

Ofsted's inspection of the experience of Cafcass service users in the family courts in South Yorkshire



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

The South Yorkshire area comprises the Cafcass offices in Sheffield, Doncaster, Rotherham and Barnsley. The inspection fieldwork was carried out in February 2008 jointly with HMICA. HMICA's report is also published 31 July 2008.



The Office for Standards in Education, Children's Services and Skills

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).

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).

Recommendations contained in the report are based solely on evidence from the Cafcass South Yorkshire area. 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 local matters.

Acknowledgements

Ofsted is grateful to service users, particularly children and young people who have contributed their views to this inspection.

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HMICA also conducted an inspection in the same period on the experience of service users using Sheffield family courts. The findings of their inspection may be obtained from the HMICA website www.hmica.gov.uk or by calling 020 7217 4355.

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Foreword

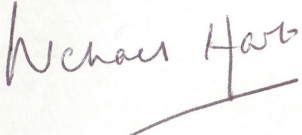
The Children and Family Court Advisory and Support Service (Cafcass) is required by statute to provide a social work service to children and families who are involved in proceedings before the family courts. The law says that Cafcass should be involved where the welfare of children is, or may be, in question. The courts rely on Cafcass for timely, credible and safe advice when they make long term decisions about child welfare.

This inspection looked at the experience of Cafcass service users (adults, children and young people) in family courts in South Yorkshire. In general, the findings are in line with recent reports regarding the East Midlands and South East Cafcass regions. In many key areas minimum standards are not being met, particularly in private law practice. This includes an unacceptable level of delay in undertaking private law, weak recording and poor reports to court, inconsistent assessment and inadequate practice in domestic violence cases. However, this report finds that there is satisfactory and sometimes good service to children involved in public law proceedings.

The findings from these three inspection reports in different areas (and previous reports by HMICA) therefore show that these deficits are not particular to specific regions but exist across Cafcass services in different areas. It is of considerable concern that these current deficits, for example regarding work in domestic violence cases, were identified as long ago as 2005. The Cafcass Board and senior managers have not been effective in bringing about sufficient change in specific areas of private law practice.¹

Children and families deserve a much better service that is fair, transparent and consistent, and which provides for their safety. It is essential that Cafcass becomes better focused on the welfare of children during periods of great stress in family lives. This means attention to good practice in tackling delay, in clarity about user expectations and in carrying out assessments. An improvement in these areas is essential to raising the quality of service delivery in private law.

Cafcass South Yorkshire has provided an action plan to address the issues raised in this report. Ofsted will monitor Cafcass's progress over the next three years' cycle of inspection to ensure that services deliver better outcomes for children, young people and families.



Nicholas Hart

Children's Directorate
Ofsted

¹ Ofsted welcomes the energetic and focused response to recent reports in the South East and East Midlands, although it is too early to say if planned improvements have been successfully implemented.

Definitions

What the law requires Cafcass to do

Section 12(1) of the Criminal Justice and Courts Services Act (2000) defines what Cafcass needs to do when children are involved in family proceedings. Cafcass is required to deliver the following functions or activities when ‘the welfare of children is or may be in question’. Cafcass should:

- safeguard and promote the welfare of the children
- give advice to the court about any application made to it in family proceedings
- provide for the children to be represented
- give information, advice and other support to the children and their families.

Private and public law

Family law is that area of the law which regulates and deals with family and domestic relations including, but not limited to, marriage, civil and domestic partnerships and the welfare of children. Where these matters are dealt with by courts, they are known as family proceedings. The person or body that brings the issue to court is known as the applicant and the person or body opposing the application is known as the respondent. In general terms, applicants and respondents are known as parties to the proceedings.

Private law is that part of the family law where the state does not normally need to be involved. Private law proceedings involving Cafcass are usually about situations where parents have separated and they cannot agree where a child should live or with whom they should have contact. The law that established Cafcass states that it should only become involved in family proceedings where the welfare of the child is, or may be, in question.

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. 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 replaced the previous 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, issued in January 2008 by the Department for Children, Schools and Families and the Welsh Assembly Government.

Section 37 enquiry

Section 37(1) of the Children Act 1989 sets out the following powers of the court: 'Where, in any family proceedings in which a question arises with respect to the welfare of any child, it appears to the court that it may be appropriate for a care or supervision order to be made with respect to him, the court may direct the appropriate authority to undertake an investigation of the child's circumstances.' The appropriate authority is the local area children's services.

Rule 9.5 cases

The proper conduct and disposal of proceedings concerning a child that are not specified within the meaning of section 41 of the Children Act 1989 (that is, many public law proceedings) may require the child to be made a party. Rule 9.5 of the court rules provides for this and for the appointment of a guardian ad litem for the child party. This will apply in private law proceedings, usually Children Act section 8 applications concerning residence, contact, specific issues or prohibited steps.

Arrangements for the use of Cafcass in such cases are governed by a Practice Direction issued by the President of the Family Division.

Family assistance order

This is a short term order made by the courts for some families following separation or divorce. A family assistance order is designed to give specialist help where it is needed if it is in the child's interest and if the aims can be achieved. Consent is required from everyone named in the order except any children.

Review reports

These are reports that update the court about progress made (or lack of) to arrangements agreed by parties in court orders.

'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'.²

The welfare checklist

The Children Act 1989 section 1(3) sets out what is known as the welfare checklist. It comprises seven features that should be balanced equally when courts consider whether an order should be made.³ The Adoption and Children Act 2002 section 120 extends the definition of harm within the meaning of the Children Act 1989 section 31 'including, for example, impairment suffered from seeing or hearing the ill-treatment of another'. Under court rules, Cafcass practitioners are under a statutory duty to have regard to 'the matters set out in section 1(3)'.

The principle of 'no delay'

Section 1(2) of the Children Act 1989 sets out the general principle that any delay in determining the question about a child's upbringing 'is likely to prejudice the welfare of the child'. This means that any unnecessary delay should be avoided.

² C Prest and S Wildblood, *Children law: an interdisciplinary handbook* (ISBN 0853089442), Jordans, 2005.

