

# cafcass Operating Framework





# Contents

<b>Section 1: The Purpose of the Operating Framework</b>	<b>05</b>
What does the Operating Framework aim to achieve?	05
Why do we need it?	05
What do we do?	06
Working with children and young people	06
Seeing children	07
Working with parents and carers	07
<b>Section 2: How we manage our work</b>	<b>09</b>
Proportionate working	09
Triage	09
Triage, Prioritise, Review	10
The Cafcass immediate intervention model	10
Allocation practice	12
Case Planning	13
Visiting	13
Interviewing	13
Report templates	14
Reporting / case recording	14
Court-based social work	15
Attendance at court hearings	15
Risk assessment	16
Diversity in cases, including anti-discriminatory practice	16
<b>Section 3: Public Law Cases</b>	<b>18</b>
Triage in public law care cases	18
Further guidance on public law cases	18
Framework for working in public law cases	19
Our work in the pre-proceedings and post-proceedings stages of cases	21
<b>Section 4: Private Law cases</b>	<b>22</b>
Triage in Private Law cases	22
Work to the first hearing (WTFH)	22
Work at the first court hearing	23
Work after the first hearing (WAFH)	24
<b>Section 5: Adoption cases</b>	<b>28</b>
<b>Section 6: Regulation and support with the professional task</b>	<b>29</b>
Regulation	29
External regulation	29
Internal regulation	30
Self-regulation	32
Support	33
The National Improvement Service (NIS)	38

The learning action process	39
Additionality	40
<b>Section 7: Evidence-informed and knowledge-based practice</b>	<b>41</b>
Research and case law	41
Management information	41
Performance dashboards and scorecards	41
<b>Section 8: Working with Service Users, Stakeholders and Staff</b>	<b>43</b>
Engagement Principles	43
With service users – ‘communication, communication, communication’	43
With stakeholders	47
With other partners / agencies / public bodies	48
Methods of stakeholder engagement	48
<b>Section 9: Corporate Services</b>	<b>50</b>
<b>Section 10: Value for Money</b>	<b>54</b>
<b>Section 11: Corporate Governance</b>	<b>56</b>

Appendices can be found on the [Cafcass website](#).

## Section 1: The Purpose of the Operating Framework

Over-riding point to note: *the most important journey through the court system is the child's journey*

### What does the Operating Framework aim to achieve?

- 1.1 The Framework defines and describes how we meet our responsibilities as a family court social work service – to children and young people, to courts and to family members, as required by legislation. Our principal functions are found in section 12(1) of the [Criminal Justice and Court Services Act 2000](#) and our main statutory framework is set out in Appendix One.
- 1.2 A number of practice directions and court rules also form part of our statutory framework. The [Welfare Checklist](#), [Family Procedure Rules 2010](#), [Public Law Outline](#), [Private Law Programme](#) and [Cafcass Child Protection Policy](#) are important references for us, as are the other sources listed in the Appendices. Our practitioners and managers also need to be aware of and understand all relevant legislation and regulations, such as care planning regulations, and must remain aware of relevant case law.
- 1.3 Like all public bodies, Cafcass is subject to other legislation which we must comply with and where this applies, it is flagged in the Framework. The Framework draws upon important early source documents for our work, such as Judith Timms' [Manual and Practice Guidance for Guardians Ad Litem and Reporting Officers](#) (1992, Department of Health), and also aims to be in line with the direction of travel set out in Eileen Munro's [Review of Child Protection](#) (2011, Department for Education).
- 1.4 Many Cafcass policies, forms and templates are being simplified. Staff and stakeholders will be able to locate and access relevant supporting policies and other sources of information through hyperlinks within the Framework document. The Framework will also link to HMCTS' Standard Operating Procedures.
- 1.5 Cafcass is a values-led organisation. The Operating Framework incorporates the children's rights perspective used in seminal sets of principles such as the United Nations Convention on the Rights of the Child (UNCRC). The Convention is summarised in Appendix Two.
- 1.6 The Framework will be updated on a regular basis to respond to changing circumstances. The up to date version will always be available on the Cafcass intranet and website.
- 1.7 Through direct submissions, comments on drafts and feedback in more than 50 workshops, the Framework has been co-produced with several hundred Cafcass staff. This process will continue, including with stakeholders.

### Why do we need it?

*'The waterline is rising, and all we do is stand there.'*

-Sage Francis (Waterline, in *Human the Death Dance*, 2007)

- 1.8 We cannot just 'stand there' as we continue to experience high levels of demand, which means more children, often living in desperate and / or terrifying situations, need our help. Resources are already fully and constantly stretched. Strategies for managing the excess of demand over resources are essential.
- 1.9 Our partner agencies in the family justice system are fully and constantly stretched too. Working together is obligatory. Given the economic and financial outlook, we will need to become even more efficient in the next few years and the pressures on public funding for legal representation make this all the more urgent. In multi-agency working, it is vitally important for agencies to minimise any negative impact from unilateral programmes of service reduction which, if un-coordinated, can lead to cost-shunting or demand-shunting from one agency to another or others. For example, Family Court Advisers (FCAs) should not recommend the use of experts to compensate for their own lack of available time but should assist the court to avoid the delay caused by serial assessments over a prolonged period by identifying at the earliest opportunity the issues in the case and the evidence required to address them. The Operating Framework seeks to play its part in the reform and improvement of social work standards.
- 1.10 Service users, staff and partner agencies want each case to be allocated at the outset and for all court-related timescales to be met. In order to achieve that, we have to ensure continuous improvement in everything we do, including a continuous increase in our productivity.
- 1.11 Our work is becoming more complex, in common with other trends in society. We are usually working with children and families going through simultaneous and often painful transitions in their lives. There are no

categories of easier cases – just features of some cases that are easier. Most of our cases require investigative and inquisitorial depth.

## What do we do?

- 1.12 We practise social work within a socio-legal framework in public and private law cases. We assess children's needs and write reports or a case analysis to court recommending how a child's development can best be promoted (UNCRC, Article 27). In our public law work, the practitioner role is to safeguard and promote the welfare of a child throughout a set of public law proceedings, with the responsibility for the child remaining with the local authority throughout. In private law work, nine out of ten separating parents make their own arrangements for the future care of their children, often with the support of family, friends, mediators, solicitors and local voluntary organisations. When a separating parent makes an application to court, communication will normally have broken down or there will be significant risks in the situation. In this one in ten group of parents, Cafcass, called in by the court within the parameters of the national [Private Law Programme](#), is usually the only social work agency involved. At times, we are the only check and balance to ensure a child is kept safe – public law cases have more checks and balances. We are also asked to advise courts on applications such as leave to remove a child from the country.
- 1.13 Our work has to shine a strong light on children's needs and to identify realistically and constructively what those around them can do to make children's lives better (UNCRC, Articles 19, 24 and 31). We do this to the best of our abilities in every case within the resource constraints we face.
- 1.14 One of our predecessor services – the children's guardian service – came into being in 1984 following a groundswell of concern about Maria Colwell, a seven-year-old girl killed in 1973 by her step-father in Brighton after she had returned home from foster parents to live with her mother and step-father. The risks she faced were neither properly assessed nor independently evaluated. Widely publicised incidents of family homicide / suicide, in which one parent kills their children and sometimes their ex-partner and then sometimes herself / himself, following separation or divorce, show that some private law cases carry the highest possible level of risk (UNCRC, Article 19).
- 1.15 These examples show how our work is based upon 'challenges on behalf of the child', whenever things are not right for that child. We act independently of any of the other parties in a case, and ensure that we never have a conflict of interest.
- 1.16 Cafcass services are free to service users. Our practitioners (Family Court Advisers) are some of the most qualified and experienced social workers in England. All are social work qualified, with at least three years' post qualifying experience – most are even more experienced than that when they come to us. We also employ a small number of newly qualified social workers and family support workers who hold a mix of qualifications. We work with core groups of professionals, such as solicitors, local authority social workers, expert witnesses, police officers and health and education professionals. Joint working lies at the heart of the family justice system in which we are proud to play our part.

## Working with children and young people

*All Cafcass staff aim to support the child to the best of their ability from the beginning to the end of the case. We are incontrovertibly for the child and what concerns them. We are clearly focused on how we can improve the situation for them, which they are in through no fault of their own.*

- 1.17 In all public law and private law cases that go beyond the First Hearing, practitioners need to communicate effectively with children to understand what they need and to try to bring that about through the court process (UNCRC, Articles 3 and 12). We also work with parents through the various court processes and suggest ways in which they can meet their children's needs and play appropriate roles in their children's lives – whether or not they have day-to-day care of their children.
- 1.18 Children must be involved in their case from the start. First, we can support their right to know as much about their situation as possible – they are often told very little. Secondly, children can be empowered to express themselves more in ways which influence the attitudes of those around them, even in those cases characterised by parental intransigence. This, in turn, can help to resolve and complete cases quicker. Positively engaging children in their own cases can lead to higher levels of self-esteem and self-confidence, which promotes resilience when growing up with continuing emotional or psychological conflict (UNCRC, Article 12).
- 1.19 Practitioners work with children in various ways, including:
- Sensitively discussing their situation, and helping children to express themselves. To do this, practitioners

will identify a safe space in which children can feel secure enough to communicate emotions they may be expressing for the first time. Practitioners may also use toolkits such as the [Cafcass Needs, Wishes and Feelings materials](#), play materials or interactive software.

- A child's wishes and feelings (the voice of the child) are always at the heart of a practitioner's case analysis and should always be separately recorded in reports, although the weight to be attached to children's wishes will vary e.g, if a child is relating a cover story for defensive purposes or has been coached by one parent against the other.
- Practitioners help children write letters to judges or magistrates, when they wish to.
- Practitioners observe children in order to assess parenting skills or relationships (and also take into account children's feelings about being observed).

#### STRENGTHENING THE CHILD'S WORLD

- Recognising risk, promoting welfare.
- Reducing factors that worry, disturb and distress children.
- Making a contribution to improving children's lives.
- Transmitting hope and positive expectations to children.
- Opening up spaces for children where good things may happen (2010, Gilligan: National Scientific Council on the developing Child, Harvard University, 2004).

### Young person's feedback (Oxford)

When asked what the Cafcass officer did well, she said, "*Listen to me.*"

## Seeing children

1.20 Children are seen in all public law and private law cases that go beyond the first hearing (FHDRA), with a small number of exceptions, e.g, if the child is living abroad and is seen by a practitioner from that country or jurisdiction. Practitioners exercise professional judgment in each case about the number of times and frequency with which a child is seen. The number of times a child will be seen is proportionate to the needs of each case and the issues at stake. The child has to be seen enough to know and understand her or his situation, and therefore for the practitioner to be in a position to produce an evidence-based case analysis for a court based upon their own direct work or 'primary' evaluation of evidence and information, such as the views of parties or other professionals e.g, health professionals, foster carers.

Seeing children is an emotive issue for the organisation. Children's Guardians were established by law after some children in precarious situations were not 'seen', or they were 'seen but not heard'. Any signal that we are not seeing children attracts understandable concern. In long-term cases, children are still seen regularly, though not as much as practitioners would often wish. Seeing children remains a vital source of support and protection for them. There is further information in the [Visiting Section](#) of this Framework.

## Working with parents and carers

- 1.21 Through phone calls, letters (including those sent out as part of the 'Welcome Packs'), emails and visits, our first task with parents and carers is to explain clearly who we are and what we do. We encourage those we work with to see the situation they are in through the eyes of their child or children and to self-assess how they can make the most positive contribution possible to each child's life (UNCRC, Article 5).
- 1.22 As a first step, a practitioner will ask a parent or carer for the information they need in order to write their report or case analysis. Parents and carers will be as fully involved as possible.
- 1.23 Whilst practitioners have a presumption they are being told the truth, they also have to be cautious in case they are not being told the full facts, or, for example, if they are faced with 'disguised compliance'. They also have to guard against the 'rule of optimism', in which a parent or parents has/have deceived social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. Positive change does of course take place. Practitioners have to balance hope and a belief in change and communicate this to parents and carers, where it is justified, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.

- 1.24 In private law cases especially, parents are seeking to convey their side of the story to the practitioner, including facts about who did what to whom and when. Such 'facts' are often disputed. For the practitioner, it is the impact on a child that she/he has to assess, particularly the emotional and psychological impact.
- 1.25 Article 9 of the UNCRC is about the right to contact with both parents if parents separate deliberately or are separated through circumstance. A contact plan is a key element of each public and private law case. Much of our work is about assessing the benefits and risks of contact for a child, including the child's view of contact where they are developmentally old enough to express this for themselves or where they can be supported to do so.

## Section 2: How we manage our work

Key reason for immediate intervention: 'Every child deserves a service from us, without delay.'

### Proportionate working

- 2.1 The Cafcass Operating Framework sets out the Cafcass model of proportionate working. The premise is a simple and unavoidable one. Resources are scarce and finite, and will not increase in the foreseeable future. We have to support every child and we must, as an accountable and responsible Government organisation, stay within budget. To do that, the service level on each case has to be affordable. All working practices – frontline and back room – must follow this principle. Working proportionately means using precious resources wisely, so they are directed to children in greatest need and where we can make the highest positive impact. It also means that all internal processes must be proportionate and equally sparingly applied, as the most scarce resource of all is professional time: each hour matters, just as every day matters for every child – not as challenging a timescale as medical care which may need to get it right in seconds, but still challenging compared to the months or years some children's case take to resolve now. Professional staff can be inspirational in brief strategic work, as long as they get to the heart of the issue quickly, engage strongly and work effectively. Our priorities are to increase productivity, improve quality, and to reduce delay in the allocation and completion of cases by as much as we can. All Cafcass support staff play an equal part in this ambition – every number on a spreadsheet is a child or a service to a child.

#### CASE MANAGEMENT PRINCIPLES

1. Be clear about the 'necessary' work only Cafcass can do. The Operating Framework is a 'sufficiency' framework.
2. Never duplicate the work of others. If someone is not managing the case within the court process as they should be, seek the direction of the court to ensure the work is done rather than us doing it, which can mask the underlying case management problem.
3. Play our part in 'making cases smaller', to 'deepen the court's understanding of how best to help a child within the shortest possible timescale, assisting active judicial case management'.
4. Effectively target our interventions to add the maximum possible value to positive outcomes for children.
5. Intervene strategically in cases, especially at pivotal points. We do not have the resources to do more than this, but doing this well can add great value.
6. Help to bring cases to the earliest possible conclusion on behalf of the child.

