning and imaginative partnership working, for example in the development of collaborative dispute resolution and both pre- and post-order support packages, particularly in private law.
106. Local authorities and courts reported having good relationships with Cafcass strategically in the region. However, this was not always reflected at the level of individual cases, where local authority staff experienced some frustration in resolving problems.
107. Inspectors found evidence of some excellent work undertaken by Cafcass managers with local safeguarding children boards, especially in Nottingham.
108. However, some other potential partners reported a lack of engagement with Cafcass in the East Midlands. Race equality councils in three of the major cities in the region and one local Women's Aid reported difficulty in engaging with Cafcass.
109. Overall, Ofsted considers that Cafcass's management of partnerships is **good**.

Recommendation 9

Cafcass should explore further opportunities for collaborative work with those partners it has a contract with or grant aids.

Resources

110. In this section Ofsted assesses how well the East Midlands region deploys and manages its financial resources.
111. The region has consistently delivered a budget surplus, which is a specified priority for the regional director. All budgets have been devolved to local service managers, who are expected to manage their own finances. Service managers are well supported by the business manager and regional finance staff. The regional management team meetings provide the forum for oversight of the budget and to highlight any emerging issues. Internal and external audits of the region provide substantial assurance of strong financial systems and performance.
112. Inspectors conclude that financially the region is well run. The region has a good understanding of the strengths and weaknesses of its accommodation and offices. Appropriate plans to address deficits in office accommodation are in place.

113. The East Midlands region contracts with and grant aids a number of organisations, as described in the previous section. On the whole, inspectors found that these partnership arrangements demonstrate good use of Cafcass funding against the region's key objectives. However, insufficient numbers of partnership organisations were able to describe how they should provide value for money. Inspectors found no evidence of the commissioning or review of partnerships being carried out on a best value basis, which is a Cafcass requirement.³⁴
114. Overall, Ofsted concludes that the management of resources in the region is **good**.

The workforce: training, staff development and capacity

115. In this section Ofsted assesses how the East Midlands region manages, deploys, trains and develops its workforce and ensures that it has the capacity to deliver its front line services.
116. Inspectors expect the region to maintain an appropriately trained and skilled workforce with the capacity to respond to the current and approaching challenges. Inspectors recognise that most human resource policy and planning is nationally led, which restricts flexibility locally.
117. The region has responded to the national workforce agenda by reducing the service manager complement. This is a good interim development insofar as it enables the region to be flexible in implementing the forthcoming national restructuring, but it has led to some managers having responsibility for unacceptably large numbers of staff. Another favourable feature is a flexible approach to retirement.
118. Inspectors saw examples of positive strategic steps to develop capacity within the region. These included:
- a focus on the transferable skills of managers
 - specific training and conferences on child focus and forced marriage
 - identification of administrative staff training needs
 - the service managers' 'action learning set' meetings
 - work to support student placements
 - a positive attitude to training expressed by staff.³⁵
119. Inspectors found that the region has delivered mandatory training, as defined by the national office, for example in dealing with domestic violence. It has

³⁴ *Funded partnerships policy procedures and guidance*, Cafcass, May 2006.

³⁵ Source: Ofsted pre-inspection staff survey.

robustly monitored its implementation. Non-mandatory training is also linked to identified need and is widely available to staff. Inspectors saw some good examples of learning associated with recent supervision training. However, the arrangements are not sufficiently robust to deal with those staff who choose to opt out of training.

120. As identified in the assessment section above, inspectors found that practice is characterised by an unacceptable overemphasis on experience unsupported by research and knowledge informed by outcomes. This poses a challenge to those planning specific training in the region to ensure that it is appropriately targeted at those with greatest needs.
121. The region acknowledges that it lacks knowledge of the impact and outcome of staff training. Such information, if collected systematically, would help inform planning for future training, as well as building a more complete picture of Cafcass practitioner skills development.
122. Inspectors expect all staff to be the subject of annual appraisal and this is reflected in Cafcass policy. The inspection identified some improvement in staff appraisal, but this remains insufficiently consistent. Currently, appraisal is also insufficiently robust. Appraisal records demonstrated an over-reliance on appraisee self-assessment and, as with supervision, there is an overemphasis on staff support at the cost of constructive challenge. However, inspectors saw some good examples of SMART appraisal objectives, for example in relation to diversity.³⁶
123. Overall, the region's performance on maintaining an appropriately trained and skilled workforce with the capacity to respond to the current and approaching challenges is **adequate**.