³ The Children Act 1989 section 1(3) sets out what is known as the welfare checklist and includes:

- the wishes and feelings of the child
- the child's physical, emotional and educational needs
- the likely effect on the child of any change in their circumstances

- the capability of parents and others in meeting the child's needs
- the child's age, sex, background and relevant characteristics, including race, ethnicity and religion
- the range of powers available to the court, and any harm that the child has suffered or is at risk of suffering.

FCAs are required to report to the court on all of these issues.

Definitions continued

Family court adviser

Family court adviser 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.

Serious case review

Under *Working together to safeguard children* (HM Government, 2006) and associated regulations, Local Safeguarding Children Boards are required to undertake reviews of serious cases. The purpose of serious case reviews is to:

- establish whether there are lessons to be learnt from the case about the way in which local professionals and organisations work together to safeguard and promote the welfare of children
- identify clearly what those lessons are, how they will be acted on and what is expected to change as a result
- as a consequence, improve inter-agency working and better safeguard and promote the welfare of children.

Serious case reviews are not enquiries into how a child dies or who is culpable. That is a matter for coroners and criminal courts, respectively, to determine as appropriate.

Gradings

The gradings used in this report are those formerly used by HMICA:

- 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 regarding the experience of service users, adults and children in South Yorkshire. The inspection involved questionnaires and interviews with service users (adults and children), scrutiny of case files, court reports and other documentary evidence. Inspectors met with managers from Cafcass and with key stakeholders.

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

Case planning and management

Most files had some case records, although often the quality of handwritten notes made them impossible to read. The lack of appropriate case records meant that usually it was not possible to understand how family court advisers (FCAs) came to their judgements. While in public law service users receive a timely service, in private law there was considerable delay in providing a service. As a result of this delay, the stress on children and adults of taking part in court proceedings was unnecessarily prolonged.

Assessments

Service users were not assessed by FCAs according to a consistent assessment model. There was an over-reliance on the individual styles and preferences of FCAs. The basis for how FCAs assessed and came to their recommendations was not explained to the children and adults being assessed.

Safeguarding

The case files inspected did not record systematically the work that was done by FCAs. As a result, inspectors cannot report that children and adults are being safeguarded adequately. However, where there was sufficient evidence to come to a judgement, inspectors found that there were serious deficits in how FCAs dealt with allegations of domestic violence, such as in assessing the impact on children of having witnessed violence. In two cases involving the same practitioner, the work involving domestic violence appeared to have had such serious deficits that inspectors referred it to the regional director for immediate review.

Court reports

Reports to court from Cafcass practitioners in private law were inadequate in unacceptable numbers. Key faults in inadequate reports included: not including the child's wishes and feelings sufficiently; not including all the parts of the welfare checklist (as required); lack of clarity over criteria used in assessment; failure to assess domestic violence issues; and reporting to court about issues that were not relevant to the welfare of children.³ The public law reports inspected were usually graded better and one was graded excellent.

The provision of support, advice and other direct work with children and families

Information leaflets in Cafcass waiting areas were comprehensive and well presented. Leaflets provided by Cafcass about its services were easy to understand, although there were not enough other ways of informing service users about Cafcass.

Maintaining the dignity and privacy of service users

Service users were interviewed in offices that they thought were at least adequate; some offices were considered excellent. Confidential information about service users was on occasion wrongly shared with schools and unnecessarily included in court reports.

Diversity, equality and fair access

Cafcass service users received adequate provision, including an even-handed and fair service from Cafcass practitioners.

Complaints

Seeking views

Cafcass had no effective links with service user groups who might help to inform Cafcass about how their service is seen.

Information about complaints

Where service users had concerns about Cafcass, they were at times wary of complaining because of a fear of repercussions on their case. As a result, Cafcass received few complaints, especially in public law and from children.

³The Children Act 1989 section 1(3) sets out what is known as the welfare checklist and includes:

- the wishes and feelings of the child
- the child's physical, emotional and educational needs
- the likely effect on the child of any change in their circumstances
- the capability of parents and others in meeting the child's needs
- the child's age, sex, background and relevant characteristics, including race, ethnicity and religion

• the range of powers available to the court, and any harm that the child has suffered or is at risk of suffering.
FCAs are required to report to the court on all of these issues.

Summary and recommendations continued

First stages in making complaints

The first stage of responding to a complaint is handled by the service manager. Service users often received an inadequate service when they complained because: timescales were not met and they were not informed about this delay; some complaints were deflected inappropriately and not dealt with; service managers did not agree with adults the focus of their complaint or what the complainant was wanting to change or happen as a result of the complaint.

Investigation of complaints

When service managers were not able to resolve matters to the satisfaction of the service user they were dealt with by the complaints manager for investigation and review. These investigations and reviews were handled well.

Prospects for improvement

Cafcass now has to implement other major changes as a result of the Public Law Outline and other legislation, which may reduce management capacity to introduce the changes needed which are identified in this report. On the other hand, the Public Law Outline requires Cafcass to work in a more focused way, which complements many of the recommendations in this report. Cafcass is also in the middle of a major organisational restructuring of current regions into smaller management areas. Again, these changes will require substantial management attention, which may be a distraction. On the other hand, Cafcass intends that these organisational changes will meet many of the criticisms contained in this and previous reports.

Cafcass has responded swiftly to this inspection by introducing a detailed action plan for South Yorkshire which, if successfully implemented, will address the issues in this report. However, Cafcass does not have a good history of successfully implementing changes to practice. Furthermore, the prospect of achieving improvement to the experience of service users depends on the willingness of staff to accept the need for change and on the ability of managers to enable, support and drive through improvements to the service provided for children and families. As this was not in evidence at the time of the inspection, the prospects for improvement are only adequate, although Ofsted welcomes the tone and detail of the action plan.

Recommendations

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

- the recording of interviews and assessments with service users
- tackling delay
- assessments
- safety of service users
- court reports
- information for service users
- privacy and dignity of service users
- complaints (two recommendations).

Introduction

1 HMICA also conducted an inspection in the same period on the experience of service users using Sheffield family courts. The aim of this joint inspection was to inspect and report to ministers and make recommendations to Cafcass on the experience of their service users in family courts in South Yorkshire. This area comprises courts in Sheffield, Rotherham, Barnsley and Doncaster.