### Triage

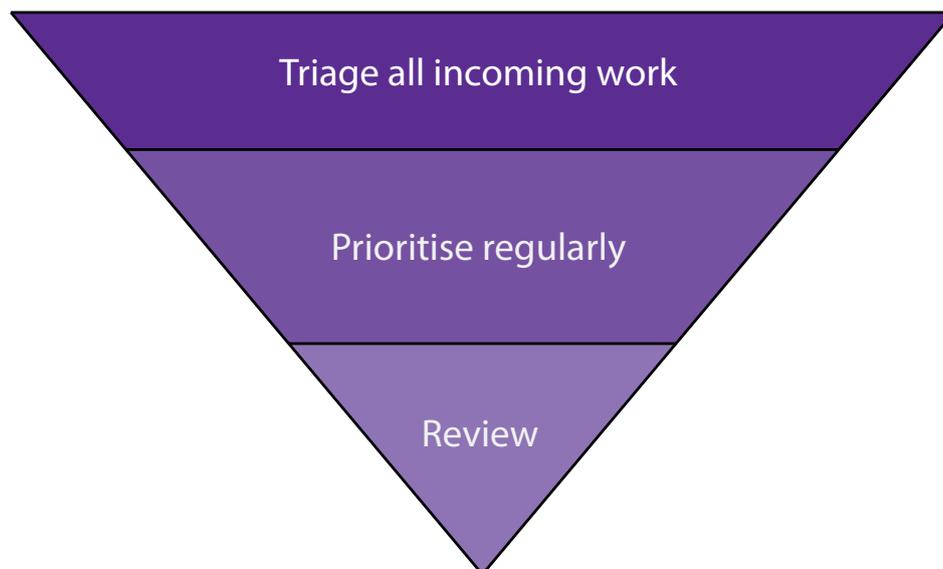
- 2.2 All new information coming in to Cafcass, whatever form it takes, must be evaluated within a single working day. The triage process is a discipline in which the significance of information is assessed and its degree of relevance and / or priority established. The journey taken by incoming documents is the start of the child's journey through Cafcass. Documents, phone calls, emails, etc. need to be treated with great care and processed quickly and efficiently so that the child's journey is not held up.
- 2.3 **Case documents** are triaged by business support staff who must pass them to the right person or team, ensuring any issues of immediate or high concern are passed to a duty officer or Service Manager for screening. Entries on to the Cafcass Case Management System (CMS) or the Electronic Case File (ECF) will be made by business support staff upon receipt of the case / information, e.g. make up a new e-file, make an entry on the contact log, start the Work to First Hearing Process (for National Business Centre data inputters). You can view the process in Appendix Four.
- 2.4 **Complaints** are passed to the specialist Customer Services team at the National Business Centre (NBC).
- 2.5 **Subject Access Requests (SARs)** are passed to the Customer Services Team at the NBC.
- 2.6 **Freedom of Information (FOI) Requests** are passed to the Cafcass Information Assurance and Data Handling Officer, who is based in the National Office.

- 2.7 **Office / Court Duty:** All local teams / offices must have effective duty cover arrangements, which comply with the following standards:

#### OFFICE DUTY COVER STANDARDS

1. All staff need to be 'duty-minded': anything can happen at any time.
2. Incoming post, court orders, messages, etc. must be dealt with and / or accurately passed to the right person within 24 hours.
3. Urgent information such as a child protection concern must be processed immediately.
4. Business support staff must always be able to contact a duty practitioner or manager when they need help.
5. Local arrangements for covering court duty must be as robust as resources allow and must be determined with the local judiciary and court managers.
6. Electronic diaries must be maintained by all staff so that their whereabouts are known for contact purposes. Mobile phone messages and emails should be picked up as soon as possible.
7. All action taken by whoever is on duty must be recorded in the right section of the electronic file.

### Triage, Prioritise, Review



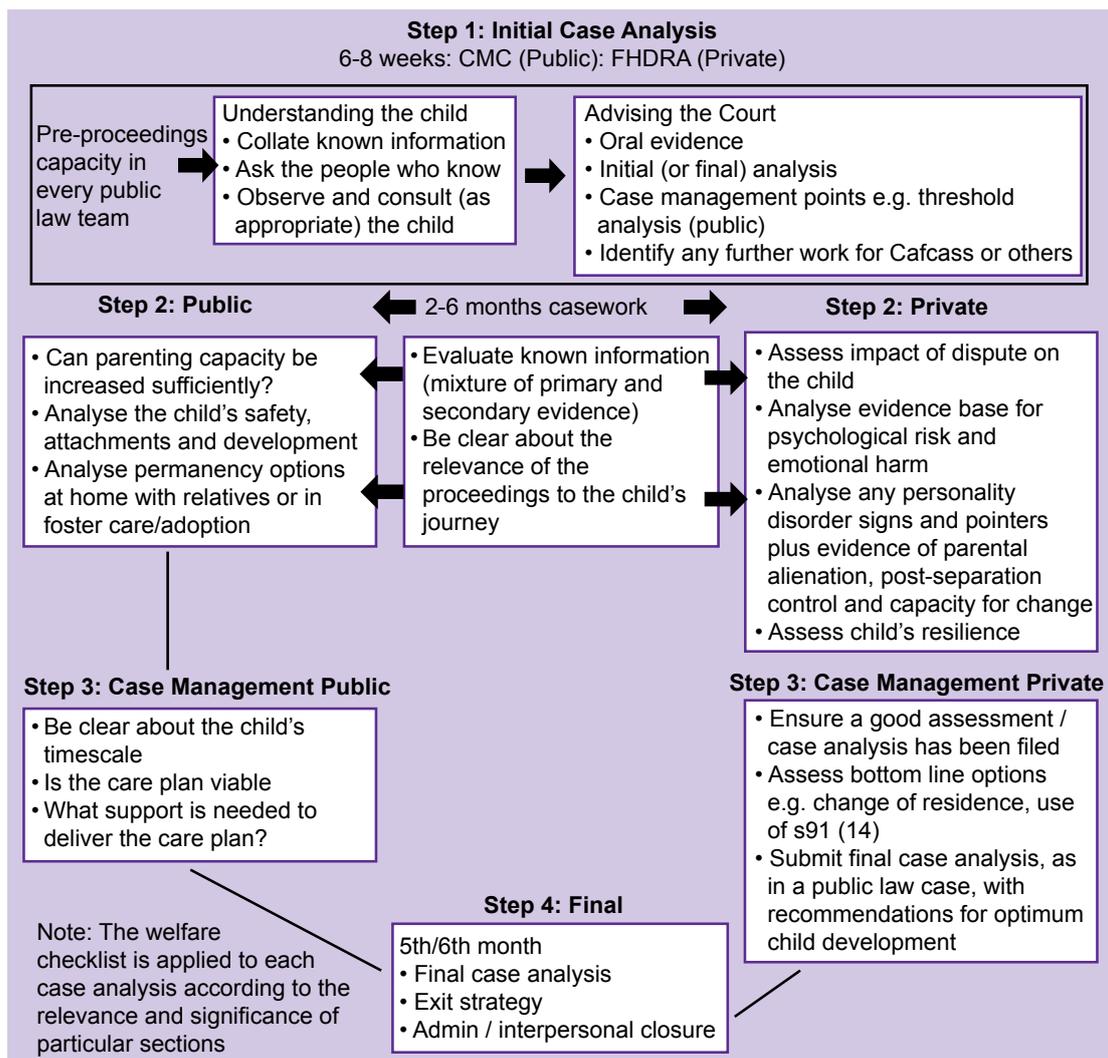
### The Cafcass Immediate Intervention model

- 2.8 Cafcass is developing an immediate intervention model for all of its functions and services. This aims to deal with and, where necessary, resolve issues straightaway, in the smallest number of stages or processes. The aim is to use no more than three to five steps or stages from beginning to end of every professional task and process. The diagram overleaf illustrates the way this works in practice.

## Immediate intervention: the end to end process

	Step 1	Step 2	Step 3	Step 4
<b>Public and Private law casework</b>	<ul style="list-style-type: none"> <li>• Triage</li> <li>• Prioritise</li> <li>• Start information gathering</li> <li>• See / ring people</li> <li>• Form initial hypothesis (1 – 15 DAYS)</li> </ul>	<ul style="list-style-type: none"> <li>• Narrow the issues</li> <li>• Deepen the hypothesis, refining it accordingly</li> <li>• Write an initial case analysis (1 – 6 WEEKS)</li> </ul>	<ul style="list-style-type: none"> <li>• Extend Step 2 for a specific purpose / reason</li> <li>• Await crucial contributory information / assessments</li> <li>• Implement case plan</li> <li>• Update case analysis if needed (6 WEEKS → 6 MTHS)</li> </ul>	
<b>Complaints</b>	Complaint received, directly in NBC or via team  (Response within 5 working days of the next court hearing)	Service user contacted, case file scrutinised and FCA/SM contacted	Response sent out to service user, wherever possible prior to next court hearing	
<b>HR Casework</b>	<ul style="list-style-type: none"> <li>• Triage initial complaint</li> <li>• Suspend or alternative</li> <li>• Appoint investigator with a clear case plan</li> <li>• Set hearing date within 8 weeks (48 HOURS)</li> </ul>	<ul style="list-style-type: none"> <li>• Carry out investigation (2 – 3 WEEKS)</li> </ul>	<ul style="list-style-type: none"> <li>• Write report</li> <li>• Carry out any necessary discussion / negotiations (3 – 8 WEEKS)</li> </ul>	<ul style="list-style-type: none"> <li>• Hold hearing / make decisions (BY WEEK 8)</li> </ul>
<b>Financial management</b>	SA Allocation derived from weighted workload model December before new FY	HOS/AFM review before new FY commitments and agree actions to close gap	Monitor monthly exceptions against forecast including action to stay balanced	
<b>MP's letters</b>	<ul style="list-style-type: none"> <li>• Triage</li> <li>• Check on RFL</li> <li>• Send holding letter</li> <li>• Email staff member for a position (24 hours)</li> </ul>	<ul style="list-style-type: none"> <li>• Finalise information from local area within 5 working days</li> </ul>	<ul style="list-style-type: none"> <li>• Draft reply to and fro</li> <li>• Track changes process</li> <li>• Signoff and send (3 - 9 days)</li> </ul>	

## The Cafcass casework process in stages



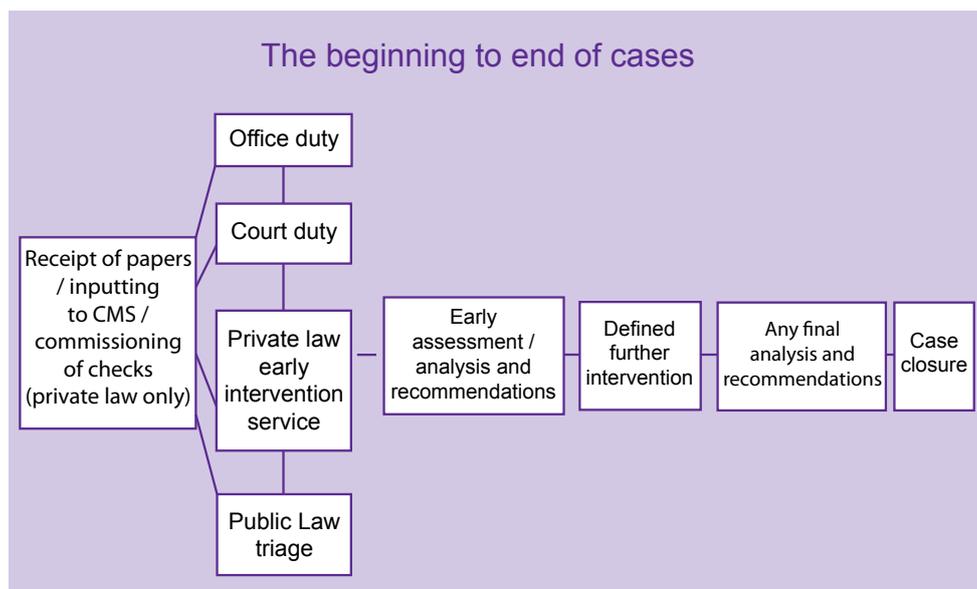
## Allocation practice

2.9 The following allocation and throughput standards are applied in every local Cafcass team:

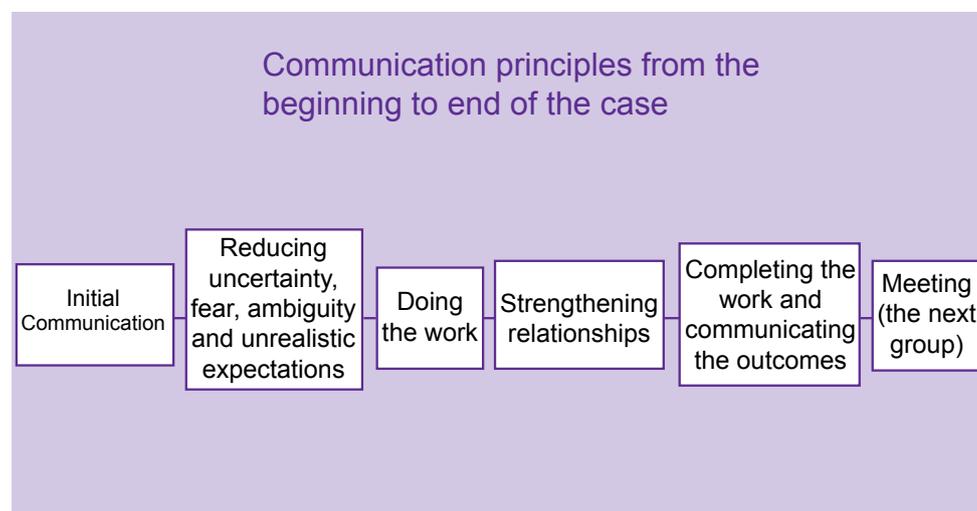
### ALLOCATION AND THROUGHPUT STANDARD

1. All work is allocated as soon as possible on receipt.
2. The service level on cases takes into account the resources available.
3. Cases are closed promptly, in line with the case recording policy.

