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Dear Jacky

Focused visit to Cafcass

Her Majesty's Chief Inspector of Education, Children's Services and Skills is leading Ofsted's work into how England's social care system has delivered child-centred practice and care within the context of the restrictions placed on society during the COVID-19 (coronavirus) pandemic.

This letter summarises the findings of a focused visit to Children and Family Court Advisory and Support Service (Cafcass) on the 21–22 April 2021. Her Majesty's Inspectors were Brenda McLaughlin, Nick Stacey, Rachel Griffiths, Louise Hocking, John Roughton and Lorna Schlechte.

The methodology for this visit was in line with the new framework for the inspection of Cafcass (March 2021). However, the delivery model was adapted to reflect the COVID-19 context. The lead inspector and the chief executive officer (CEO) agreed that the visit would be carried out fully by remote means, working within national and local COVID-19 guidelines. Inspectors used video and telephone calls for discussions with Cafcass staff and board members, and other key stakeholders. We are grateful to parents and family members for allowing inspectors to listen to confidential conversations between them and family court advisers and for the opportunity to observe direct work sessions with their children.

What needs to improve in this area of social work practice.

- Consistent, unified systems for recording and evaluating management oversight, direction and supervision of family court advisers' practice and case plans.

Findings

- Senior judiciary, Ministry of Justice (MoJ) representatives and local authority senior leaders reported extremely positively on the 'excellent collaborative

thinking', systems leadership, and the 'can do' approach portrayed by the CEO and her strategic team throughout the unparalleled challenges posed by the pandemic. A critical aspect of mitigating the impact of the COVID-19 pandemic has been that of Cafcass's effective, proactive action, working together with key partners to address the significant backlog in the family courts, which has been exacerbated by exceptionally longer case durations, fewer final hearings and many more adjournments and constant high demand.

- Cafcass makes strenuous efforts to contact and listen to the parties, to record their views and concerns in the period prior to the First Hearing Dispute Resolution Appointment (FHDRA), in private law. Most safeguarding letters that are prepared for the court are of a high quality. They are timely, proportionate and provide germane advice to the family court about next steps. Risks to children are analysed and informed by appropriate safeguarding checks with the police and other relevant professionals. Creative, child-centred recommendations align with initial risk analysis and are child focused. In a small number of cases, information was incomplete, for instance when Cafcass was unable to speak to one party or when there were delays in safeguarding checks being returned. Designated Family Judges (DFJs) raised concerns that during the COVID-19 lockdowns, the quality and effectiveness of FHDRA has been difficult to replicate remotely. They welcome the recent increase in family court advisers (FCAs) attending court in person and are keen for this to accelerate further.
- Despite exceptional challenges due to COVID-19, the unprecedented increase in the volume of private law applications, and a surge in the number of section 7 reports ordered following the first hearing, most reports capture well the lived experiences of children. Assiduous work by FCAs with parents, other professionals and family members helps to bring early solutions. Assessments demonstrate a resolute emphasis on understanding the impact of parental conflict and domestic abuse on children. Risks and strengths are carefully analysed. There is consistent and commendable evidence during the pandemic of thoughtful and creative use of direct work tools being used to help children tell their story. Most FCAs do this with skill and care, providing informative insights that are supported by research.
- Inspectors observed accomplished FCAs patiently working with children at their own pace, helping them to understand what is happening so that children can tell their story and express their views and worries. Positive examples were seen of letters to the judge which helped children feel assured that their wishes were being heard and shared. The use of later life letters helpfully provides children with an independent account regarding the decisions made on their behalf when they were younger.
- Focused conciliatory interviews by FCAs with parents are respectful, providing them with the time and opportunity to express their concerns and frustrations. Complex adult difficulties and conflict are understood, but do not eclipse a concerted focus on the best interests of children as the presiding determinant.

FCAs are adept at forming finely balanced recommendations for the family court about where children should live and how contact with separated parents should be managed. Judges value Cafcass's significant contribution to helping parents reach these agreements.