2 Inspectors received 115 adult service user responses to a questionnaire and 41 from children and young people. Inspectors interviewed adults and children and young people and also held discussion groups with groups of looked after children and foster carers. Inspectors read 33 case files, examined 15 complaints records and inspected Cafcass offices in Doncaster, Barnsley and Rotherham.⁴

⁴ The Cafcass office in Sheffield was being refurbished during the period of this inspection.

The quality of practitioners' work with children and families

General assessment

Overall, the quality of Family Court Advisers' work with children and families in South Yorkshire is inadequate in private law but adequate in public law.

Of concern is the unacceptable number of instances in private law where Cafcass has failed to ensure the safeguarding of children and young people, particularly in cases of domestic violence. While there are examples of good and adequate practice, the delivery of services to children and their families is not always at least adequate. Service users do not receive a timely service in private law cases. The proportion of court reports judged by inspectors as inadequate is not acceptable.

Case planning and management

3 In this section Ofsted assesses the extent to which:

- the assessment of service users is adequately recorded
- service users experience delay in the completion of their cases
- any delay affects service users
- adequate information is given to service users.

4 The Cafcass policy states that 'the Family Court Advisers' notes provide the basis for reports and the analysis leading to her/his recommendation'.⁵

5 In most instances service users did not experience a service which had been planned systematically by Family Court Advisers; case planning documents were not completed or were not comprehensive, for example. Most files had some case notes, although these were often illegible. Evidence of assessment, such as evidence of the Family Court Adviser weighing and analysing the evidence from interviews, was almost always absent from the case records. It was therefore not possible to understand how FCAs were making their judgements.⁶

6 There were examples of good practice and effective recording, for example one well-maintained, legible notebook provided evidence of a visit to parents where the Family Court Adviser discussed her recommendation with them.

7 However, despite such individual examples of good practice, service users cannot be assured that their actions and statements are adequately recorded by Family Court Advisers or properly analysed and taken into account when making judgements and recommendations.

Recommendation 1

Interviews and other work with service users and the consequent assessment of service users' needs and circumstances should be adequately recorded.

8 Public and private law cases were allocated in different ways. In practice this led to there being little delay in public law cases but often substantial delay in private law cases. However, this decision-making was not informed by formal risk assessment and was also not explicit and clear to service users.

9 The work of Family Court Advisers is subject to key performance indicators, for example that cases will be completed by Cafcass within 12 weeks. However, Cafcass in South Yorkshire was not meeting this timescale and was, instead, working to a timescale of 16 weeks. This timescale only began once the case had been allocated to a Family Court Adviser so that if, as frequently happened, there was delay in allocating a Family Court Adviser, service users had to wait well beyond even 16 weeks for their cases to be completed.

10 About a third of the 115 service users who completed a questionnaire said that the Family Court Adviser was not easy to contact. However, a few service users made positive comments such as: 'He was always available, if I left a message he would get back at his earliest convenience.'

11 As a result of the delay in private law, the impact on adult and child service users was that they experienced significant delay in resolving important issues relating to the children. Service users also reported that going through the court process was stressful.⁷ As a result of this delay, the stress on service users was unnecessarily prolonged. This was accentuated because Cafcass did not provide information to service users about how long they would have to wait.

12 Overall, case planning and management in South Yorkshire is inadequate.

⁵ Furthermore, the policy underlines this standard by quoting authoritative judicial guidance 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.'

⁶ This finding is consistent with previous inspections carried out by HMICA such as of private law front-line practice in Cafcass, HMICA, 2006.

⁷ This is consistent with research findings such as Buchanan et al., *Families in conflict: perspectives of children and parents on the court welfare service* (ISBN 1 861 34 333 7), The Policy Press, 2001.

Recommendation 2

Cafcass should take effective action to ensure that services are completed within the required timescales and that service users are informed about any delays.

Assessment

13 In this section Ofsted assesses the extent to which 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 validated by research.

14 Inspectors found no evidence of the assessment criteria used by Family Court Advisers, for example when assessing parenting capacity, having been shared with service users. As a result, service users did not know what to expect, on what criteria they were judged, or whether the assessment tools used by Family Court Advisers were validated by Cafcass. Service users therefore experienced a process which relied on Family Court Advisers' individual preferences and which led to inconsistencies.

15 Much of what guides the court to make its decisions is laid down in both statute and case law. Cafcass Family Court Advisers should be aware of how this will affect their recommendations and the most likely outcomes for families. Inspectors would expect Family Court Advisers to ensure that families are aware of these issues. However, many service users were not told about these important factors. For example, there is case law that courts will usually uphold the status quo, unless there is strong contrary evidence relating to the welfare of the child. Family Court Advisers rarely told service users that this case law might well inform their recommendation.

16 In most of the 25 private law cases examined, the Family Court Adviser interviewed the two adults and also had some discussion with or observation of the child. The Family Court Advisers then wrote their report and filed it with the court without further discussion with the parties or child. In some cases this involved a very complex contact arrangement for weekends, holidays and Christmas. This meant that service users and children were subject to recommendations which they did not have the opportunity to comment on or challenge prior to court.

17 In both private and public law, service users often did not receive information about the recommendations to the court in sufficient time. Because of the delay in receiving reports from Cafcass, it is practice in Sheffield court for example, to allocate a hearing date for a week after receipt of the report. This gives little time for service users to absorb or challenge the report and its recommendations.

Recommendation 3

Cafcass should ensure that service users are enabled to become active participants in a transparent and consistent process by:

- introducing a common assessment framework which is shared with service users
- sharing preliminary findings with service users so that they can comment
- making final reports available in a timely way.

18 Service users reported a variety of experiences when describing interviews with Family Court Advisers. Almost all children and young people said they understood why the Family Court Adviser had talked with them. Most children and young people said that Family Court Advisers were easy to talk to. More service users said that the Family Court Adviser had spent enough time talking to children than said that they had not, and most children and young people said they had sufficient time with the Family Court Adviser. Adult service users gave mixed views on issues such as whether the Family Court Adviser spent enough time with them. A number of public law reports did not contain a list of specific visits made, which meant that inspectors found it difficult to assess whether the contact was sufficient.