- 2.10 When allocating cases, the manager will communicate with practitioners as clearly as possible within the constraints of busy working lives. Communication may be face-to-face, by phone, by email, etc, depending on practicalities. Whatever the constraints, allocation should be emotionally intelligent, e.g, in the way a note is written, or a message is left, etc.
- 2.11 Service Managers should only hold cases in the first few days after receipt, for triage and allocation purposes, or for a brief period if it becomes necessary to transfer a case from one practitioner to another, for example if a practitioner leaves the organisation or is on extended sick leave.
- 2.12 Our Key Performance Indicators (KPIs) for 2012-13, which are agreed between Cafcass and Government measure the proportion of our open public law care workload allocated to an appointed Children's Guardian (KPI 1) and private law workload allocated to a Family Court Adviser (KPI 3). Additionally, KPI 2 measures the timeliness of allocation to an appointed Children's Guardian for all care applications.



NB: whilst this is a linear representation, most case communication is overlapping.



## Case planning

### CASE PLANNING

- A case plan should set out simply and clearly what we plan to do on each case, e.g. an interview plan, and how our intervention is to be structured (apart from Work to First Hearing private law cases, which do not need a case plan as the timescale for involvement is too short).
- Case plans are not needed where, for example, the work is carried out quickly by seeing parties and the child / children on a single day, with no follow up work needed. A threshold of relevance and vulnerability also acts as the trigger for a case plan.
- Case planning / the approach to assessment should be shared with service users unless to do so would place a child or adult at risk.
- Case planning is important to structure work and to allocate finite resources according to priority (professional time being the most expensive resource). 'Pause and plan' is the key phrase.
- Case planning can be done either by the FCA or FSW once allocated, or by the SM before allocation.
- A case plan should not include detailed narrative, chronology or case recording.

## Visiting

2.13 Every visit should be 'necessary'. This usually means visits which inform an initial assessment or where there has been a significant change in circumstances or where a concern has arisen. The purpose of the visit must be in line with the purpose set out in the case plan, to carry out work that is essential to the child's welfare or development or because there is a specific, tangible concern. The framework for visiting is:

- An introductory or an initial assessment visit.
- To gain new and crucial information that cannot be gained fully and safely in any other way.
- Visiting to explore concerns in greater depth than is possible through other means.

Home visits may be undertaken when compiling a single issue, multi-issue, risk assessment or a wishes and feelings report under s7 in private law cases, if it is both necessary and in line with the case plan. In public law cases, the practitioner should visit as much as 'necessary' to fulfil the Children's Guardian role in line with the classification of cases in [Triage in public law care cases](#).

As much use as possible should be made of office visits, where appropriate, videolink and Skype, to keep non-productive travel time to the necessary minimum.

Proportionate visiting means that neither children nor parents have equal visiting rights from us. We may well visit one party more than another, or one child more than another, depending on the circumstances of each case.

For more information click [here](#). Also see [Section 8: Working with service users, stakeholders and staff](#), and the [Seeing children](#) section in this document.

## Interviewing

2.14 Each interview, be it by telephone or face to face, must have a purpose. Each Cafcass analysis will be based upon the information gained and assessment formed as a result of one or more interviews. As with visiting, practitioners will determine the 'necessary' number of interviews and interviewees for each case. Each interview should immediately convey emotional and professional confidence and integrity, whether face to face or over the phone, or via an email exchange. Questions (from us) should be clear and to the point, always keeping the focus on the child, using interviewing skills such as rapport, use of authority / role and empathic listening, which shows the answers have been understood and assimilated into the evolving case analysis.

Examples of how to interview in a focussed way are:

- Day assessments in which all parties to a case and relevant non-parties are interviewed on the same day or over a two day period, with all relevant case material read beforehand and the case analysis produced immediately afterwards. Relevant members of the family will normally need to be seen together as well as

separately, including observation of contact where 'necessary'. Day assessments can be the main way we discharge our public law role, at pivotal points in the case, such as when we are analysing whether the threshold for care is met, whether a parent/s has/have the capacity to change in the child's timescale, or whether the care plan is viable.

- A defined number of focussed sessions which combine interviews / assessment with an active solution-focussed approach such as dispute resolution and which create a forward momentum in the case and an expectation of resolution

## Report templates

- 2.15 Electronic templates support all aspects of our work, to improve and standardise the structure of reports and to meet recording requirements. The templates have been set up to be pre-populated with data from CMS to save practitioners time and to improve the accuracy of records.

Report templates are guidelines only. Not all sections have to be routinely completed, just those relevant to the case in question. Apply the test of relevance and necessity, proportionate to the case, e.g, use of the assessment workbook or case planning form is desirable in many cases, but lack of time may necessitate briefer recording. The briefest permissible record is to reference your report in the contact log, and to make sure your report contains all the relevant information.

## Reporting / case recording

- 2.16 A Cafcass case analysis is our staple 'product', in both public and private law cases. Increasingly, with the permission of the court, we are using a standard single case analysis, rather than the multiple types of report set out in the [Public Law Outline](#) and the [Private Law Programme](#). The Cafcass analytical writing template and associated guidance sets out the five stages of a Cafcass case analysis.

The [case recording policy](#) sets out how when and where to record, as well as policy on the retention and destruction of records. The [reporting to court policy](#) sets out the standards to be met when reporting to court, the standards for sharing court reports with parties, and resolving differences of opinion about the contents of reports to the court

### ANALYTICAL WRITING: KEY POINTS

1. First set out the issues in the case and their relationship to the application.
2. Then produce an evidence-based analysis, using paragraphs or a bullet point format. Pure analysis without evidence won't work. Facts without analysis will also not be enough. Use key facts, incidents or events which best illustrate the issues in the case and then analyse these 'significant facts'.
3. Consider the impact of the proceedings on the child / children.
4. Exercise professional judgment, in a balancing exercise of the key factors.
5. Make your recommendations, which should flow from the evidence base and the exercise of professional judgment.
6. Think 'child protection', 'diversity', 'the welfare checklist', etc, so that the major relevant issues are automatically considered without policy or procedural prompts. The welfare checklist must be considered in every case. Individual elements of the checklist must be covered when it is clear they are significant in a case.
7. Your case / issue analysis should ensure the child's needs, their wishes and feelings and the impact on her / him of their situation 'leaps off the page'.
8. Aim high: each report should demonstrate our expertise, and each report we write should aim to be an improvement on the one before.
9. There can be no page restriction in a professional report, as length is dependent upon the case in question, but a good analysis is always easy to read and follow, and fairly concise.

On point four, it is important to reflect areas of doubt and uncertainty in a professional recommendation. The evidence base required for sound decision-making is frequently incomplete, however much effort is put in. Many situations for children remain messy and muddled. It is best to reflect the pros and cons of a

recommendation where the arguments are finely balanced, before making it clear why a particular recommendation is being made. The case record, though recorded proportionately, must contain an adequate audit trail of work done, including notes of interviews and the inclusion of relevant information.

**Case recording / reporting**  
(defensible decision making, not defensive practice)

Focussed entries on the contact log and all case-related databases, e.g, Case Management System (CMS), Request and Feedback Log (RFL). These must be kept up to date.

Use of the detailed contact log (and the assessment framework) for those few cases where this is warranted.

Record once electronically.

A case plan for each allocated case, updated when the plan changes, apart from Work To First Hearing (WTFH) cases.

Clear case analysis, with an evidence base for all recommendations and demonstrating the exercise of professional judgment.

2.17 With the increased use of telephone interviews, a brief note in the contact log at the end of the call is one way of recording contemporaneously and also letting the service user in question know what you have concluded from the call. Good telephone social work is based upon the same principle as good face-to-face social work: listening skills, an ability to establish a rapid working dialogue, a warm and empathic interpersonal style and clarity of questioning and responding.

## Court-based social work

- 2.18 Our practitioners frequently give evidence in court to substantiate their recommendations. The following key points should be borne in mind when working in court:
- Court-based social work is a crucial skillset, including negotiation with parties about what is needed and gaining all parties' confidence in our proposals. We operate in significant part through negotiation and persuasion.
  - Dispute resolution or conflict mediation is a core skill to use in work with families and with professional colleagues throughout the life of a case. We aim to interrupt a cycle of neglect, abuse, violence, hostility, etc, and to support rational child-focussed attitudes and strategies. This can work in public and private law cases.
  - Most parties to a case – or at least their advisers – should be aiming to work collaboratively and to narrow the disputed issues in line with the court rules, their professional codes of practice and judicial expectation. We should be clear when insignificant issues or red herrings are raised by any party, which distracts from the issues facing the child.
  - Whilst some proceedings become adversarial or confrontational because of the personalities involved or because the stakes are so high, we should not work defensively through apprehension about being cross-examined. We should do sufficient work on each case to be able to justify our conclusions and recommendations. This must include our own evaluation of the evidence (primary evidence / evaluation), as well as analysing the work of others (secondary evidence / evaluation).
  - We can advise courts about case management e.g, focussing on the effect of any direction sought in the case, and bringing to the court's attention the effect of delay at all points in the proceedings.

## Attendance at court hearings

2.19 Attendance at court hearings is a matter for a direction of the court and the practitioner's professional judgment about which hearings she / he needs to attend. Increasingly, practitioners are expected to be in more than one hearing on the same day, which have to be prioritised if alternative dates cannot be organised in

good time. Double or multiple bookings are a fact of contemporary professional life and the way of avoiding a wasted hearing is by excellent prior communication.

- 2.20 The [Family Procedure Rules 2010](#) do not require Guardians to attend directions or milestone hearings if the solicitor for the child is going to be there (paragraph 6.5, [Practice Direction 16A](#)). The Guardian should review the 'need to attend' with the child's solicitor and make sure the solicitor is sufficiently briefed, seeking a direction from the court if there is a dispute with any party about whether or not to attend.
- 2.21 Practitioners should attend for any other type of hearing if directed to do so or it is necessary, for example to give evidence, to be cross-examined, or to assist the court; there must always be a clear purpose. The practitioner should make a professional judgment about which hearings are vital to attend in whole or in part. The court has the final say.
- 2.22 In many cases it is possible for the practitioner to remain available by phone, or to be within easy reach should the need for attendance arise. This enables the practitioner to continue working on other cases whilst waiting or being on standby.

## Risk assessment

- 2.23 As a frontline social care agency, Cafcass has a duty to assess risk to children in the course of its work, a duty strengthened by s16A of the [Children Act 1989](#) (also, UNCRC, Article 19). In our private law work, we assess risk directly, passing concerns about at-risk children to the relevant local authority either as information or as a referral to investigate under s47 of the Children Act. Making appropriate referrals sits alongside our court reporting role about risk. The transfer of concerns to the local authority is important so that the local authority has a record of our concern should the child be the subject of further concerns in future. In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself may ask the local authority to formally investigate risk. Assuring ourselves that we have assessed risk properly is built into the Cafcass case closure process.

## Diversity in cases, including anti-discriminatory practice

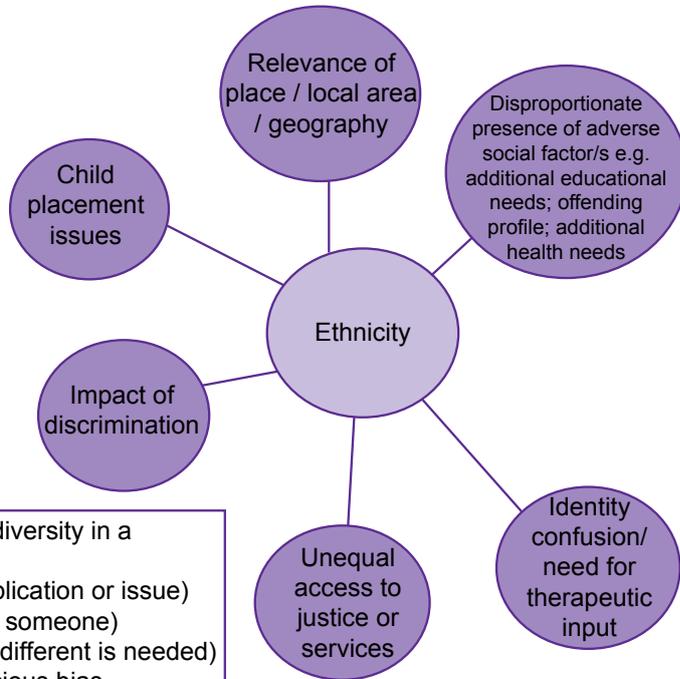
- 2.24 The two illustrations overleaf explain how to approach and analyse diversity issues in cases and outline some important factors to consider in relation to relevance, vulnerability and outcomes, as they might apply to an individual child / case. Relevance means deciding whether the diversity factor make a difference to the issue in the case or the application. If not, it is not relevant. If it does, it is relevant and must be included / analysed (UNCRC, Articles 2, 23).

We need to make reasonable adjustments in our work in response to a relevant diversity factor – a reasonable adjustment to the way we work, or to how the issue / case is analysed and how recommendations are formulated.

Whilst ethnicity and learning disability are used to illustrate this model, the same framework applies to all our obligations under the [Equalities Act 2010](#), such as gender and religion, set in the context of the welfare checklist.