Recommendation 10

Cafcass should develop systems to measure the impact and outcome of staff training, to capture these and to ensure that learning is embedded in practice.

Prospects for improvement

124. In this section Ofsted explores the prospects for the region to achieve improvement. Inspectors conclude that there is potential for improvement in the following areas:
 - ensuring accountability
 - the region's track record against key performance indicators
 - planning for practice improvement
 - team self-assessment and team planning

³⁶ Specific, Measurable, Achievable, Realistic and Time-based.

- learning from complaints.

Ensuring accountability

125. Cafcass nationally and regionally has recognised that ensuring accountability is a key priority.³⁷ The challenge is for the organisation to make certain that managers can exercise appropriate leadership to improve the quality of work. Inspectors saw examples of front line staff and managers embracing the need for change and improved accountability.
126. The current legal context is unhelpful. In public law, courts appoint individual Cafcass staff for the duration of the proceedings.³⁸ In private law, courts request a service without the need for an individual practitioner to be appointed. Practice in Cafcass contrasts with the practice of social work in local authorities where it is governed by Secretary of State guidance. This guidance provides a clear statement of requirements.

The region's track record against key performance indicators

127. As explored in the second section, the region has a track record of delivering to key performance indicators and this is emphasised in the approach of the regional director. Should the region adopt the suggestion of supporting the implementation of its improvement agenda through setting local performance indicators, inspectors are confident that the evidence shows that staff and managers would rise to the challenge.³⁹

Planning for practice improvement

128. The region's practice improvement plan covers a number of key areas identified by this inspection. The plan will need updating and a concerted effort made to effect real change and improvement. Inspectors are encouraged by the region's management team approach to identifying areas for improvement.

Team self-assessment and team planning

129. While this work is in its infancy, inspectors were impressed with the enthusiasm, engagement and commitment shown by staff to team planning. If

³⁷ Commissioned by Cafcass's chief executive, the accountability review will explore a wide range of issues relating to accountability for Cafcass as an organisation and for individual practitioners and managers, with the aim of identifying best practice. Ofsted is aware of work nationally to address this, including the current accountability review.

³⁸ Under Criminal Justice and Courts Act 2000 section 11(3).

³⁹ One possible example could be to identify the quality assurance of reports: the region could measure the number of quality assurance checks completed by service managers and the proportion acted upon prior to filing. Any such activity would likely have associated costs, but these would need to be set in the context of current poor quality.

appropriately focused, team planning has the potential to be a significant driver in addressing both the necessary cultural change and practice improvement.

Learning from complaints

130. The regional complaints processes are well embedded and learning from complaints is evident. The positive inspection findings in this area lead Ofsted to consider that this is an area that gives the region capacity to improve further, through continuing to ensure that lessons learned from complaints lead to service improvement.

Summary

131. On the basis of the evidence gathered and reported in the previous sections of this report and the issues explored in this section, inspectors conclude that, while many of the judgements from this inspection are inadequate, there are prospects for improvement in the region. If these are realised many future Ofsted judgements on these matters could rise to the level of adequate or better.

Annex A. Responses from Cafcass to the recommendations

Recommendation 1

Cafcass should take steps to ensure a good quality of case recording and that accountability is demonstrable through effective management oversight.

Cafcass response

Cafcass will ensure that:

- all staff adhere to the case recording policy
- service managers read and quality assure case plans
- continuation of the internal auditing programme
- development of a clear action plan in relation to improving record keeping, together with monitoring and review programme.

Overall improvement target

Clear, concise case recording in accordance with Cafcass policy and practice standards.

By: June 2008

Recommendation 2

Cafcass should develop practice guidance on the assessment of drug using parents in relation to contact.

Cafcass response

Cafcass will:

- explore and develop practice guidance on the assessment of drug using parents in relation to contact.