The quality of practitioners' work with children and families continued

19 Service users reported many examples of good practice:

- One child stated: 'She was really nice to talk to.'
- 'I was surprised what he got out of (the child), because she's very shy with people she doesn't know.'
- 'He listened wonderfully, got all the facts, took everyone's opinions into account... he was quite capable of making some criticisms of me, it was hard to take but I saw the reasons.'
- Another service user reported that the Family Court Adviser had had an introductory meeting with the child to help build trust before discussing difficult issues in the case.

20 Service users also gave examples of unsatisfactory practice:

- Two siblings said: 'He [the Family Court Adviser] put us on the spot; we don't know the answers to his questions, we didn't feel able to say we didn't know.'
- Another child said: 'He kept going on and on about things; he did ask me what I wanted but then ignored it.'
- An adult service user reported: 'The family court adviser spent ages with the child, he was distressed at the end. I wasn't sure why he was seeing him, he said he wanted to have a chat; a lot of it was irrelevant.'

21 In a further case, the Family Court Adviser described the child's wishes and feelings on the basis of a single visit – inspectors found that this was not uncommon. Inspectors were concerned that in some cases a single visit might not have been sufficient to assess children's wishes and feelings in complex situations. On the other hand, inspectors found examples of lengthy assessments in cases where the issues were much less weighty but could find no rationale, other than the personal styles of Family Court Advisers, to account for these differences.

22 Most children and young people said that Family Court Advisers satisfactorily report what they say they want. However, despite these positive comments from children on how interviews were conducted and their views reported, only a small majority of children and young people said that their views had made a difference to the outcome of the case.

23 Almost half of service users said that the Family Court Adviser had not treated them fairly. This usually related to the recommendations made in the reports. Where possible, inspectors read the reports on which service users had commented critically, but found no evidence to support these assertions of unfairness.

24 Overall, because of the widespread lack of transparency and consistency in the process, the assessments of children and adults are inadequate.

Safeguarding

25 In this section Ofsted assesses Cafcass practice in safeguarding the welfare of children and young people who are the subject of family proceedings.

26 Ofsted expects that Cafcass, when working with children and adults, will as far as is practicable ensure their safety. In order to do so, Cafcass has a safeguarding policy which includes a domestic violence policy written to ensure the safety of children and adults where domestic violence has occurred or has been alleged. Furthermore, in all cases where there is evidence of a child suffering significant harm, or being at risk of suffering significant harm, statutory guidance requires Cafcass to refer the matter to the local authority.⁸

27 Of the 25 private law cases examined by inspectors, checks were made with the police in all cases where this was relevant. However, three of 16 cases did not have evidence of contact with the children's services departments of the local authorities. There was one example of good practice: a careful check was made regarding possible mental health issues in one case.

28 About a quarter of adults surveyed disagreed that the safety of themselves and the child was ensured by Cafcass. These concerns almost entirely related to Cafcass reports in private law cases where domestic violence was alleged. In particular, these concerns often related to recommendations by Family Court Advisers for contact between children and adults alleged to have committed domestic violence.

29 Examples identified by service users included:

- the service user felt that matters regarding domestic violence were not fully investigated or reflected in the report (this was confirmed by the inspector examining the case file and interviewing the father)
- an adult service user had noted domestic violence in her statement but the Family Court Adviser 'didn't really' discuss this with her or with the children, particularly the eldest who almost certainly witnessed domestic violence
- a child who allegedly had first-hand experience of the father's domestic abuse was not listened to and their views were not taken account of.

30 While inspectors were not able to investigate some of these statements, inspectors rated nine of 24 private law reports as unsatisfactory in reporting on any harm that the child may have suffered. Inadequacies found by inspectors were consistent with the negative comments of service users. Inadequacies included instances where Family Court Advisers reported on domestic violence but did not assess:

- the nature and extent of the violence
- any evidence to support, or otherwise, the allegations
- the impact of the violence on the child
- the risk of future harm to the child.

31 Illustrations of unsatisfactory practice noted by inspectors included the following examples:

- The Family Court Adviser wrote: 'The son is said to have been present and to have witnessed much violence. It is not suggested that the son has been hurt directly, although one of his sisters may have been.' This did not take account of the fact that witnessing domestic violence is known to be potentially highly damaging to children, regardless of whether or not they are physically hurt.⁹
- In the context of extreme domestic violence, the Family Court Adviser wrote: 'It is relevant to state that [the mother] did also suffer cruelty and violence in her previous marriage which ended before she met [the applicant] and in the context of which she had children.' The relevance of this was not explained but could be interpreted as an unacceptable implication that the mother was somehow responsible for the violence.

32 Furthermore, during the course of the inspection, inspectors referred two serious issues relating to one Family Court Adviser to the Head of Service for immediate review.¹⁰ Whilst neither issue constituted an immediate or current risk of harm, they raised matters of concern about elements of practice by the Family Court Adviser that fell below acceptable standards.

33 Inspectors are concerned that these weaknesses in ensuring the safety of children and adults are similar to weaknesses identified in national inspection reports on Cafcass in 2005 and 2006.¹¹ Since then Cafcass has introduced a domestic violence policy which inspectors judged to be good, but has not ensured that the policy has been fully implemented. As a result children's safety in some cases is compromised.

34 Inspectors found some examples across South Yorkshire of adequate safeguarding and child protection practice and reports, for example in assessing the impact of the domestic violence on children. In other cases the Family Court Adviser's recommendations clearly took into account the safety of the adults and children.

35 Inspectors found a small number of examples of good safeguarding practice in reports, for instance where the Family Court Adviser made clear statements of the allegations, assessed the allegations and included supporting evidence from relatives, the child's school and written copies of documents. In a public law case, the various risks to the children, including domestic violence, physical abuse and neglect, were well analysed. Inspectors found one excellent example of assessing harm in a report with the evidence fully presented.

36 Overall, however, the safeguarding of children and adults in private law cases is inadequate because of the number of unsatisfactory assessments of domestic violence in reports. The safeguarding of children and adults in public law cases is adequate.

⁹ *Working together to safeguard children*, HM Government, 2006, p. 186.