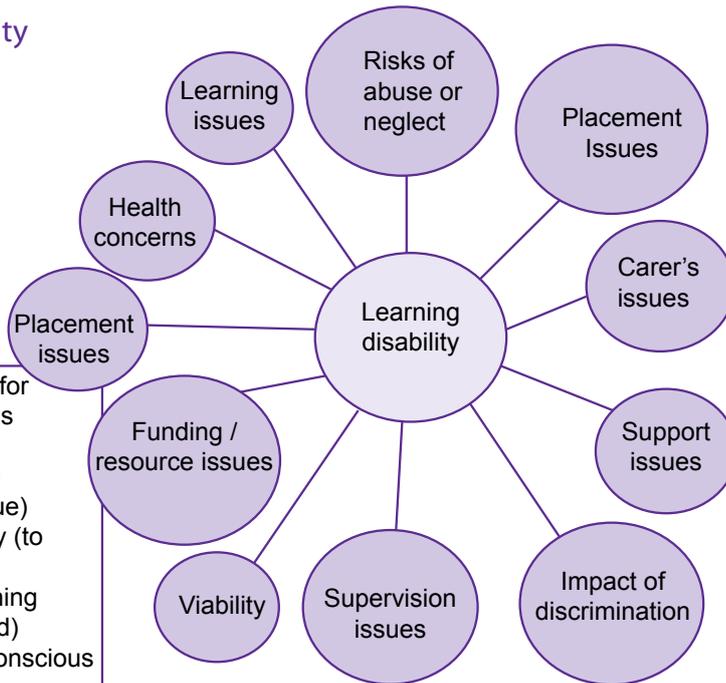
Diversity monitoring information should be inputted on to CMS by practitioners or administrators to inform service planning and provision, nationally and locally. Hard copies of the monitoring form may still be used. See also the [Interim Cafcass Equality and Diversity Strategy](#).

## Ethnicity



NB1: The threshold for diversity in a Cafcass analysis is:  
 1. Relevance (to the application or issue)  
 2. Risk / vulnerability (to someone)  
 3. Outcome (something different is needed)  
 NB2: Check for unconscious bias

## Learning Disability



NB1: The threshold for diversity in a Cafcass analysis is:  
 1. Relevance (to the application or issue)  
 2. Risk / vulnerability (to someone)  
 3. Outcome (something different is needed)  
 NB2: Check for unconscious bias

## Section 3: Public Law Cases

### Triage in public law care cases

3.1 The triage process should be used to differentiate between well-managed local authority cases and those with significant gaps. The three categories in the public law triage process are:

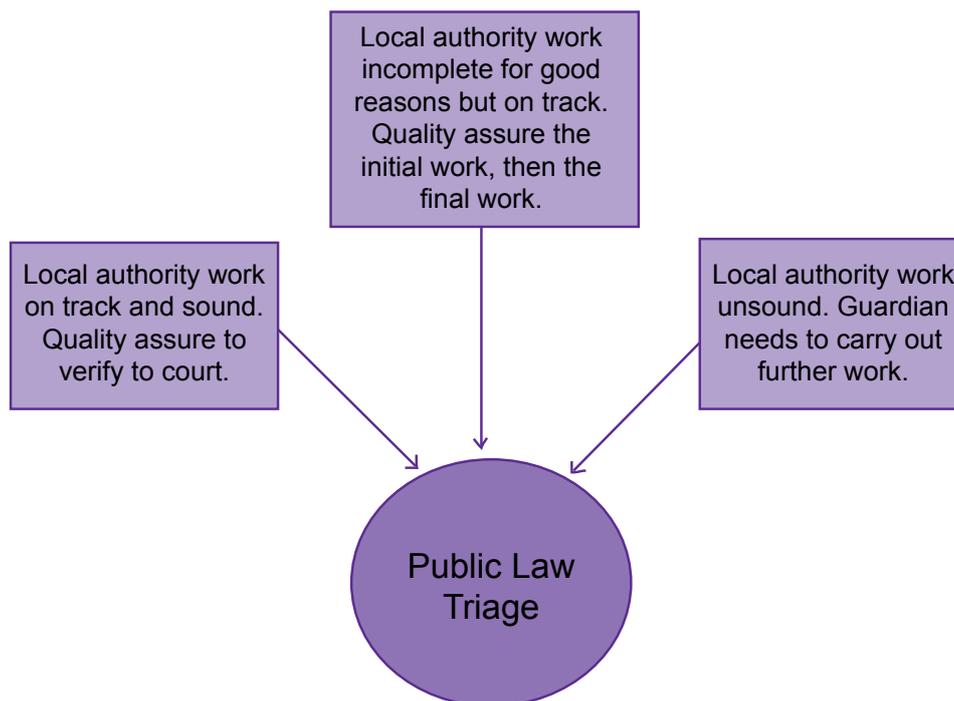
**A category 1 case:** Applications where the local authority has carried out and co-ordinated sufficient assessments and where the outline care plan/s is/are sound. In this group of cases, the Children's Guardian should carry out sufficient enquiries to be able to provide the required independent evaluation of the local authority case. A short report could be provided to the court along these lines, as soon as it is possible to do so, making reference to the timescale for the child. The court may also need our assistance much less in certain types of case e.g, discharges from care of older children who have been in a stable placement for a number of years, although there are always exceptions and even these cases require up to date Level 2 police checks for adults in the household, plus an up to date case analysis.

**A category 2 case:** Applications where the local authority work is good, yet more work is needed, perhaps because of a difficulty engaging with the family or because a specific expert report is not yet available. A case analysis can be written along these lines, ready to be updated if all goes to plan.

**A category 3 case:** The third group of cases are those where the Children's Guardian needs to be intensively involved on behalf of the child, because either the assessment/s, the care plan/s, or both are insufficient.

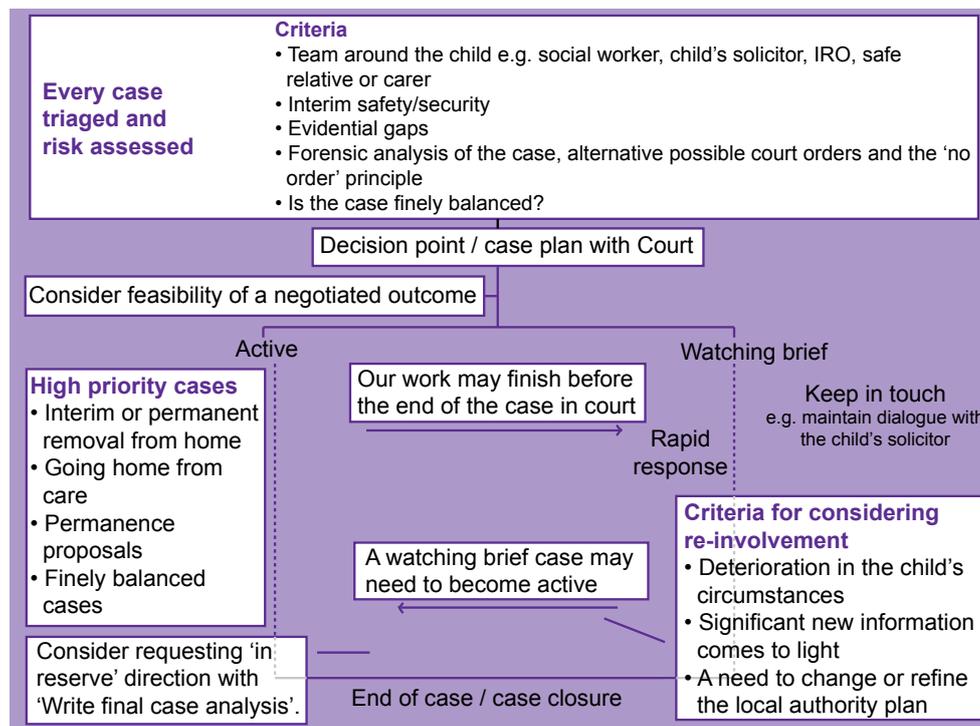
NB: This is a Cafcass internal classification only.

### Further guidance on public law cases



The Public Law Pathway can be accessed in Appendix Five.

## Framework for working in public law cases



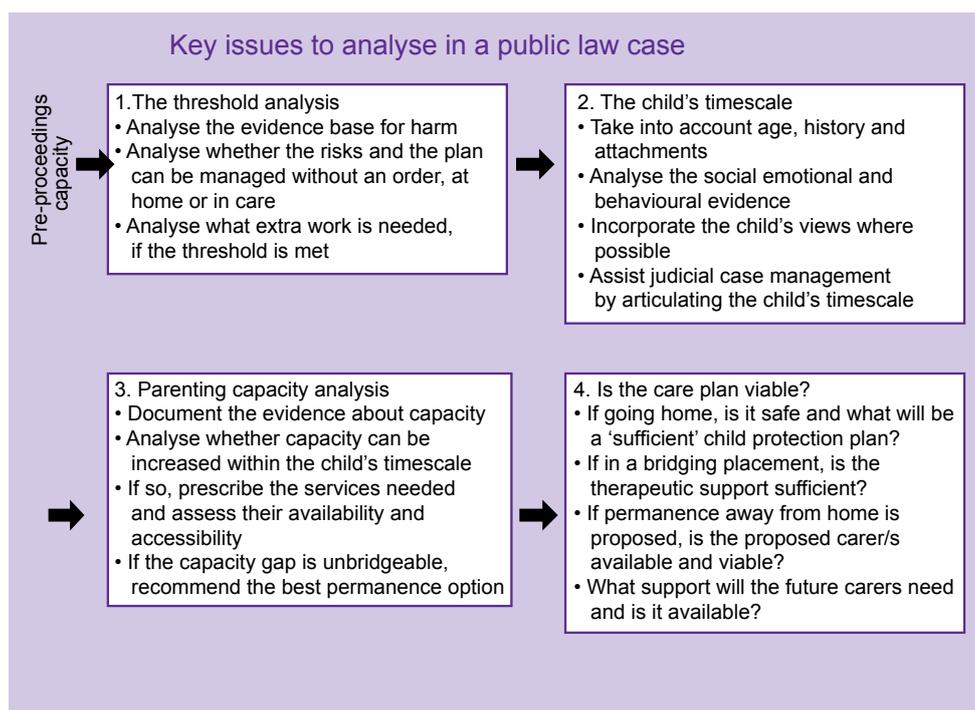
### 3.2 The main tasks of the Children's Guardian:

- safeguard the interests of the child / children subject to proceedings and provide advice to the court, having regard to the 'no delay' principle (Children Act 1989, s.1(2)), the child's wishes and feelings and to the other matters set out in the 'welfare checklist' (s.1(3)) (UNCRC, Articles 12, 24, 28).
- make sure that if children subject to care proceedings have been (or are proposed to be) removed from home, the evidence base is compelling. The longer a child remains living away from home, reunification (if appropriate) becomes that much more difficult, so the crucial decision in care proceedings is often the one taken at the outset to remove the child. In many cases, children are living away from home before proceedings start and have been accommodated under s20. In all cases, the court will want the Guardian's assistance in considering alternative permanence plans and alternative legal orders. This is why the early stage of a case is so crucial, so that wherever possible a clear direction can be set, with a strong focus on the timescale for the child. For a child in these circumstances 'every day matters'.
- make sure that any reunification plan for a child is not only the best available, but also that it is likely to be viable and to provide stability and permanence, especially if the child is returning to a home environment which was previously abusive or neglectful.
- ensure that a recommendation about permanence, be it for adoption, special guardianship, long-term foster care or a Residence Order with a kinship carer, reflect the child's 'unique permanence framework' in terms of placement, contact arrangements and identity support, and explain how these will safeguard and promote her / his welfare (UNCRC, Article 20). NB: contact is very dynamic and will change over time as circumstances change, so it is important not to be too definitive about contact during the care proceedings stage of a child's time in care (Neill, 2011). Notice should be taken of children's needs, especially babies and very young children, who can become 'exhausted' by excessive levels of contact with their parent/s, during the interim care order stages of a case. Clarity about a baby's or small child's interim contact needs is crucial.

### 3.3 Proportionate or 'necessary' practice includes:

- working within the established 'tandem model', with the child's solicitor who is preferably appointed by the Children's Guardian. Establishing a joint working relationship on the case with the child's solicitor is at the heart of public law practice. This working relationship lasts from the beginning to end of the case. It is important for Children's Guardians to understand the limitations of the work solicitors are themselves now funded to undertake. It is important to hold regular joint discussions about the best use of limited 'joint time'.
- reading and absorbing the key documents in the case as soon as possible and as far as possible, to gain a historical perspective and evidence about the child's world, the impact of previous local authority interventions, treatment programmes, family support interventions etc.

- identifying at the outset, as part of the triage process, the team around the child and being more actively involved if the child has no other professionals or safe carers safeguarding and speaking up for her / him.
- conducting a 'gap analysis' of the local authority case at the outset so that any further necessary work is identified, particularly the early identification of issues for the court. This is best done through liaison and agreement with the local authority and, if appropriate, structured conversations with key professionals and / or expert witnesses, ultimately supported through a court direction. If directions are not being complied with, it often supports the child to restore the matter to court for review / further direction. Relations with local authorities should be cordial and constructive, but never cosy or collusive.
- interviewing the key players, using the perspective of the best interests of the child to evaluate what they have done and what they say. Analysing how the child's world is being affected by those around him or her is central to the Children's Guardian role.
- 'acting on the system', for example by challenging a care plan that needs improvement. NB: This process of negotiating with the local authority can take some time if, say, financial support for a care plan is in dispute. Resolution of this can bring a crucial improvement for the child, even though it can add to delay.
- clarifying, recording and appraising the wishes and proposed plans for the care of the child of parents, others with parental responsibility (PR) and other adults who are important to the child, and ensuring that the local authority has given due consideration to these.
- intervening at pivotal points of the case. For example, the court application may have been made because the parent has withdrawn consent for s20 care, so the reason for the withdrawal may be the first issue to examine; or there may have been a further review of all similar cases within the local authority and a change of direction or decision-making / thresholds by local leaders; at the first contested interim care order hearing if crucial decisions are being taken; analysing viability assessments, including the capacity of a parent / parents to change in the timescale a child can cope with; and making an overall viability assessment of the favoured CA 1989 s31 care plan. This plan, which can also be written as a placement plan, must be 'appropriately specific' and 'sufficiently firm and particularised for all concerned to have a reasonably clear picture of the likely way ahead for the child for the foreseeable future' (Per Nicholls LJ in *Re S, Re W* (2002) UKHL 10). Correct application of the 'no delay principle' may lead to a conclusion the plan is good enough for a final order to be made, even though its detail is imprecise. This recommendation / judgment can only be made on a case-by-case basis.
- the main focus should be on the child's timescale. We should support judicial case management by being conscious of the impact of our own work on case duration and the impact of our work and the court's on the child's timescale. The Guardian should bring the child development implications of delay to the court's attention. This supports 'active, inquisitorial judicial case management' (Newton, 2011).