Overall improvement target

Ensure clarity for staff in dealing with these issues.

By: September 2008

Recommendation 3

Cafcass should update its guidance for practitioners about the application of the 'no order principle' and ensure this is underpinned by necessary training.⁴⁰

Cafcass response

Cafcass will:

- place on quality assurance form QA6 the question 'Has the 'no order principle' been addressed?'
- follow up with service managers.

Overall improvement target

'No order principle' is addressed in all reports.

By: February 2008 (notification will be immediate, but national documents need amendments)

Recommendation 4

In order to ensure all Cafcass child protection and safeguarding practices are of an adequate standard, a thorough audit should be undertaken of the work across all teams, to ensure that this work is subject to rigorous quality assurance and compliant with guidance.

Cafcass response

Cafcass will:

- complete its second safeguarding audit and produce a further action plan on outstanding issues
- require service managers to embed the implications in their team plans.

⁴⁰ See definition on page 7.

Overall improvement target

Service managers are satisfied on an evidence basis that the work of their team complies with the safeguarding policy.

By: September 2008

Recommendation 5

In order to strengthen the quality assurance of reports to court and to raise overall reporting standards, Cafcass should review its use of peer participation and introduce more robust arrangements including an increased role for senior managers.

Cafcass response

Cafcass will:

- review who is best placed to undertake this task, bearing in mind the changing nature of the way Cafcass reports to court
- consider the question of an 'accreditation' of staff undertaking this role
- ensure the quality assurance manager has a role in quality assuring the process at the next level.

Overall improvement target

Able to clearly evidence that the quality assurance process is challenging and produces work to a high standard.

By: June 2008

Recommendation 6

In order to improve management of performance and quality of practice, Cafcass should review and strengthen its guidance, particularly around the role and responsibilities of managers, in support of the supervision policy.

Cafcass response

Cafcass will:

- review and strengthen the supervision policy in consultation with operational service managers.

Overall improvement target

Managers report more clarity and support around the supervision process. Evidence of a consequent improvement in performance management recorded in supervision notes.

By: September 2008

Recommendation 7

Cafcass needs to ensure that information about complaints reaches the significant minority of service users who report that they do not know how to make a complaint.

Cafcass response

Cafcass will:

- ensure that the new Cafcass feedback process is implemented giving all service users the means to express their views
- case management system (CMS) reports scrutinised for levels of feedback being received
- complaints manager to issue guidance on this specific issue.

Overall improvement target

Future surveys report more knowledge of how to complain. Key performance indicators on service user feedback achieved.

By: September 2008

Recommendation 8

In the context of organisation change, Cafcass should ensure that service managers understand and implement stated priorities to address the improvement agenda.

Cafcass response

Cafcass will:

- ensure that service priorities are clearly understood by service managers and reflected in the targets set in the appraisal process.

Overall improvement target

Ensure that all service managers work to the stated priorities.

By: April 2008

Recommendation 9

Cafcass should explore further opportunities for collaborative work with those partners it has a contract with or grant aids.

Cafcass response

Cafcass will:

- explore further opportunities for collaborative work
- work effectively with the commissioning manager regarding this.

Overall improvement target

More creative work across boundaries with partners.

By: November 2008

Recommendation 10

Cafcass should develop systems to measure the impact and outcome of staff training, to capture these and to ensure that learning is embedded in practice.

Cafcass response

Cafcass will:

- build on existing systems such as end of training course practitioner action plans
- ensure that learning is embedded in practice
- undertake evaluations of training impact.

Overall improvement target

Systems in place to measure the impact and outcomes of staff training.