¹⁰ Inspectors received prompt feedback on actions taken by the Head of Service Area in response to these matters and were assured that the work of the FCA and of their manager would receive greater oversight. This will be checked by inspectors at a later date.

¹¹ *Domestic violence, safety and family proceedings*, HMICA, August 2005 and *Inspection of front line private law practice*, HMICA, August 2006.

The quality of practitioners' work with children and families continued

Recommendation 4

Cafcass should ensure that the safety of service users is consistently provided for by:

- ensuring that the existing policies and procedures are fully implemented and understood by all staff
- ensuring that risk assessments are undertaken in all cases where safety is an issue
- ensuring that records state the outcome of the risk assessment and actions taken.

Court reports

37 In this section Ofsted assesses the extent to which Family Court Advisers' court reports:

- are focused on the child and his/her welfare
- are produced in accordance with statutory requirements and national Cafcass standards
- are consistent with Cafcass's statutory functions
- present and analyse relevant information.

38 Family Court Adviser reports to court are important in helping courts decide what action, if any, they need to take. It is a requirement that Family Court Advisers' reports address the areas in the welfare checklist.

39 Inspectors read 38 reports, of which 25 were in private law and 13 in public law.

40 Service users tended to receive better reports in public law than in private law cases; inspectors rated 16 of the 25 private law reports as inadequate and three of 13 public law reports as inadequate. Service users in public law also received a more timely service (see paragraphs 8–9 regarding delay).

Reports in private law

41 Inspectors read 25 reports. Inspectors rated one as good, eight as adequate and 16 as inadequate.

Focus on the child and their welfare

42 Eleven reports were viewed by inspectors as lacking in a focus on the child and their welfare. Ten reports were inadequate in addressing the child's wishes and feelings.

Accordance with statutory requirements and national Cafcass standards

43 Inspectors rated reports as inadequate in all areas of the welfare checklist. A majority of reports were inadequate in addressing the child's age, sex, background and relevant characteristics, including race, ethnicity and religion, in stating the range of powers available to the court, the capability of the parents in meeting the needs of the child and the likely effect on the child of any change in their circumstances.

44 Nineteen of the 25 reports included a recommendation linked to all of the orders applied for; however, 15 did not give a specific reasoned recommendation linked to sufficient evidence.

Consistency with Cafcass's statutory functions

45 Court orders should only be made where the welfare of the child is in question.¹² However, inspectors found that in a few cases there were no welfare issues so it was not clear why the Family Court Adviser was recommending a court order.¹³ In a small number of instances, inspectors found evidence of cases being brought back to court unnecessarily for review at a later date. In all proceedings, it is for the court to decide what enquiries and orders should be made. However, it is for the Family Court Adviser to advise the court if there are, in the judgement of the Family Court Adviser, no welfare issues. As a result of the failure of the Family Court Adviser to do this, some service users experienced unnecessary intrusions into their family life. As an example of better practice, one report briskly included the advice that whilst the court could make a further adjournment, in the Family Court Adviser's view this was not necessary.

¹² Inspectors have previously reported on how, in some instances in private law, the welfare of the child is not in question but Cafcass works with the families. This goes beyond Cafcass's main functions, which are set out in section 12 of the Criminal Justice and Court Services Act 2000. These are, when the welfare of the child is or may be in question, to:

- safeguard and promote the welfare of children
- give advice to any court about any application made to it in family proceedings

- make provision for the children to be represented in family proceedings
- provide information, advice and other support for the children and their families.

¹³ The 'no order principle' requires that court orders should only be made where doing so would be better for the child than making no order at all

Presentation and analysis of relevant information

46 Most reports contained unnecessary information (i.e. personal information regarding service users but not relevant to the case) and were also weak in balancing information with evaluation of that information. It was therefore often not clear to inspectors why the Family Court Adviser was giving this information about adults and children to the court.

47 There were, however, good and excellent examples of Family Court Advisers succinctly reporting complex issues such as substance misuse. Another Family Court Adviser reported clearly the children's feelings about not wanting to see their father, but in a sensitive way which safeguarded the father's feelings.

48 In both private and public law, Cafcass Family Court Advisers have to report on highly sensitive information relating to children and, often, parents. Inspectors found that almost all reports in private law were written in plain English and presented information sensitively. Furthermore, almost all reports in private law were of a reasonable length, making them accessible to service users.

49 The weaknesses in private law reports concerning the lack of focus on children's welfare and inadequate reporting regarding the welfare checklist have been extensively reported on previously by HMICA.¹⁴ However, this inspection, together with recent inspections, shows that these weaknesses have not been resolved.¹⁵

50 Overall, Family Court Adviser reports in South Yorkshire in private law are inadequate because of the lack of focus on children and their welfare and the lack of accordance with statutory requirements.

Recommendation 5

Cafcass should ensure that private law reports are consistently adequate in addressing the needs of children and young people and adult service users and comply with Cafcass's national standards.

Reports in public law

51 Inspectors read 13 reports. They rated one as excellent, one as good, eight as adequate and three as inadequate.

Focus on the child and their welfare

52 One report was excellent in its child focus, six were good, five were adequate and one was inadequate. There were six reports which were excellent or good in reporting on children's wishes and feelings and one excellent example of reporting on a two-year-old's feelings. Five reports were inadequate because they did not report adequately on children's wishes and feelings; for example one 11-year-old's wishes and feelings were reported in one line.

Accordance with statutory requirements and national Cafcass standards

53 Most reports were adequate, good or excellent in reporting on children's emotional needs, the likely effect of any change in their circumstances and the capability of parents or others to meet their needs. Examples of good reports included reporting on the impact on the child of inter-generational drug use and domestic violence.

54 Almost all reports included a recommendation linked to all of the orders applied for and gave a specific reasoned recommendation linked to sufficient evidence.

Presentation and analysis of relevant information

55 Inspectors found that almost all reports in public law were written in plain English and presented information sensitively. Most reports were of a reasonable length (averaging 27 pages) making them accessible to service users. However, there were two reports of over 43 pages and inspectors could find no clear rationale for such lengthy reports.

56 There was one example seen of negative inference rather than assessment, where the Family Court Adviser reported allegations and suspicions within the report but without coming to any conclusion regarding these: 'She has had two injuries resulting in A and E attendances which may have been caused by parental neglect... [The child] is said to have shown sexualised behaviour.'