### 3.4 Additional points to bear in mind:

- The time given to direct work and forensic analysis of assessments and key documents will vary from case to case.

- As soon as the Guardian's independent evaluation of the case is made, it should be filed in court, subject to any directions. This includes being clear when the Children's Guardian's necessary work is complete.
- With a 'watching brief' case, the Children's Guardian will keep in touch with the child's solicitor, the local authority social worker, foster carer, etc, through telephone catch up calls. The emphasis must be put on the child's needs and current circumstances and what extra work needs to be done.
- Attending statutory review meetings or case conferences may be a good way of understanding all the factors in a case and all the players, but attendance should generally be kept to pivotal meetings only (UNCRC, Article 25).
- The Children's Guardian's role in care planning should parallel that of the court, leading them to step back from the detail once a viable outline plan has been established. The IRO is well-placed to act as long-term overseer of the care plan as it will inevitably change and evolve over the child's time in care. NB: A child spends an average of five years in care. The court process is likely to be some 20% of this total period.
- For the youngest children, for whom a plan for adoption is being recommended, the care order and placement order stages can be combined as long as one clearly follows another. It may be appropriate to combine the care order and placement order stages on the same day as long as there is a clear sequence and separation and in consultation with the parties and the court. In many courts this is now standard practice.
- In some cases (usually involving older children), it will be clear that a care order will be necessary, but the details of a permanency plan will take some time to work out following further assessments. In such cases, the court may be recommended to make a care order so that the local authority can continue with its corporate parenting duties and make a new application to court if this becomes appropriate.
- Working proportionately still means adding value to the child's case and the child's care. For example, it may add value to write the child a short later life letter to show that the binding decision made by a court was informed by an independent social work evaluation.

## Our work in the pre-proceedings and post-proceedings stages of cases

- 3.5 We have a pre-proceedings project underway and being evaluated on a research contract in Coventry, Warwickshire and Liverpool. Practitioners scrutinise potential care applications during the pre-proceedings stage. Parental consent is always obtained and if the case does come to court, the same practitioner who has been involved pre-proceedings becomes the Children's Guardian. Early findings are that a number of cases have been positively diverted from court, and that the perspectives of some parents have been changed as a result of this work. No perception of collusion has been apparent or raised by parents. This kind of activity seems to work best in local authorities that have reorganised their own services to resource and prioritise pre-proceedings work. This pre-proceedings work is also enabling cases to run more smoothly if they do have to proceed through court, because of the earlier agreed social work analysis of the case. Our involvement is legitimate because of our involvement in 'potential proceedings' (Criminal Justice and Court Services Act, 2000, Section 12(5)).
- 3.6 A post-proceedings project is being planned in Suffolk. This will make a customised support / treatment programme available to parents after care proceedings has ended in which she / he / they has / have lost their child. Following an analysis of the parenting gap, a contract of expectations clearly sets out changes that need to be made before any subsequent child is born, if the risk of losing that next child through a 'sequential removal' is to be significantly diminished or eliminated. This is a dual care plan approach – a care plan for the child and a care plan for the parent in question, a team around the child and a team around the parent, so that as far as possible, a future child can be protected against automatically being taken into care because of the same risk factors for the unborn child remaining in place unchanged or undiminished. Cafcass is a member of a multi-agency group developing this model, though cannot be directly involved as it is outside our remit.

## Excessive variation in demand for services

- 3.7 In public law, local rates for the numbers of children taken into care vary considerably between local authorities, just as rates of report ordering in private law cases vary greatly amongst judges. Whilst some variation is understandable due to local factors and circumstances, excessive variation risks a postcode lottery for removal of a child from their parent/s. Local issues should be taken up by Heads of Service in local meetings with senior local authority managers and with Designated Family Judges, or at LPIG meetings. Although care applications from some local authorities need less scrutiny and quality assurance in general than those from other local authorities, individual cases must always be treated equally and appraised in their own right.

## Section 4: Private law cases

### Triage in Private law cases

- 4.1 In accordance with the [Private Law Programme](#), our role before the First Hearing (the First Hearing Dispute Resolution Appointment (FHDRA)) is to identify any safeguarding or serious welfare concerns affecting a child or a vulnerable adult. This begins with the screening of the C100 (or other) application form in the Cafcass Intake Team (CIT), based in the National Business Centre (NBC) in Coventry. After the C100 is entered onto the Cafcass Case Management System (CMS), after the local authority and police checks have been sought, and after the case papers have been screened for any urgent child protection need, the file is passed to the relevant local early intervention team (EIT) in each service area to undertake risk phone calls to parties and to write a Schedule 2 letter to the court, in line with the [Private Law Programme \(PLP\)](#) (April 2010). Whilst a small number of EITs carry out some post-first hearing s7 reports, the majority limit their work to Schedule 2 letters and court duty, because of the high volume of work requiring completion in a short period of time. A small number of Schedule 2 letters are written within the CIT in the NBC on behalf of local teams. Each of the 17 Cafcass service areas has one or more specialist private law early intervention teams.

### Work to the first hearing (WTFH)

- 4.2 Research such as [Hunt and Macleod's \(2008\)](#) suggests that about 50% of private law cases feature 'serious welfare concerns'. The other 50% of cases, though less overtly concerning, may still be featuring a significant emotional impact of relationship breakdown for a child. Distinguishing between these two main types of case is the core WTFH professional task, which is to speed up those cases which can be dispensed with on the merits of the application and submissions and to identify those cases about which there is such a high level of concern that the court is asked to take steps to safeguard the child in question and determine quickly if additional work from Cafcass is needed.
- 4.3 The initial stages of new private law court applications are now dealt with by the Cafcass Intake Team (CIT), based in Coventry. The benefits are that:
- courts in England have one central point to send all C100 court application forms
  - data processing is centralised
  - safeguarding checks are initiated on the day the application (C100) is received
  - business support staff in local offices have the capacity to devote more of their time to supporting practitioners and local managers with essential tasks.
- 4.4 At the WTFH stage, Cafcass' remit is limited to an initial safeguarding and welfare analysis. Information is usually not sufficient to write a definitive case analysis at this stage. If the court requests us to undertake more work after the FHDRA, this will usually come in the form of one of the four types of s7 report described in schedule 1 of the [Private Law Programme](#).
- 4.5 Local Office Managers and Service Managers need to make contact with their counterparts in Her Majesty's Courts and Tribunals Service (HMCTS) to ensure that the court lists cases on dates where an FCA can attend, when checks are back and when Schedule 2 letters have been produced. This minimises the need to adjourn the case and reduces the risk of making an unsafe consent order. However, in order to meet deadlines, risk assessment phone calls to parties will often have to be carried out before the checks are back.
- 4.5 Cafcass has agreed a protocol with the [Association of Chief Police Officers \(ACPO\)](#). From 1st April 2012 all police forces in England will be signed up to the police national computer (PNC) partnership for basic PNC Level 1 checks to be carried out by the specialist police unit within the National Business Centre. Enhanced Level 2 checks will continue to be made through local police forces when the circumstances of the case warrant it.

The professional judgment about which checks to make must take into account all members of the resident parent's household and the household of the non-resident parent if contact takes place there. Whilst we have announced the necessity for checks in the Welcome Packs parties receive, consent of non-parties to the case needs to be sought and gained each time. In reporting to court, we should list or make reference to past, relevant convictions only. Whilst it is impossible to set out a hard and fast classification of 'relevance', it would normally be an offence which could have a bearing on either a safeguarding or serious welfare concern. So any offence for violence, drug / alcohol misuse or deceit (in terms of truthfulness) is usually relevant, whereas offences like trespassing or motoring offences (unless with a drink / drugs drive element) would normally be deemed irrelevant.

- 4.6 The Schedule 2 letter (which is an initial safeguarding and welfare analysis and not a mini s7 report) plus any direct work in court carried out at the FHDRA, must collectively ensure that if there are, or may be, safeguarding or serious welfare concerns, the court is informed. The recommendation should be that the private law proceedings continue until the child's situation can be better understood and, where necessary, to advise what support can be provided. Normally, our involvement will cease where we have identified that there are no serious welfare concerns and where there is an absence of a clear role for ourselves.

Diversity, as it relates to each child, will need to be considered fully in a WTFH piece of work, and in a Schedule 2 letter, if relevant to an initial safeguarding or welfare concern. Apply the relevance and vulnerability test.

An example of what can be said in a case with no apparent welfare issues is as follows:

*'Through the risk screening process and telephone calls to the adult parties, no child welfare concerns have been identified. The parties disagree about a change of schools. This is a specific issue application. Cafcass suggests they have no further role as there are no identified welfare issues and they cannot usefully assist the court further in making its decision/s'*

Schedule 2 letters must be completed using the current judicially approved framework, which is:

- a summary of Cafcass' screening actions and outcomes.
- a summary of any risk identification contacts made by Cafcass.
- factual issues arising from screening or risk identification.

Recommendations to court should be made, once the information received has been analysed, up to the limits of the professional judgment possible (on limited information). An information update to a Schedule 2 letter should be written in at the bottom of the original letter which should be re-submitted, rather than a new separate letter being submitted.

- 4.7 The Schedule 2 format provides a standard form of words for letting the court know if we have given the parties a copy of the letter. Though this should be our general practice, letters should not be shared with other parties where to do so would, without data subject consent, reveal sensitive personal information about one of the parties to the other party. Where it is not appropriate to share the letter, the court's directions about disclosure should be sought. [Rule 12.73 of the 2010 Court Rules](#) sets out the list of those to whom information can be generally disclosed. However, if the sensitive aspects of the letter are relevant, the court may order disclosure, so that the parties can make representations about the information. All letters sent to solicitors should use a [criminal justice secure email address \(CJSM\)](#), to comply with the Cafcass [Information Assurance Policy](#).

Disclosure of information to outside bodies such as [Multi Agency Risk Assessment Conferences \(MARACs\)](#) may also need the agreement of the court, unless a child is in imminent danger when [Working Together](#) principles justify the release of relevant information. Referring a child to another agency for help requires parental consent, but is an important part of our work, so that children in private law cases and their parents receive help from appropriate local support services (UNCRC, Article 18). The court should be advised when such referrals are made.

- 4.8 The Schedule 2 letter, combined with attendance at the first hearing, completes the work to first hearing phase of private law work. Depending on the nature and level of concerns that are identified, it may be necessary to make a child protection referral to the relevant local authority, in which case the court should be informed.

## Work at the first court hearing

- 4.9 The court will consider:
- risk identification followed by active case management including risk assessment and compliance with the [Practice Direction 14th January 2009: Residence and Contact Orders: Domestic Violence and Harm](#).
  - whether, and the extent to which, the parties can safely resolve some or all of the issues with the assistance of the FCA and any available mediator.
  - the avoidance of delay through the early identification of issues and timetabling, subject to the Allocation Order.
  - the appropriateness of consent orders. Where parties reach agreement, the court will scrutinise the agreement prior to endorsement or request further information, taking into account the Schedule 2 letter and information provided by the FCA from her / his discussions with the parties.
  - if agreement is not reached, whether it is appropriate to order a contact activity, particularly a [Separated Parent Information Programme \(PIP\)](#), in cases where safe and beneficial contact can be seen as an achievable objective.

- in cases where a Cafcass report is required, what it will cover. The aim will be to narrow down the outstanding issues so that a short focused report can be requested. In many ways, this is similar to a letter of instruction. Some judges are setting out on the front of a Court Order what issues they would like to hear from us about.

What Cafcass is expected to do:

- Before going into the court room, the FCA will speak to parties separately, unless seeing them together has already been established to be free of any risk to a child or vulnerable adult, through the process of drafting the Schedule 2 letter.
- The FCA will provide information on the availability of local programmes, such as supported or supervised contact centres, to support improved outcomes for children.
- The FCA will work hard to achieve a safe and positive resolution of the parental dispute for the benefit of the child / children.

## Work after the first hearing (WAFH)

### Further guidance on private law cases

- 4.10 An increasing number of private law cases have similar features as public law cases e.g. child neglect; domestic abuse; substance misuse; mental health issues; post-separation threats or remote control by one ex-partner over the other; or excessive negative stereotyping and/or implacable hostility of an ex-partner and the consequential 'alienation' of a child from one parent. Such behaviour can be so severe it warrants an assessment of being emotionally harmful or abusive to an individual child. 'Implacable hostility' cases are particularly difficult to assess and resolve. A combination of the above factors should normally result in a firm recommendation for one of the four types of WAFH report (as set out in the [Private Law Programme](#)), or a Rule 16.4 appointment. An agreed filing time should be set with the court. Each of the four types of report requires a Cafcass case analysis. Judges are increasingly being specific about what they require us to report about, in order to assist their case management in similar letters of instruction. The additional areas they would like us to report on can be written into the court order to support our targeted intervention. Reports or case analyses will usually analyse risk and refer to wishes and feelings. Both issues are crucial to explore in each case that meets the threshold for a s7 report.

#### BRIAN CANTWELL – TYPOLOGY OF PARENTS IN CONFLICT

**Temporarily dysfunctional** – history of good parenting; collaboration; some awareness of impact of conflict on children; some willingness to accept help.

**Significantly conflicted** – quite volatile; history of poor communication; genuinely wish resolution but find it difficult to achieve; need tight clear contracts/written agreements.

**Stuck in conflict** – unconscious interest in keeping the conflict going; great difficulty in putting children's needs first; usually needs firm court and social work control.