By: September 2008

Annex B. Inspection methodology

The inspection of Cafcass East Midlands included:

- self-assessment and pre-inspection information from Cafcass
- court report reading exercise (33 section 7 and 29 section 31 reports)
- case file reading exercise (33 files)
- meetings with stakeholders: judiciary, local authorities, Women's Aid and local race equality councils (14 meetings)
- scrutiny of complaints (14 records), quality assurance (88 QA6 forms) and training records
- surveys of Cafcass staff (100 responses), adult service users (89 responses) and children and young people (46 responses)
- scrutiny of supervision (27) and appraisal (20) records
- inspection of Cafcass offices/buildings (seven) and facilities
- interviews with individual FCAs (15)
- interviews with human resources, training and complaints staff
- group discussions with a range of Cafcass staff including: administrators (one meeting), FCAs (three meetings), service managers (one meeting) and support groups (one meeting)
- Lead Inspector observation of a regional management team meeting
- interviews with the regional director and regional business manager
- observation of FCA practice (15) with service users, children and young people including dispute resolution schemes (three)
- Discussions with and visits to partnership/commissioned services; for example, mediation schemes and contact centres (six visits).

Annex C. Children’s and service users’ views

Children’s views: Ofsted received 46 responses from children and young people to a short questionnaire (see from paragraph 48)



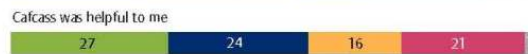
Yes Don't know No

Can you tell us how things have changed since the Cafcass worker came to see your family?



Things are better Things are just the same Things are worse

Adults’ views: Ofsted received 89 responses from adult service users of Cafcass (see paragraph 53)



Strongly agree Agree Disagree Strongly disagree No response



Things are better Things are just the same Things are worse

No response

Annex D. Other key inspection data

Case files

Inspectors examined 33 case files for the extent to which they were fit for purpose and followed procedures. The grades are shown below.

Quality of contact records (see also paragraph 12)

The contact record includes interviews, court attendance, meetings, etc.



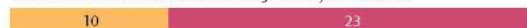
Telephone calls are logged by caller name, date and time



The contact record includes the substance of conversations held



The contact record includes actions arising from any of the above



■ Excellent
 ■ Good
 ■ Adequate
 ■ Inadequate

Quality of case plans (see also paragraph 10)

Case plan F1: overall score



■ Excellent
 ■ Good
 ■ Adequate
 ■ Inadequate

Supervision notes included on the F1

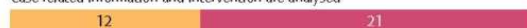


F1 signed off by manager



■ Yes
 ■ No

Case related information and intervention are analysed



■ Excellent
 ■ Good
 ■ Adequate
 ■ Inadequate

Court reports

Inspectors looked at 33 private law reports and 29 public law reports to see how well they met their key requirements. Some of the grades are shown below.

Private law court reports (section 7) (see also paragraph 31)

The report is child focused



The report does not contain unnecessary material



The report balances descriptive information with evaluation



The report gives a reasoned assessment of the likely consequences of options



The report gives sufficient attention to the 'no order principle'



The report addresses the child's wishes and feelings



The report describes any harm the child has suffered or is at risk of suffering

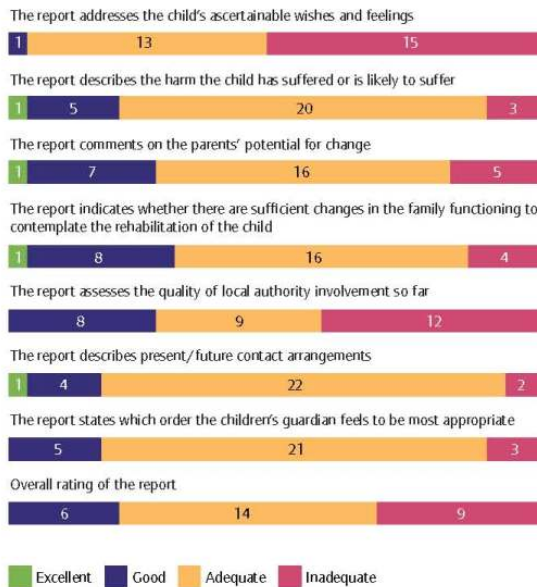


Overall rating of the report



■ Excellent
 ■ Good
 ■ Adequate
 ■ Inadequate

Public law court reports (section 31) (see also paragraph 34)



Supervision records

Inspectors examined 27 supervision records to see how well they met their key requirements. Some grades are shown below.

Supervision records (see also paragraph 74)



Staff survey

One hundred Cafcass staff responded to the Ofsted survey. Some key responses are below.

Staff survey