57 Overall, Family Court Adviser reports in South Yorkshire in public law are adequate.

¹⁴ *Inspection of front line private law practice*, HMICA, August 2006.

¹⁵ *Inspection of Cafcass East Midlands*, Ofsted, February 2008.

The quality of practitioners' work with children and families continued

The provision of support, advice and other direct work with children and families

58 In this section Ofsted assesses Cafcass practice in providing information about agencies that might be of assistance to service users and in carrying out direct work with service users where this is appropriate.

59 Ofsted expects that service users will receive adequate information regarding local and national agencies. Ofsted also expects that service users will receive a consistent, adequate service when Family Court Advisers encourage change in how families are dealing with problems and issues.

60 Almost all adults said that they received information about Cafcass that was easy to understand. However, a focus group set up by Cafcass before the inspection said that they were not sure about the role of Cafcass in the court process.

61 The four young people in an inspection discussion group thought that the leaflets for children and young people were unsuitable for young people of their age. In one interview both young people said the system could improve if things were explained more clearly. Independently, foster carers in Barnsley and children and young people in a group suggested having a range of information, for example regarding particular courts and Family Court Advisers, that children will see. They also raised the possibility of a DVD explaining the private law process. These findings echo the findings in the Her Majesty's Court Service report.

Recommendation 6

The courts and Cafcass should work together to provide comprehensive, user-friendly information for children and adults about the whole process in family courts.

62 Information on local services in waiting areas in Cafcass offices is good and includes a range of Cafcass leaflets and leaflets from other agencies. Two Family Court Advisers were reported by service users to have given good information on local resources for victims of domestic violence. One parent had not used these resources but had

felt comforted that the resources were there if she needed them.

63 Inspectors saw examples of particular methods being used by individual Family Court Advisers, for example in domestic violence work with perpetrators. However, inspectors saw little evidence that such methods were part of an accepted range of Cafcass tools and techniques or evidence in case planning of how decisions came to be made that those particular service users receive such additional work. This kind of intervention is well beyond how some Family Court Advisers defined their role and carried out their tasks.

64 Overall, support, advice and other direct work with children and families is adequate.

Maintaining the dignity and privacy of service users

65 In this section Ofsted assesses the extent to which Cafcass's accommodation and working practices are consistent with respecting confidentiality and providing acceptable levels of comfort.

66 Most service users were happy with the office accommodation where they were seen by Family Court Advisers; one commented: 'the offices were lovely'. Family rooms in Doncaster and offices in Barnsley were well maintained, decorated and had a good variety of equipment. Family rooms in Rotherham were adequate. Offices were well signed outside and in accessible locations for service users. Two offices were not Disability Discrimination Act compliant (Rotherham and Barnsley), but service users were seen elsewhere.

67 In Doncaster, a member of staff's caseload, including names of service users, was viewable from the corridor immediately outside an interview room, which is used by service users. Cafcass managers told inspectors that service users are accompanied at all times in this part of the office by a member of staff. However, inspectors were concerned that the list showed confidential information that could be viewed in an area where service users have access, albeit limited. The list was removed at the request of the inspector.

68 In private law, service users were asked to consent to checks being made with agencies such as the police. Sheffield Cafcass had, appropriately, written to a child's school asking for information on the child but also asked: 'Were you aware of the breakdown of the parents' relationship?' These letters breach confidentiality by providing information to agencies which service users had not consented to being shared.¹⁶

69 In two instances, highly personal information regarding adults was included in reports without a rationale.

- A report gave information about 'spent' convictions, a juvenile offence and a conviction for underage sex 35 years previously. The relevance of this was not made clear in the application for contact with the service user's child.
- Another report referred to the mother having had three relationships, two of them with women.

70 Overall, in respecting the dignity and privacy of service users practice is inadequate because of the provision of confidential information to schools.

Recommendation 7

Cafcass should ensure that practice consistently respects the privacy and dignity of service users.

Every Child Matters

71 In this section Ofsted assesses the extent to which the work of Cafcass is seen by service users to contribute to better outcomes for children.

72 Ten children and young people (out of the 37 that responded) said the Family Court Adviser did not help them. About half of adults thought that Cafcass was not helpful to them and said things had not changed for the better as a result of what the Family Court Adviser did. About a third of adults said things did get better.

73 In private law, several service users gave examples of significant positive change that Family Court Advisers had enabled.

■ 'Cafcass did me the world of good; I finally got stuff off my chest to me ex-husband about what he's done without him turning on me or the kids.'

■ 'I see my Dad more now, she did a good job, made him see how he should be when we see him, not drinking.'

74 In a small number of cases there were indications that some of these changes might be long term.

■ 'She was able to put her ideas across, [the father] listened... we couldn't sit in the same room before, now we even went on the train together.'

■ 'He gave me an insight, what she wanted most was for her parents to stop fighting... I realised how much she still loved [her father].'

■ 'He was very helpful, sometimes you need outsiders looking in, you think you're thinking about the children but really you bypass them, he got me to see that my feelings about my partner were my issues, not theirs.'

75 Some views were mixed: 'The outcome was what I wanted and what [the child] wanted but the process was not good at all.' In private law, several service users gave examples of less effective work.

■ One said: 'More support needs to be given to parents to work out their difficulties through skilled mediation before access is negotiated.'

■ A report, not unusual in this sample, highlighted that improved communication between parents would be beneficial but there was no evidence that the Family Court Adviser attempted to facilitate this or indicate how it might have been achieved.

■ One service user said that things changed for the worse, not the better, as a result of what the Family Court Adviser did; he accepted the settlement at the time because of the stress involved but is now having to return to court: 'The way reports are written invites return to court at a later stage so Cafcass will always be too busy.'

¹⁶ Cafcass Doncaster has also written to children's schools asking: 'Have the current family difficulties been reflected in any way at school?' which is also an unnecessary sharing of information. It is not clear to inspectors why a national organisation such as Cafcass has different standard letters in different offices.

Diversity, equality and fair access

General assessment

Overall, service users in South Yorkshire receive a service that provides for diversity, equality and fair access adequately.