- Children at risk of significant harm in private law are swiftly identified and referred to local authority children's services. In more complex private law cases, FCAs make proportionate and appropriate recommendations to the family court, including those where the child needs to be separately represented (rule 16.4 of the Family Procedure Rules 2010) or where the court thinks it may be appropriate for a care or supervision order to be made (section 37 Children Act 1989). Risks pertaining to non-subject children are increasingly represented with the requisite clarity.
- The large majority of children's guardians' (CGs) reports in public law are fair, balanced and authoritative. Significant harm thresholds are rigorously evaluated. Early and permanent separation decisions about children unable to safely live with their parents and family members are well evidenced and tested in CGs' reports and analysis. Well-structured and grammatically correct reports include a clear analysis of risk and protective factors. They furnish families with a dynamic picture of evolving assessments and changing positions during proceedings, bringing clarity to the final advice and recommendations to the court.
- In the majority of cases, the importance and impact of children's cultural heritage and identity are closely considered in case analysis and case planning, but this is not yet consistent enough when children are from white British backgrounds. Senior leaders recognise this and have plans in place to improve the understanding and consistent reporting on children's unique and diverse needs. DFJs report that CGs' work continues to be effective despite increased caseloads and that the quality of their work in care proceedings has not been compromised throughout the pandemic.
- CGs are highly attuned to children's needs, family circumstances and emotional state. Increasingly, children are being seen face to face. Staff are extremely keen to safely resume direct work with children and families in person. CGs use imaginative ways to capture and convey children's views powerfully and compellingly. Exemplary instances were observed of direct, face-to-face work with disabled children and also vulnerable adolescents in deprivation of liberty applications, resulting in proportionate recommendations to the court. CGs frequently and appropriately challenge weak local authority assessments on behalf of children. Purposeful intervention and child-focused analysis by CGs afford parents additional time to make necessary changes during care proceedings.
- The reporting, analysis and understanding of parental deprivation, vulnerabilities and risky behaviours are of a high order. CGs work sensitively with extended

family members, helping them to navigate the complex local authority and court processes. While sympathetic and respectful to unmet parental needs, CGs retain a child-focused perspective. Children's needs for security, nurture and care are uppermost in their considerations, analysis and final recommendations.

- Cafcass's sponsorship of the Family Justice Young People's Board (FJYPB) ensures that they continue to play a pivotal role in developing and improving services on behalf of the MoJ, the judiciary, and Her Majesty's Courts & Tribunal Service. An exceptionally impressive group of young people, they are passionate and committed to improving the experiences of children and young people who are subject to public and private law proceedings. Rooted in their own experiences, they strongly challenge practice within the court arena and provide influential advice, guidance and 'top tips' to children, parents and professionals. During one inspector's observation of practice in the family court, the judge requested that FJYPB 'top tips' guidance for separated parents to be attached to the final order, as it was 'very useful and relevant to the case'.
- The FJYPB are highly influential in Cafcass; the members' advice and guidance are heard and acted on strategically and operationally. They have been instrumental in Cafcass's service development, for example in the creation of introductory letters to children at the start of proceedings, and later life letters at the conclusion to help children and young people better understand their rights and journey through court proceedings.
- Leaders at CEO and board member level have sustained and improved Cafcass's track record of placing children, their welfare and safety at the centre of their work across all teams nationally and locally. Underlying these principles is a closely aligned shared understanding and passionate culture centred around doing the 'right thing' for children. Leaders self assess their services accurately and with a good level of reflection. This is supported by reliable live data and reinforced by knowing the unique complexity and challenges presented when working across a number of agencies and different departments during lockdown.
- Notwithstanding these challenges, high-quality support to staff is embedded across the organisation. A comprehensive suite of formal and informal services ensure that individual staff are fully supported and able to continue to perform their work to the highest standard. Their well-being, in the context of the pandemic, is constantly considered and all benefit from continued access to a wide range of bespoke personal and professional opportunities. This support is strengthened by a coherent and inclusive learning and development programme. This enables services to quickly adapt and respond to new needs, research and best practice models.
- Weekly blogs and live, visible leadership sessions with the CEO are popular and accessible. Staff feel that they are consulted, listened to and can directly influence policy and practice locally. They clearly value working for Cafcass. The

management infrastructure and culture of the organisation are practice focused and child centred. This has continued to be the priority during the pandemic. Consequently, staff recruitment and retention are strong.

- Arrangements to manage 'duty allocated' work are mature and effective. Established and consistent recording, screening and review systems ensure that safeguarding decisions and responses about individual children are purposeful and timely. Risk is 'owned' by dedicated and committed managers and FCAs. Tailored, child-centred solutions are being implemented to manage the relentless high demand. Given these immense challenges, it is laudable that staff at all levels continue to provide effective, high-quality services. Leaders accept that more work is required to unify and improve the quality and consistent recording of supervision, management oversight and decisions across both public and private law cases.
- Leaders recognise that absorbing the exponential and consistent rise in demand is not sustainable longer term. Throughout the pandemic, Cafcass's outward-facing, proactive involvement with all stakeholders has forged effective and important alliances to drive much-needed development and reform. For example, Cafcass leaders have made significant contributions to the President of the Family Division's private and public law advisory working groups. A fundamental system redesign is envisaged to meet the differentiated needs of those children and families who need the protection of the court through a less adversarial way. Work is already under way to pilot ways of working with children and families prior to family proceedings to try to remedy disputes as an alternative to proceedings. This is testament to their exceptional innovation and determination to help and protect children.

Ofsted will take the findings from this focused visit into account when planning your next inspection or visit.

Yours sincerely

Brenda McLaughlin
Her Majesty's Inspector