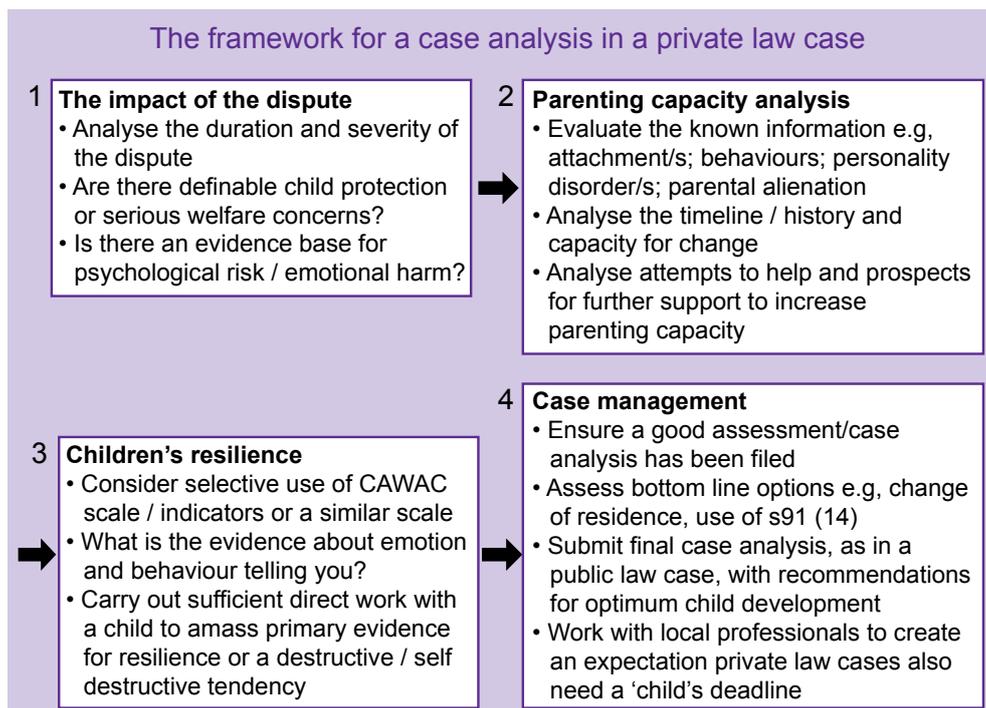
- 4.11 When working on a private law case, practitioners should:

- analyse the nature and trend of the dispute, reading all relevant past court papers, to form a view about the nature and duration of a dispute e.g. non-molestation orders; injunctions; and earlier Cafcass, local authority or child care agency records of involvement.
- explore with individual parties the results from checks and what they mean for the child now, e.g. analyse the current relevance and impact of historic convictions.
- make clear to the court which factual issues are disputed or unclear and their potential relevance to the case. The emphasis is always on relevance and vulnerability.
- focus on what advice / recommendations can and should be given to the court in order to keep the child safe and promote her / his welfare and what action has been taken if necessary to protect the child from short or long-term significant harm that may result from actions or omissions by specific adults. Use the Framework for a Case Analysis in a private law case (see the diagram below).
- focus enquiries on the impact on the individual child of family breakdown. Children do not always reveal the scars of relationship breakdown, though they may show emotional and/or behavioural disturbance. Relationship breakdown is increasingly common in UK societies, and some children are more resilient than others.

- consider that impact on children may include impact on schooling. Information from the school about any change in behaviour or disruption of learning as a result of relationship breakdown is important. Health professionals who know the child or family should be consulted.
- recommend available support services which you feel could make a difference in the particular case. Before recommending a family assistance order practitioners should always consider whether there are other services outside Cafcass such as therapeutic intervention which would be of more assistance to the family. Services to be considered include a **Parenting Information Programme (PIP)**, mediation, (if a mediator is likely to be available locally), a Family Group Conference, Child Contact Services, Alcohol Counselling Services etc.
- keep in mind that private law cases can sometimes be politicised by one party or the other against the other party, Cafcass or the family justice system. However, the politicisation of a case can distract attention from the central issues within the family for the child in question.

4.12 In private law cases, it is rarely possible to resolve all the emotional issues children are experiencing and may go on experiencing even if the quality of our work and the court process is helpful. Recommendations to court should follow the evidence base in the case, taking into account inter-parental characteristics and children's resilience (or not) (see below). The above framework sets out the most important issues to consider in a private law case analysis. Where possible, a benchmark case analysis should be written as possible, either a s7 report by the agreed filing date or an early case analysis in a longer-running case. With the latter, for example with a Rule 16.4 appointment, Cafcass will support strong judicial case management of intractable cases, so that children do not spend lengthy times in unresolved court proceedings.

Cafcass will support strong judicial case management of intractable private law cases, so that children do not spend more than a year in a set of unresolved court proceedings, otherwise the child's timescale cannot be met. Our analysis and recommendations will tend to be more interventionist in long-running cases, considering all options that might benefit the child.



Inter-Parental Characteristics Evidence pointer		Children's Resilience		Recommendation as a result	
<ul style="list-style-type: none"> <li>• Allegations and counter allegations</li> <li>• Parental alienation</li> <li>• High direct threat level</li> <li>• Post separation control / harassment</li> <li>• Inability to compromise (mum)</li> <li>• Inability to compromise (dad)</li> <li>• Validated by an independent source/s</li> </ul>		<ul style="list-style-type: none"> <li>• Attachment / security with mum</li> <li>• Attachment / security with dad</li> <li>• Attachment / security with another relative</li> <li>• Behavioural symptoms of distress</li> <li>• No behavioural symptoms of distress</li> <li>• Validated by an independent source/s</li> </ul>		<ul style="list-style-type: none"> <li>• Residence with mum</li> <li>• Residence with dad</li> <li>• Defined contact with non-resident parent / relative beneficial</li> <li>• Indirect contact beneficial</li> <li>• Shared residence</li> <li>• Specific support / recovery services needed in addition</li> </ul>	

## Addendum or sequential reports, Rule 16.4 appointments and adjournments

4.13 Addendum reports should be very rare and only requested or commissioned if a case needs a short piece of follow-up work. Rule 16.4 appointments should be reserved for exceptional cases in 'circumstances of significant difficulty' and after consultation by the court with the local Cafcass manager, in line with the [Practice Direction](#). Recommendations for adjournments and reviews should also be short-term and for a specific purpose where a short piece of work can resolve the issues in the case without the need for a specific order.

In certain Rule 16.4 cases, the case is allocated to the [National Youth Advisory Service \(NYAS\)](#), according to the established protocol for this.

## Extensions to filing times

4.14 An extension to an agreed filing time for a s7 report should only be requested in exceptional circumstances and only with the agreement of a Service Manager if one or both of these criteria are met:

- The need for additional enquiries, either because of a late change in circumstances or because late information becomes available.
- Last minute unavoidable factors.

Early communication with the court by the practitioner or business support staff is essential. If no such agreement to an extension is granted and communicated to parties, the report should be filed based on the information available at the time, noting gaps where there has been a lack of co-operation or where further information is awaited. An extension can be agreed, but only if it is clearly communicated and agreed with the relevant court, and fits one of the above criteria.

Liaison with courts is crucial as it is hard to meet filing times if we are only notified of the need for a report some weeks after the order for us to report has been made. Liaison over hearing dates is also important to avoid frustration all round if a particular date cannot be made because of clashing commitments, which could have been avoided with prior consultation.

One negative consequence of the lack of communication with courts and / or parties being our responsibility can be a wasted costs order against Cafcass if a hearing cannot take place or is ineffective because we have not communicated in advance that we cannot do the work, or we do not attend court when directed to do so. Wasted costs must not be incurred as they represent a financial sum that should be going into frontline services.

## Case transfers and reciprocity

4.15 Case transfers should be considered after the first hearing only and not mid-case. Any such decision needs to be an internal one between Cafcass Service Managers but in Children's Guardian cases it is a decision of the court. The cut off point for when an Early Intervention Team transfers a case or piece of work to a locality or case holding team is determined by each service area and it may vary. In general, the criteria for automatic transfer, whether within the service area or across service areas, is case complexity and duration.

Teams should support reciprocal arrangements on a case by case basis, e.g, if one party lives hundreds of miles from the service area handling the case and a short visit is required. Sometimes this has to be carried out by the practitioner with case responsibility but if it can be done locally, saving time and resources, and being fed into the overall assessment / case analysis, Service Managers should facilitate such a request. The use of video conferences should be considered for some interviews.

## Case Transfer Policy

- 4.16 The overriding principle in any transfer of cases within Cafcass should be what is in the best interests of the child and should dominate any discussions and agreements on transfer of cases. To support this process the following guidance applies:

### Private law

All cases will be transferred to the Early Intervention Team (EIT) responsible for the issuing of the C100 who will then complete the Work To First Hearing. No case will be transferred **prior** to the First Hearing.

When work is generated for Cafcass after the First Hearing (or at any point in the proceedings) the general position is that the service area where the child lives will be responsible for completing the work and negotiations or notifications of transfers should occur on that basis. In situations where this may put either one of the parties or the child at increased risk, transfer of cases to a relevant Service Area will be conducted between relevant Service Managers from further intervention teams, with any disputes over transfers referred to the Head of Service.

### Public law

Any transfer of cases should be referred to the court for consideration or decision once any transfer within Cafcass is agreed, based on the above principles.

## Other specialist cases

- 4.17 Such cases may include international abduction, surrogacy, other Human Fertilisation and Embryology (HFEA) cases, Secure Accommodation and Emergency Protection Order (EPO) cases. The same principles for our involvement apply.

## Section 5: Adoption cases

- 5.1 Cafcass has a full range of practice guidance and other useful documents relating to adoption.
- 5.2 In public law care cases, adoption is an essential permanence option to consider for children who cannot return home. It is generally the permanence option of choice for very young children, with no viable extended family member available to care for them. The main permanence options in care cases for children who cannot return home are kinship care, long-term fostering, special guardianship or adoption (UNCRC, Article 20).
- 5.3 Adoption can be adoption from care, a step-parent adoption, adoption by a relative in a private law case, inter-country adoption, or adoption of a baby relinquished by her or his mother. The role of Cafcass is to act as Children's Guardian or Reporting Officer. Possible applications are:
- an Adoption Order application
  - a Placement Order application
  - an application for Contact after placement / adoption, NB: There may be no application for a Contact order but the court must still consider the contact plan/s
  - an application for parental responsibility for a child brought into the country for the purpose of adoption
  - obtaining the consent of a parent to adoption and / or placement
  - pre-proceedings consent (for children who are to be relinquished for adoption before any application is made).
- 5.4 The main tasks of the practitioner are to:
- keep in mind the overriding responsibilities to safeguard the interests of the child and avoid delay
  - scrutinise the key documents, e.g. assessments, Adoption Panel minutes, Annex A. The role of Reporting Officer (RO) in private law adoptions is increasingly significant as a percentage of all adoption work we do.
  - in care cases, to read the care plan/s made at the time of the Care Order and Placement Order. If substantial changes have been made, and especially if these appear to be contrary to the wishes of the child or parents, this should be discussed with the IRO and the court alerted to these changes.
  - identify if a particular child needs a permanency placement and if adoption is the placement of choice. Consider the timetable of the child, and avoid unnecessary delay.
  - make sure adequate information is provided by the court and, if appropriate, the local authority or adoption agency, so that cases can be dealt with without delay.
  - write to the relevant individuals in the application. The letter should set out the nature of the practitioner's appointment, what enquiries the practitioner intends to make, the proposed arrangements to meet and the practitioner's contact details. If writing to birth parents, letters should be marked private and confidential and sent securely.
  - ensure work is undertaken within the timetable for the child (where relevant, as set by the court).
  - take account of the Welfare Checklist set out in section 1 of the [Adoption and Children Act 2002](#), which includes consideration of the effect on the child of becoming an adopted person and ceasing to be a member of the original family. The consequences for well-being and personal identity are crucial factors to consider, including the potential value of continuing contact with a member of the birth family and, if so, whether such contact will be facilitated by an order for contact made at the time of the placement order, or, in exceptional circumstances, an order for contact to be made at the time of the Adoption Order.

Successful adoption hinges upon successful relationships so the quality of the adoptive parents' relationship with each other and their own significant others, as well as the quality of any parenting she/he/they may have already undertaken, are key areas of the adoption agency's work to quality assure. Increasingly, adopters have to be advocates for the child (to secure the professional services the child may continue to need) and therapists as well as loving parents.

The public law triage framework (p18) applies in those cases where Cafcass is scrutinising the social work of an adoption agency.

## Section 6: Regulation and support with the professional task

### Regulation

#### External regulation

- 6.1 Cafcass Family Court Advisers and Operational Managers have to maintain their registration with the General Social Care Council (GSCC) as a condition of employment. This requirement will remain the same when regulatory responsibility for social work shifts to the [Health Care Professions Council](#) in July 2012. The HPC is setting out Standards of Proficiency for Social Work. These will be threshold standards for safe and effective practice.
- 6.2 Cafcass local service areas are inspected by our inspectorate, [Ofsted](#). At present, each area is inspected at least once every three years. From time to time, we can be audited and inspected by the [National Audit Office](#) (NAO), the [Health and Safety Executive](#) (HSE), and other regulators. Our internal audit service is also outsourced to an external provider for the expected and requisite degree of independence. Our sponsoring Government Department, the [Department for Education](#), also assesses our performance on a regular basis.

#### The Professional Capabilities Framework (for the social work profession)

- 6.3 We are working with the [College of Social Work](#) to make our continuous professional development programmes compatible with the social work profession's new [Professional Capabilities Framework](#) (PCF) (see overleaf), which features five clearly demarcated stages of professional development and nine professional capabilities (see the rainbow / fan diagram overleaf).

The framework absorbs existing post-qualification levels and is based upon four progressions via pathways through the five stages of professional development:

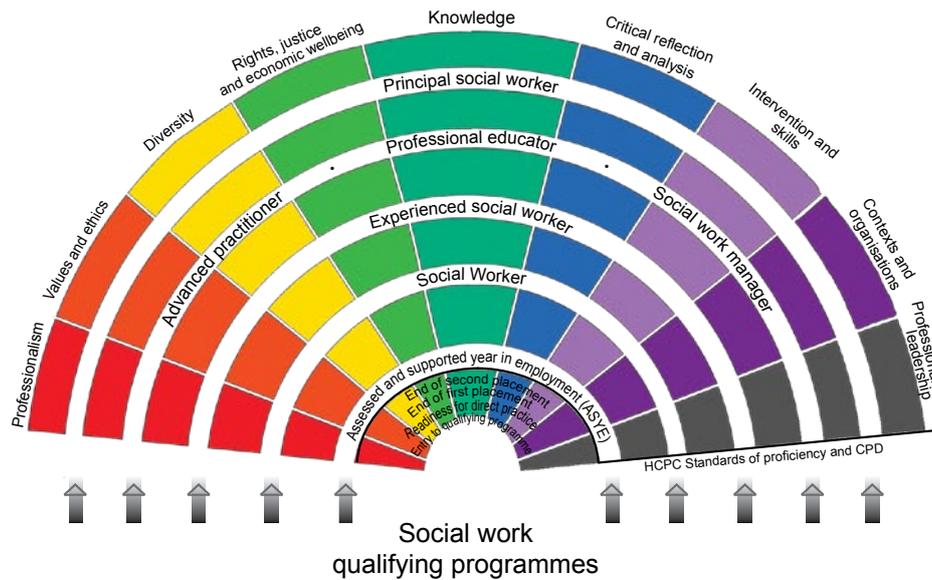
- from the first post-qualifying Assessed and Supported Year in Employment (ASYE), which replaces the NQSW framework – to Social Worker
- from Social Worker to Experienced Social Worker / Practice Educator
- from Experienced Social Worker to Advanced Practitioner / Professional Educator
- from Advanced Practitioner to Principal Social Worker.