Family Court Advisers operate in a fair and even-handed way towards parties. There are weaknesses in how Family Court Advisers deal with race and ethnicity issues in reports.

77 In this section Ofsted assesses the extent to which all service users are respected, their rights are promoted and their identity is understood by Cafcass.

78 Service users had access to sufficient information in languages suitable for the local community in Cafcass offices. For example, Cafcass offices usually contained information on relevant local services in a variety of languages. In addition, individual Family Court Advisers were expected to collect diversity information regarding, for example ethnicity, from service users. The South Yorkshire service area was performing below the Cafcass key performance indicator in this respect. Therefore Cafcass had insufficient information about the make-up of its service users and the needs of service user groups within communities. It is difficult for Cafcass to identify and improve services to specific groups without that information.

79 The sample of service users who were sent the Ofsted postal survey was a random sample from data provided by Cafcass. Of those who responded, almost all were white. Because of Cafcass's weaknesses in collecting diversity monitoring information, it is difficult to establish how far the sample in this inspection was consistent with Cafcass's service users.

80 Inspectors rated some reports as unsatisfactory regarding race and ethnicity, usually because of a lack of reference to these issues. However, on the information available, this lack of reference did not appear significant to the resulting assessment and recommendation except in a very small number of cases.

■ A service user commented that the recommendation about the child's residence did not take account of his African heritage. The Family Court Adviser commented that: 'The court will need to consider the importance for the child particularly when he identifies himself as black.' What the court should have done about this was not stated and the inspector concurred with the service user's critical view.

81 While most service users thought that Cafcass Family Court Advisers had been fair to them, a minority did not. For example, some fathers alleged that Cafcass was biased against fathers and towards mothers in private law cases. After examining case records and reports, inspectors found no evidence to substantiate this view. Several service users in public law were critical of Family Court Advisers for using evidence from their past as a part of the assessment of current difficulties, for example where service users had had children removed previously. After examining case records and reports inspectors found that Family Court Advisers were justified in doing so.

Complaints

General assessment

Overall, service users in South Yorkshire receive an inadequate service regarding their comments and complaints.

Service users are not routinely informed about their rights to complain. There are examples of good practice by senior managers but service users receive highly variable service at a local level which is often unsatisfactory.

82 In this section Ofsted assesses the effectiveness of the complaints process, Cafcass's ability to take complaints seriously and learn lessons to improve services, and its practice in seeking the views of children, young people and adult service users.

Seeking views

83 Cafcass has no effective links with service user groups such as race equality councils who might help to shape Cafcass services through feedback. There were instances of seeking service user views in a group in public law but no evidence of an impact on practice.

Information about complaints

84 Although information regarding complaints should be given in every case, the majority of adults reported that they were not told how to make a complaint. None of the foster carers in a focus group knew about the Cafcass complaints procedure and thought none of their children knew about it. Inspectors recognise that, given the stress of the proceedings, it is possible that some service users may have forgotten that they had been told. Letters sent out from Cafcass offices enclosed the leaflet *Your views count*, which informs service users how to make a comment, complaint or compliment about the service they have received.

85 Where service users had concerns about Cafcass, they were at times wary of complaining.

■ 'I thought it would make it worse for me, they would come down harder on me.'

■ A solicitor advised 'not to rock the boat because this FCA is much respected'. The service user said, 'yes he might have been respected by the courts but he wasn't by me – he was horrible'.

■ 'I didn't know how to complain and anyway I wanted it over and done with.'

86 The questionnaires completed by service users revealed a number of concerns about Cafcass. However, Cafcass received few complaints regarding public law and none from children and young people regarding either public or private law.

87 If a complaint was made, there were a few examples of good practice, mainly regarding provision of information: 'I rang up to complain and that day a complaints pack was put through my door.'

88 Overall, service users are not effectively encouraged to comment on the range of Cafcass services that they receive.

Recommendation 8

Cafcass should ensure that information about complaints procedures is effective in encouraging complaints and comments from service users, especially in public law and from children and young people.

First stages in making complaints

89 The Cafcass procedure is that initial complaints and comments should be recorded in the request and feedback log and dealt with by the service manager. There were instances of good practice, as in the following example.

Good practice

Two request and feedback log entries noted that the service manager had read a report which had been the subject of a complaint, even though the complaint was received after the deadline had passed. This was positive on the part of the service manager, showing a pro-active approach to dealing with service user comments.

Complaints continued

90 Service managers had timescales for the various stages of responding to a complaint. In the majority of cases these timescales were not met. Adults were not well informed by Cafcass about likely delays in responding to their complaints. At the problem-solving stage, complaints were appropriately considered by the service manager in eight out of 11 cases.

91 At a service manager level, service users received an unsatisfactory service because:

- it was variable regarding whether service managers addressed all of a complaint, and what information was given about what would happen if complaints were upheld
- in almost all cases the Family Court Adviser's case records were incomplete (see paragraph 5) or inadequate. This disadvantaged service users who wanted to challenge the Family Court Adviser's statements, since their word was weighed against that of the Family Court Adviser by the Family Court Adviser's manager
- some records of what the service manager did were comprehensive but a majority were so ineffectively recorded that it was not possible to assess how the service manager arrived at their conclusions
- some complaints were not dealt with appropriately. In one case, because the service user's solicitor did not cross examine the Family Court Adviser on her conduct, the service manager did not deal with a subsequent complaint from the service user about the Family Court Adviser's conduct. In another case, a service user made a serious allegation of misconduct by a Family Court Adviser. The service manager defined this as a matter for the court and did not register the complaint for assessment and investigation by Cafcass.
- there was little evidence of service managers agreeing with adults the focus of their complaint or what the complainant was wanting to change or happen as a result of the complaint
- there was considerable delay in responding to some complaints. Service users were often not told about the causes of the delay or when the case would be looked at.

92 Overall, service users receive an inadequate response to initial complaints.

Recommendation 9

Service users should receive a timely, high-quality response when raising concerns about the service that they receive from Cafcass.

Investigation of complaints

93 Complaints which cannot be resolved at a local level go to the head of service or ultimately to national level for further assessment. The numbers of these investigations and reviews were very small. However, once complaints went to the quality assurance manager they were handled well. There were individual instances of very effective practice, for example when a complainant was helped to articulate his concerns and determine if he wanted to make a complaint.

