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Dear Jacky

Focused visit to Cafcass

This letter summarises the findings of the focused visit to Children and Family Court Advisory and Support Service (Cafcass) on 24 and 25 January 2023. His Majesty's Inspectors for this visit were lead inspector Rachel Griffiths and team inspectors Andy Whippey, Andy Waugh, Lorna Schlechte, Rebecca Quested, Kathryn Grindrod and Jan Edwards.

Inspectors looked at Cafcass's arrangements for the following aspects: demand for services from Cafcass, in particular how Cafcass is currently discharging its statutory functions for children in the context of significant demand?

This visit was carried out in line with the framework for the inspection of Cafcass. Inspectors looked at a range of evidence, including case discussions with social workers and managers, and observations of practice. They looked at Cafcass data, performance management, and quality assurance information. They also spoke remotely with a member of the Cafcass board, members of the family justice young people's board (FJYPB), representatives from the Ministry of Justice (MoJ) and Department for Education (DfE), the President of the Family Division, District Family Judges (DFJs) and senior local authority leaders.

Headline findings

Demand for services from Cafcass remains extremely high as continued backlogs in the family courts, resulting from the pandemic, are worked through. This is exacerbated by exceptionally longer case durations, and constant high demand, which is outside of Cafcass's control. At the time of this visit, there were approximately 6600 (14%) more children open to Cafcass than pre-pandemic. Cafcass data highlights that, currently, 15,000 children have been in court

proceedings for over 52 weeks, with 835 having been in public law proceedings for over 100 weeks, and 3500 children in private law proceedings for over 100 weeks.

Despite the significant impact of the high demand, senior leaders have sustained and improved the focus on children's safety and welfare. They have led and developed creative and highly effective strategies in collaboration with key national and regional partners to continue to deliver high-quality services to children, families and the family courts. Senior leaders have a comprehensive understanding of the pressures across the family justice system, and what the associated delays mean for children who are involved in family court proceedings.

In a challenging context, senior leaders have provided for their workforce an environment in which to thrive. They continue to push forward with national and regional improvement priorities. As a result, despite unprecedented demand, Cafcass continues to meet its statutory responsibilities for children. Since the previous focused visit, in April 2021, the quality of social work practice remains strong and, overall, continues to improve.

Senior leaders know their service extremely well, as evidenced in their comprehensive self-assessment. National and regional improvement plans demonstrate that leaders know where the consistency of practice and management oversight need to improve, and which new policies and frameworks require further embedding. Senior leaders' commitment and drive are impressive, and they demonstrate a clear focus on improving children's experiences and lives.

Main findings

Following extensive consultation with key stakeholders, senior leaders introduced a prioritisation protocol to help expedite the allocation of public law and high-risk private law children's cases, and at the same time maintain manageable workloads for frontline practitioners. This has been highly effective and has meant that those children in situations where risk is greatest (all children subject to public law applications and high-risk private law children's cases) continue to be promptly allocated a children's guardian (CG) or family court adviser (FCA) to start an immediate assessment of their needs.

In court areas, where the prioritisation protocol has been activated, allocation hubs are established to hold children's cases awaiting allocation to an FCA where there are no immediate risks identified. These consist of a dedicated manager and a practice supervisor, and only operate when demand staffing and/or system capacity has reached a critical point (now only in two operational service areas in the country). Staff in the hubs monitor those children who have been screened as being at low or no risk of immediate harm, but for whom a section 7 report has been ordered.

This means children's welfare is being monitored pending allocation to an FCA, and at the same time, manageable staff workloads are maintained.

Letters sent to children and families before allocation to an FCA describe what will happen while open to the allocation hub. As a result, they know what to expect, the reasons why there has been a delay in a FCA being allocated, and when they can expect this to happen. Letters provide details of a single point of contact should circumstances change. Most letters sent to children are sensitively and skilfully written to try and help them understand what is happening at a difficult point in their lives.

Similarly, the creation of post assessment hubs, again created to manage demand and workflow, has resulted in children's welfare continuing to be monitored by a dedicated team after an assessment has been completed, and while a court date is awaited. Again, this helps protect staff workloads while providing families with a single point of contact should their circumstances change while they wait for a court hearing.

Once allocated to a child's case, most FCAs and CGs visit children at a frequency that is determined by their age and their individual circumstances. Children are seen face to face and alone unless there is a clear rational not to. In most instances, children's uniqueness is carefully explored by FCAs and CGs, who capture their interests and hobbies, as well as information about how their health, religion and emotional presentation shape their identities, to inform the analysis of the child's needs.