- 6.4 Cafcass will use a combination of self-regulation, performance management and quarterly learning reviews to support staff progress through these stages and to maximise the number of practice, performance and professional educators in the workforce.

The nine capabilities are:

- professionalism
- values and ethics
- diversity
- rights, justice and economic well-being
- knowledge
- critical reflection and analysis
- intervention and skills
- contexts and organisations
- professional leadership.

## Professional Capabilities Framework for Social Workers



It is important to be clear that for now, we continue to use Q4C / iTrent, whilst a transition plan to the new Professional Capabilities Framework is developed.

### Internal regulation

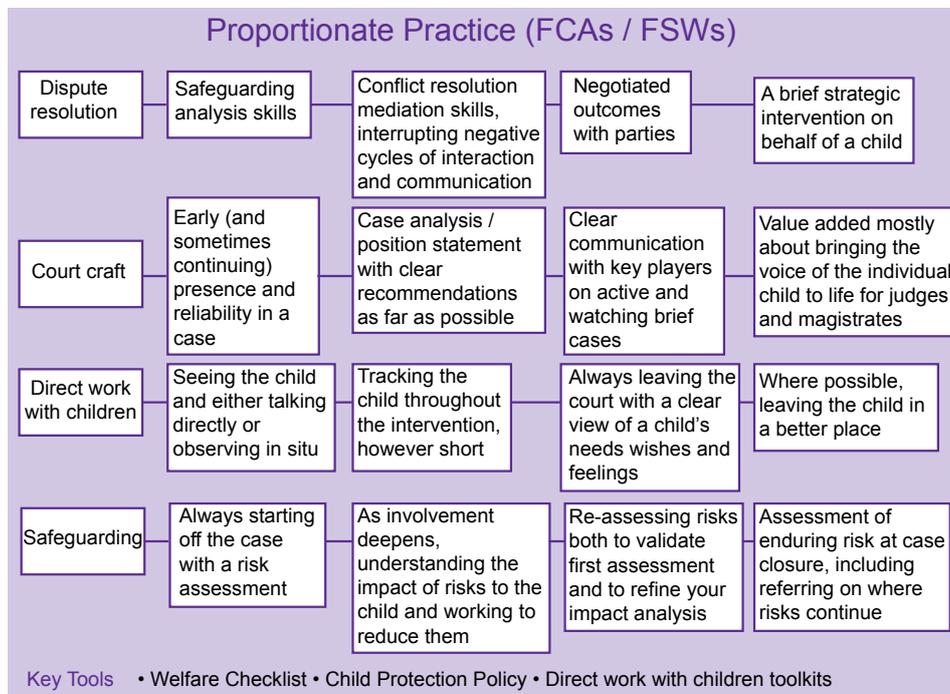
#### Performance Management

6.5 Cafcass operates a respectful performance management system using a personal learning model. The Cafcass system for assessing and improving quality is Quality for Children (Q4C), soon to migrate onto iTrent. This is used proportionately with all staff. From April 2012, the descriptors are being simplified compared with the 2008 originals, and will increasingly make use of the Professional Capabilities Framework, customised to support the Cafcass professional task.

The emphasis is on learning, not grading. Whilst grades of 'met' and 'not met' will continue to be used as benchmarks, feedback on performance will be directly to staff in the form of learning points. Auditors should make clear that if work is 'not met', staff are advised what they need to do to get to 'met'.

Individual staff with performance gaps will be supported through a time-limited development plan. This plan will be drawn up and reviewed in supervision, though more formal procedures like Practice Improvement Notices (PINs) and the use of formal discipline (the Cafcass Performance and Conduct (P and C) policy, soon to become the consolidated Employee Relations Policy) may be needed from time to time. Where performance and conduct procedures need to be used, all attempts will be made to fast track cases and to seek agreed ways forward with the member of staff and her / his representative whenever possible, even to an agreed level of warning if this is justified and appropriate, within a few days. Our first consideration is that if something goes wrong, the main demonstration of our accountability is to make sure it does not happen again by instantly applying the learning. This is an action-learning model.

All Family Court Advisers and Family Support Workers will be assessed annually via Q4C or its successor system (iTrent) in their safeguarding practice, through an analysis of a sample of files undertaken by their line manager.



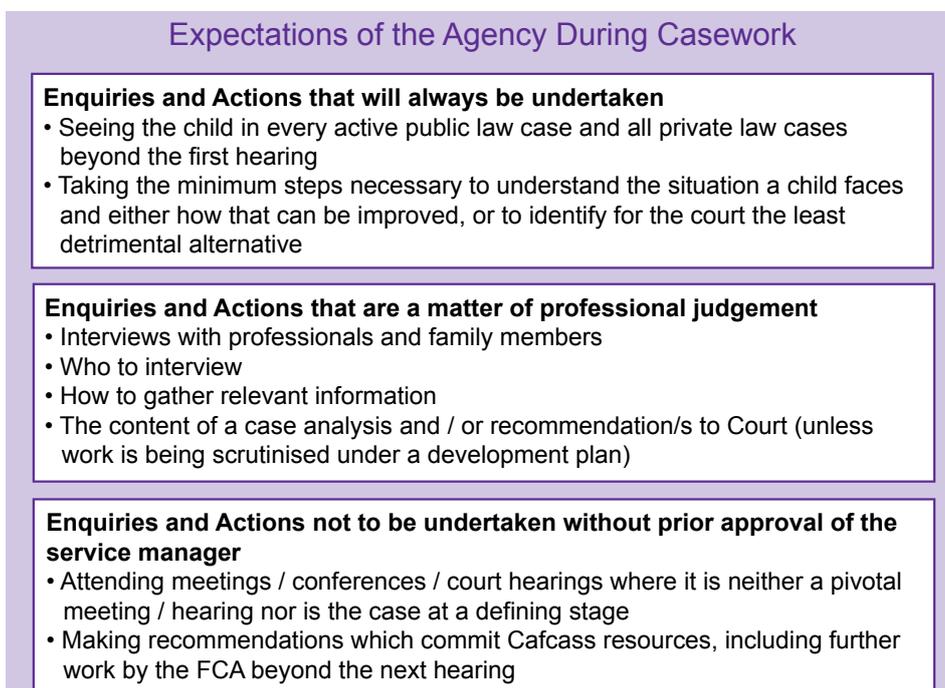
The table illustrates the key professional practice proficiencies required by Family Court Advisers.

6.6 Proportionate quality assurance (QA) work is mostly carried out by operational Service Managers, and is based upon:

- Giving staff feedback on their work so they can improve, focusing on building strengths, skills and capacity, not always correcting minor negatives and promoting higher quality work. The quality assurance of work must be collaborative between the individuals involved.
- Staff who meet all standards consistently can self-regulate, backed up by dip sampling or remote file auditing of their work. The frequency of oversight is determined managerially.
- Staff who do not meet all standards will have all of their work quality assured until they meet basic standards.
- Auditing will follow teaching, and the emphasis is on teaching and supporting. Quality assurance is a tool to check this has been effective.
- Active programmes like challenge sessions are positive learning tools.

## Expectations of the agency

6.7 For performance to be good, staff must know what is required of them. Managerial oversight is a crucial form of assurance and within the limits of the time available, managers have to ensure the Operating Framework and the professional standards it sets out are being applied. Here is an example of where that oversight needs to fall:



## Self-regulation

### Definition of self-regulation

- 6.8 The Operating Framework is a strengths-based model, emphasising self-efficacy. Self-efficacy is professional confidence about being able to do a job effectively despite an often high or acute level of technical or operational difficulty. People with high self-efficacy skills are more likely to view difficult tasks as challenges to be overcome rather than obstacles to be avoided. The challenge Cafcass faces is to do more with less and to do it to a higher standard. The preferred operational culture for this period is one of simultaneous empowerment and performance management, with the emphasis on one or the other being defined according to the local situation.

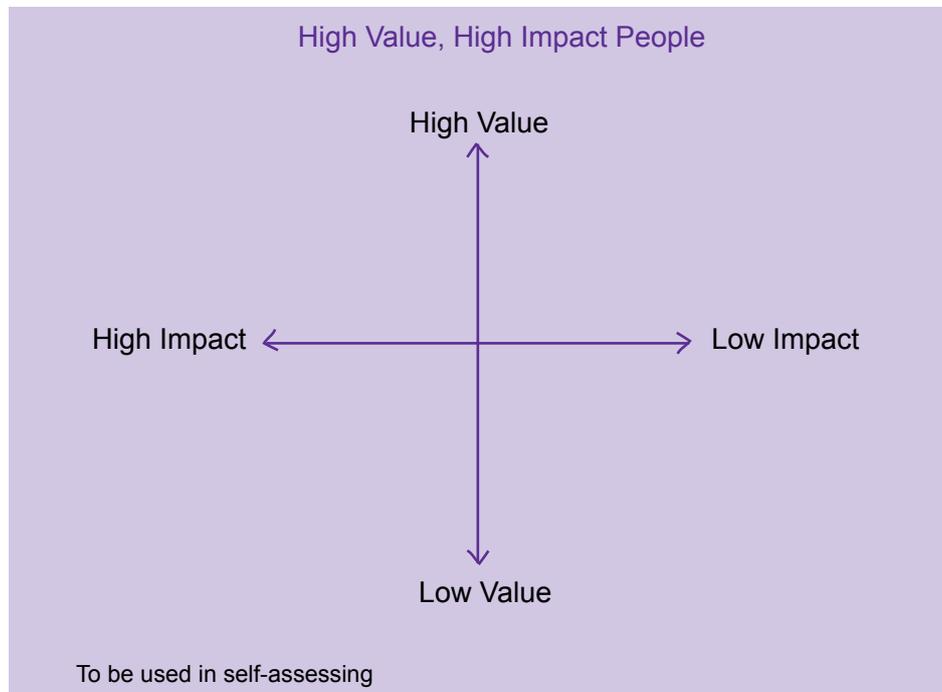
**Self-regulation in Cafcass**

- A high trust model with a presumption of compliance and professional integrity.
- Relies upon continuous self-assessment and self-auditing of all work
- Supports the growth and developing of self-efficacy skills, e.g, through training, good supervision and coaching.
- Uses self-certification for many transactions.
- Use of a proportionate quality assurance framework to concentrate management oversight on those cases and staff where it is needed most.
- Sufficient IT literacy to operate this transactional and interactive model.

The parameters for self-regulation will be defined as the Operating Framework is developed, and especially as HR policies are revised.

Self-regulation is also dependent upon the understanding and internalisation of agency requirements. In this respect Cafcass has to be a disciplined organisation because we provide services to 150,000 children each year. With such a high of number of children, consistency is crucial otherwise service provision becomes a postcode lottery.

- 6.9 Social work in the family courts has to be based on authoritative practice and has to be carried out confidently. It cannot become defensive practice based on risk-averse decision-making. Establishing a culture of stronger self-regulation is aimed at building higher levels of confidence and trust internally and externally, and to create the highest possible positive impact in our work, particularly ‘acting on the system’ as a change agent, on behalf of the child.



Self-regulation also extends to the use of Cafcass property and equipment with all staff being responsible for the sensible and safe use of equipment. This includes ensuring that equipment is only used by the designated user, that passwords are not shared, that laptops and mobile phones are stored securely, with any losses immediately reported to the Office Manager so that the account can be suspended, and that, as a further example, Cafcass is reimbursed for any personal calls made on a work phone.

## Support

### The rights and responsibilities framework

- 6.10 Cafcass aims for a strengths-based and high trust psychological contract between employee and employer. These expectations are underpinned by the rights and responsibilities framework set out below. By support, we mean:
1. Managers at all levels have a responsibility to articulate and establish a supportive operational culture based upon risk-sharing in complex cases – no member of staff should be left alone with a case.
  2. Managers must be accessible to their staff at all times for day-to-day support with their work – immediate advice, consultation and supervision.
  3. Staff carrying out emotionally draining work will be supported emotionally and psychologically to become as resilient as possible, and, as set out in 1 above, will be supported by the organisation so they do not feel they are bearing risks or burdens alone.
  4. All national teams and managers must be accessible to frontline teams and staff at all times to support their work.
  5. Cafcass nationally will put in place as much additional support as possible for teams that need it.

Rights	Responsibilities / Accountabilities
the right to be supervised	the responsibility to deal with the issues raised in supervision
the right to be treated with respect	respecting others
the duty of care (Cafcass' duty)	the responsibility to heed sound advice
managers foster a culture of collaboration	supporting colleagues, attending team meetings
job satisfaction (professional pride; a sense of fulfilment)	readily adapting a personalised way of working to new circumstances
the right to management support	being able to self regulate by ensuring work meets standards and is compliant with policy and procedures
the right to be engaged in all decisions taken about my job, my workplace, and the way I am required to work	to influence proposed change/s as best I can, suggesting realistic alternatives and solutions

the right to be seen for my strengths as well as my weaknesses, in balance and in proportion	to respond positively and quickly to anything I need to change
to have a reasonable workload	to respond to the needs of the organisation about the work I do (up to the 'safe maximum' level)
that Cafcass will take active steps to make my job manageable	to be as efficient and effective as possible in whatever I do recognising the limitation of resources, including time
the right to a transparent allocation process	to close cases promptly, and to be available and positive about taking on new work
the right to be fully involved in the work of my team or service area	to contribute to the best possible consensus and/or solution to any identified team or service area problem
the right to work flexibly	the responsibility to ensure that my flexible working package is compatible with the operational needs of the service

## Promoting an anti-fraud culture

6.11 Cafcass has historically encountered low levels of fraud but no organisation is immune from this risk. We believe this low incidence comes from employing people who can be trusted as well as operating a reliable and robust system of internal controls.