94 Overall, service users receive a good response to complaints which are investigated beyond the problem solving level.

Annex A. Responses from Cafcass to the recommendations

Recommendation 1

Interviews and other work with service users and the consequent assessment of service users' needs and circumstances should be adequately recorded.

Cafcass action plan

Cafcass will:

- review its recording policy
- develop a national practice and performance assessment system to provide evidence of adequate recording

Overall improvement target:

100% adequate recording.

By: September 2009

Recommendation 2

Cafcass should take effective action to ensure that services are completed within the required timescales and that service users are informed about any delays.

Cafcass action plan

Cafcass will:

- improve waiting times further from 18 weeks in the Sheffield Courts following agreement with the courts in relation to case management
- ensure that all addenda are agreed by a service manager
- ensure that all cases open beyond 26 weeks are reviewed by the service manager and the Courts

Overall improvement target:

Eradicate all delay in provision of service in line with Cafcass key performance indicators.

By: January 2009

Annex A. Responses from Cafcass to the recommendations continued

Recommendation 3

Cafcass should ensure that service users are enabled to become active participants in a transparent and consistent process by:

- introducing a common assessment framework which is shared with service users
- sharing preliminary findings with service users in order that they can comment
- making final reports available in a timely way.

Cafcass action plan

Cafcass will:

- develop a national practice and performance assessment system and make this available to service users through the Cafcass website
- monitor when reports are sent to service users and set an improvement target.

Overall improvement target:

To be set after a review.

By: **October 2008**

Recommendation 4

Cafcass should ensure that the safety of service users is consistently provided for by:

- ensuring that existing policies and procedures are fully implemented and understood by all staff
- ensuring that risk assessments are undertaken in all cases where safety is an issue
- ensuring that records note the outcome and actions taken.

Cafcass action plan

Cafcass will:

- provide risk assessment training for all staff
- establish and record management reviews of all cases
- ensure that the case management system is used to record risk screening identification.

Overall improvement target:

To ensure that all work is compliant with policies and meets Cafcass key performance indicators.

By: **April 2009**

Recommendation 5

Cafcass should ensure that private law reports are consistently adequate in addressing the needs of children and young people and adult service users and comply with Cafcass's national standards.

Cafcass action plan

Cafcass will:

- enhance the structure to improve practice by introducing quality improvement service manager posts
- implement a national practice and performance assessment system
- ensure that service user feedback is reflected in quality assurance
- involve the Children's Rights Director in the auditing of practice improvement.

Overall improvement target:

To ensure all reports are meeting Cafcass's key performance indicator 4.

By: April 2009

Recommendation 6

The courts and Cafcass should work together to provide comprehensive, user-friendly information for children and adults about the whole process in family courts.

Cafcass action plan

Cafcass will:

- develop a DVD for service users, to be available as a download from the Cafcass website
- develop closer working relationships with the courts
- together with the courts, consider how integrated information can be provided to service users
- work with a single point of contact in each of the courts to ensure that all staff who deal with service users have a thorough understanding of the process
- offer group work sessions to some children in private law cases.

Overall improvement target:

To produce local information.

By: December 2008

Annex A. Responses from Cafcass to the recommendations continued

Recommendation 7

Cafcass should ensure that practice consistently respects the privacy and dignity of service users.

Cafcass action plan

Cafcass will:

- provide further guidance on information sharing across agencies
- enhance existing systems to improve the experience of children, young people and adults using Cafcass services.

Overall improvement target:

Produce a plan to integrate this as part of Cafcass's approach in all its work.

By: April 2009

Recommendation 8

Cafcass should ensure that information about complaints procedures is effective in encouraging complaints and comments from service users, especially in public law and from children and young people.

Cafcass action plan

Cafcass will:

- improve the accessibility of its complaints procedures and feedback forum through more prominent placing on the Cafcass website and on leaflets
- establish a peer mentoring service for children and young people which will provide an opportunity for concerns to be raised
- consult on new complaints procedures that are more accessible and implement these
- undertake an equality impact assessment in respect of the new policy.

Overall improvement target:

To demonstrate through its HearNow feedback responses and through monitoring levels of print runs that complaints procedures are being accessed more frequently in 2008/09 than they were in 2007/08.

Recommendation 9

Service users should receive a timely, high-quality response when raising concerns about the service that they receive from Cafcass.

Cafcass action plan

Cafcass will:

- produce easy to use complaints procedures as part of the new customer services and quality manager remit
- implement a system to ensure that complaints procedures are followed
- improve levels of business support to the customer service/complaints function.

Overall improvement target:

To meet the timescales set out in the new procedures in no less than 70% of complaints recorded, unless it has been clearly recorded on the RFL and communicated to the service users why this has not been possible to achieve.

To establish consistent business support to the complaints function, including more consistent use of the RFL system and helping service managers with the complaints task.

Annex B. The selection of courts and Cafcass offices

HMICA and Ofsted's selection criteria for choosing the courts/Cafcass offices for this inspection included:

- a compact location – that is, a place where the magistrates and county courts were very close together
- family courts that were not piloting the new Public Law Outline that came into effect on 1 April 2008¹⁷
- a high volume of work passing through the family courts and Cafcass offices
- exclusion of courts/Cafcass offices that were already timetabled to be inspected.

Ofsted inspected the experience of service users in Cafcass in South Yorkshire, which comprises the Cafcass offices in Sheffield, Doncaster, Barnsley and Rotherham. The courts that were chosen for the pilot inspection by HMICA were Sheffield family courts.

Annex C. Ofsted methodology

The inspection

The inspection included:

- self-assessment and advanced information from Cafcass
- report and case file reading (38 reports and 33 files)
- three meetings with stakeholders (one local authority, the National Association of Contact Centres and Families Need Fathers)
- inspection of complaints records (14)
- a survey of adult service users (115 responses)
- a survey of children and young people service users (41 responses)
- interviews with three groups of looked after children (11 young people)
- interviews with adult service users (26)
- interviews with individual children (eight)
- meetings with foster carer groups (two)
- inspection of Cafcass offices and accommodation.

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