FCAs and CGs are skilled at building up relationships with children. They are creative in the ways they work directly with children to understand their experiences and views. Consequently, in most instances, children's expressed views, or observations of very young children, are fully informing assessments and recommendations to the court.

When domestic abuse is suspected or is a feature in a child's life, FCAs and CGs thoroughly assess risk relating to this and how it impacts on the child's life. This results in safe and appropriate recommendations being made to the court.

During the visit, staff spoke positively about a new model of practice, implemented by senior leaders since the previous focused visit in April 2021. This relationship-based framework promotes accountability and consistency of practice, without taking away the independence of FCAs and CGs.

The increasing use of storyboards and later life letters by FCAs and CGs is helping children to understand their journey through court proceedings.

The Family Justice Young People's Board (FJYPB), a board of children and young people sponsored by Cafcass continue to play a pivotal role in improving practice. Through sharing their experiences of court proceedings and providing their expert advice, impressive and articulate members have been instrumental in influencing the development of introductory letters at the beginning of proceedings, storyboards, and later life letters. FJYPB advice regarding FCAs and CGs sharing their recommendations directly with children is now a national priority for the service. This good practice, which is increasingly occurring, now needs fully embedding.

The majority of reports in both public and private law are fair, balanced and proportionate. The reports address key issues, risks, and strengths. In many reports, children's own words are embedded within them so that judges and magistrates know exactly what children think. When children's views are not given absolute precedence, reports provide a clear rationale for why this is not in the child's best interest.

Although too many children continue to experience delay in their court proceedings being concluded, in most instances this is outside of Cafcass's control. A range of reasons contribute to this, including a lack of court time, constrained court administrative capacity and local authority delays. It is evident that staff and managers are doing their utmost to avoid and challenge delays.

During the visit, staff described challenges relating to high, but reducing caseloads, workforce capacity to meet demand, increasing staff turnover (albeit still lower than local authority averages), and pay in a few operational service areas losing their competitive edge with local authority salaries. Despite this, staff told inspectors that they feel valued, protected, safe, and well supported by their managers and by practice supervisors, who help them manage demand and prioritise their work. Staff like working for Cafcass. Well-being days and other health and well-being strategies are welcomed by them.

Although recruitment continues with net gains, the challenges relating to pay and workload pressures are, despite the best efforts of senior leaders to address them, impacting on staff retention in some areas. Senior leaders fully understand that a skilled, stable workforce is vital if current high standards of practice are to be maintained and further built on. They are in discussion with the Ministry of Justice on these matters.

Proactive action taken by senior leaders in response to an area for improvement identified in relation to management oversight and supervision at the previous focused visit is starting to take effect. Increased management capacity and a refresh of the management oversight and supervision policy and the quality assurance framework have resulted in improved management oversight overall.

Staff describe their managers and practice supervisors as easily accessible and supportive. Increasingly, staff are benefiting from more reflective practice and learning reviews (PLRs), collaborative audits and from situational supervision at critical points in children's lives. However, situational supervision is not yet consistently happening with all staff. As a result, in a minority of children's cases, the opportunity to discuss important aspects of a child's life are missed and this can hinder progression towards a final conclusion for the child. Senior leaders are fully aware of this shortfall and have firm plans to address this and strengthen management oversight further with the imminent launch of management quality standards. The impact of this remains to be seen.

Extensive audit activity, alongside other quality assurance activities, which include practice observations, PLRs, feedback from families and learning from serious incidents, is providing senior leaders with a high level of insight into the quality of social work practice, and most importantly, what impact this practice is having on children's lives. Positively, these activities are also informing senior leaders about where they need to focus their priorities for improvement moving forward.

Senior leaders continue to tirelessly use their influence to tackle delays across the national family justice system with relevant stakeholders and partner organisations. Partnership working is a significant strength. One strategic partner summed up the influence of the chief executive officer by saying: 'She always brings the conversation back to what delay means for children. She is determined to get things right for children'. Feedback received from partners overwhelmingly demonstrates how senior leaders have children at the forefront of their thinking when responding both to internal challenges relating to demand, but also in influencing improvements in the wider judicial system.

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

Yours sincerely

Rachel Griffiths
His Majesty's Inspector