## Supervision

6.12 Supervision means that good advice and support is available to all staff, whatever their role, at the point of need. Such 'situational supervision' includes case consultation, problem solving and personal support. More regular performance, productivity and allocation discussions will also need to be held, given the rate of incoming work and the need for rapid throughput. Reflective supervision will be given to every member of staff in quarterly performance and learning review meetings, based around how learning has been applied and embedded in work from one period to the next. Annual appraisals will no longer be carried out, as quarterly performance and learning reviews do the same job and more frequently, which is important considering how fast work requirements change (see diagram below for the Performance and Learning Review Framework). The frequency of supervision may need to be more intense for new staff and for staff in performance measures or those who have additional needs.

## Quarterly Performance and Learning Review (PLR)

Diagnostic Overview	Achievement: last quarter	Challenges: Next Quarter
		Targets or development plan: next quarter

1. Manager and Supervisee review the last 3 months, inserting evidence into the diagnostic overview.
2. Evidence is multi-sourced, hard and soft e.g. file audits, practice observation. Evidence entered onto the template must be dated.
3. The template can be continuously updated, so it remains a live and relevant document.
4. Service users, stakeholders and colleagues can add evidence to the template through the manager.
5. The template can also function as a development plan
6. Each PLR will be uploaded onto Q4C.
7. PLR's are not graded, the content and learning is being emphasised. Some individual pieces of work are graded.

6.13 Supervision is a core task for line managers. Offline staff such as Improvement Managers can be commissioned to support a personal development plan, for example through case file audits. Line managers always personally feed back the results of audits, so teaching and auditing work take place through an established working relationship. Increasingly, Service Managers are taking on a practice education and professional education role for their staff. Learning and development programmes are also becoming more team-based (see below).

The supervision of complex cases is a top Service Manager priority, particularly in relation to the quality of our work and its added value.

Supervision can be organised as follows:

- Face-to-face meetings
- Practice observation
- Telephone supervision
- Video / Skype / Webcam supervision
- Email supervision
- Group supervision, especially of business support staff on a regular basis
- Workshops, which include a supervisory element and input

An agreed note or record of the supervision process should be retained on Q4C (or iTrent when rolled-out). Advice on cases by supervisors is a crucial aspect of appropriate management oversight and should be promptly recorded in the contact log.

Performance and learning reviews can also be extended to teams. Team reviews can be a useful tool for evaluating individual contributions to the team, with the aim of transparently highlighting respective contributions and improving levels of engagement and productivity.

#### KEY POINTS IN THE SUPERVISION POLICY

- Emphasises personal learning
- Proportionate to the needs of the case and the skill set of the member of staff
- Based on support at the point of need and quarterly performance and learning reviews
- Action plans become development plans, based on the changes to working practices to be learned and applied.

## Leadership and management

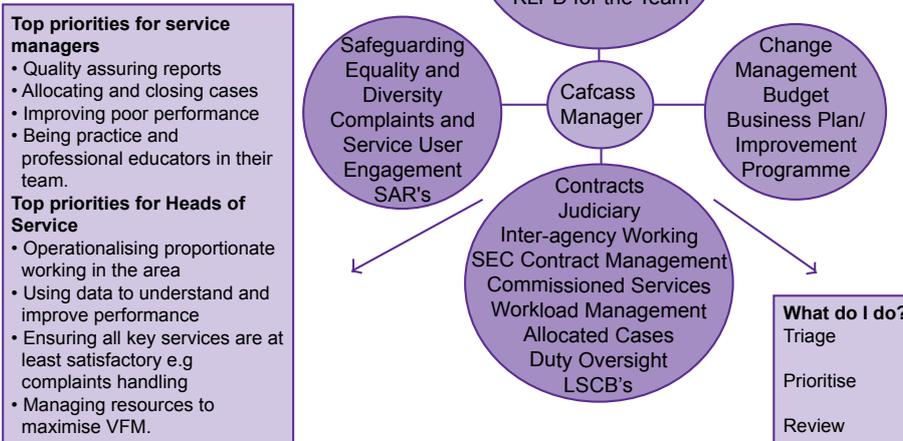
6.14 Effective leadership and management is a vital source of support to staff carrying out a complex professional task with limited professional time. Clarifying the professional task and teaching staff how to make best use of scarce professional time underpins the delivery of this Operating Framework. Managers at every level have a leadership role to play in this.

They have to apply the three-part process of triage, prioritise, review to their own work, given the wide-ranging demands made of them from all points of the Family Justice System.

The diagram overleaf illustrates the range of these demands and requirements and the priorities for 2011-13.

## Proportionate Management

- All Cafcass managers have to be good at these 20+ areas, playing a different part in the delivery of each.
- The organisation as a whole will provide wrap around support to individual managers, just as they support front line staff.



## Learning and development

- 6.15 Learning and development needs are identified for individual staff in quarterly performance and learning reviews. They can also be identified through file audits, self-auditing, learning from complaints and compliments, and many other sources of feedback. What matters most is that learning and development needs are integrated into the supervision process and, most importantly, into the way an individual works.

Most learning takes place in teams so local teams are where learning resources have to be concentrated. Multi-disciplinary learning will also be on offer locally and taken up, for example, through Local Safeguarding Children Boards. Cafcass learning and development programmes have to build up core Cafcass skills and competencies, applying a degree of flexibility to allow for the local context. For example, an EIT might commission training on how to make effective brief risk phone calls, how to invite people with a history of domestic abuse to accept responsibility, and how and when to make an inter-agency referral (IAR), inviting their local authorities to a specially commissioned training event. Use is made of standard presentations in easily digestible formats.

A menu of training options which has been provided for years and continues to be relevant to today's needs includes core modules in: safeguarding and risk assessment, substance misuse and parenting capacity, equality and diversity training, direct work with children, legal roadshows, changes in legislation, complaints handling, safe recruitment, succinct and analytical writing skills, and IT training.

Training is only mandatory if it rectifies a clear deficit identified in a performance management process. Otherwise, a shared or joint decision should be made in quarterly performance and learning reviews carried out between a member of staff and her/his supervisor/manager.

In general, the national learning and development strategy aims to add to staff knowledge bases by changing the way we think and work, thereby permanently enhancing all of our skill sets. The national training plan sets out priority training for each year. A blended learning model is used via courses, events, articles, presentations and webinars.

## Induction

- 6.16 All new staff must be inducted in line with Cafcass policy so they become familiar with their role and requirements as soon as possible. Managers are responsible for ensuring their staff are properly inducted within the first few weeks of their start date – not months later. This is mandatory for all staff, including agency staff, as all staff will be expected to be fully functioning as soon as possible. Heads of Service monitor all inductions to ensure they take place and are effective.

## Mentoring

- 6.17 Cafcass offers a Mentoring Programme designed to provide confidential support outside of the line management relationship. Mentoring is different to supervision, and should be used as a support arrangement

between an individual and another member of staff who can pass on knowledge and experience directly. Mentoring is important for new staff in their first three months in post. Responsibility for identifying and arranging a mentor sits with the line manager.

## Workplace culture

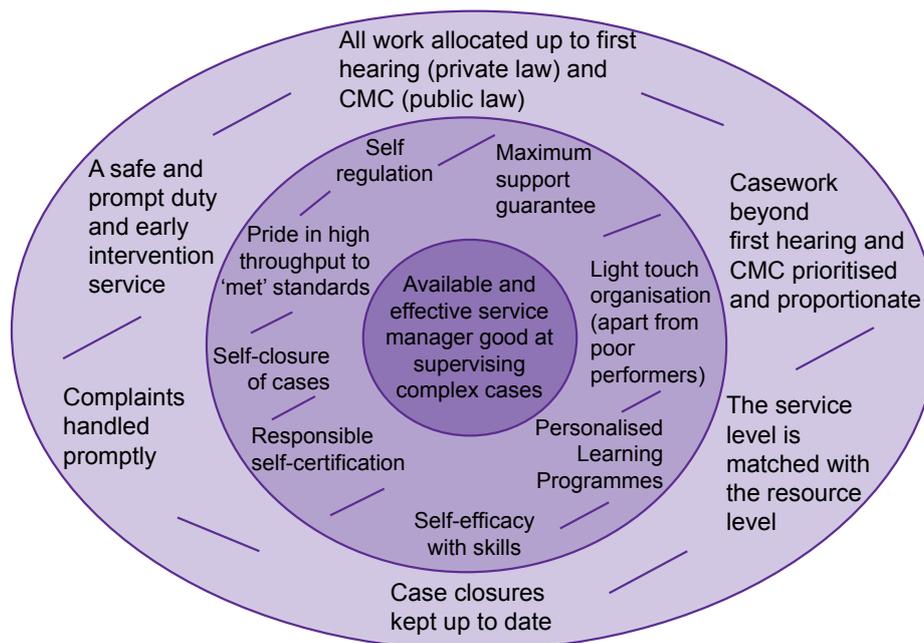
### THE WORKPLACE CULTURE STANDARD

- The dominant language in the team room should be the needs of individual children we are working with, and how best to help them
- We should work out what we can do with limited time for a case, not what we are unable to do
- The office atmosphere should be friendly, supportive and collaborative. All team members must contribute to this
- It is a collective responsibility in teams to manage anxiety and pressure as best as they can in challenging times.

## Peer support and advice

6.18 Peer support and advice is crucial in operational services. Peer support is maximised in high performing teams who use a strengths-based approach, with open channels of communication and local management who are visibly supportive of strong peer relationships.

### Proportionate working for teams



## Business support input to local services

6.19 With the establishment of the National Business Centre in Coventry and the phased centralisation of all transactional functions capable of being standardised in the Centre, the local business support role is to help service users and practitioners deliver the following priorities:

- Technical accuracy and support, e.g, data inputting, such as immediately inputting Court Orders, and data extraction to support performance enquiries; taking minutes; recording accurately in the contact log or via accurate messaging to staff.
- Customer care, e.g, keeping service users informed of the status of their case and key developments / dates.
- Progressing cases, e.g, through liaison with HMCTS about the timescale for making a hearing effective.
- Providing direct support to practitioners, Service Managers and the Head of Service, customised according to the needs of individuals, e.g, buddying, IT training, informing practitioners of court lists and upcoming appearances at court.

## The National Improvement Service (NIS)

6.20 The National Improvement Service supports practice improvement through a team of Improvement Managers who are commissioned by local managers to provide the services set out in the diagram below. The role of Improvement Managers is to support practice improvement, to disseminate best practice and to provide coaching and training to staff (also supporting Service Managers in their roles as practice and professional educators).

Improvement Managers will also support a range of tasks across the operational area as the need arises, such as carrying out Individual Management Reviews within the Serious Case Review requirement (trained Service Managers will do this less frequently), reviewing some complex complaints, s11 audits, etc.

Service improvement programmes take place in all service areas. Areas with additional needs are subject to an enhanced improvement programme, using a 'team around the service area' model, which can support the area to make the radical changes needed.

NIS is also absorbing internal audit functions and capacity, including dip sampling of work, annual announced healthchecks and unannounced audits of local services, compliance, and targeted auditing of casework, when commissioned by Heads of Service or Service Managers to support an individual development plan.

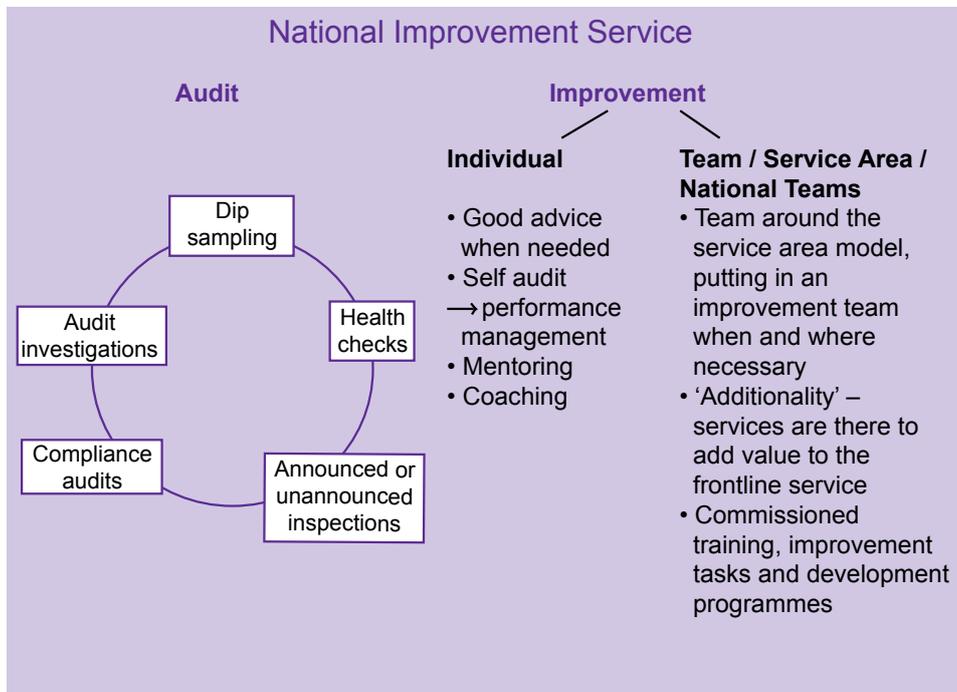
### Internal health checks and audits

6.21 Health checks and file audits are an important internal assurance measure designed so that, if there is a problem, 'we get there first'. These are organised through NIS and are carried out by a team of both improvement and operational managers from outside the service area or team being checked, in a model of peer-to-peer support, who go into a local area to examine service effectiveness and capacity to improve. They make use of internal performance data to assess strengths and weaknesses. Benchmarking exercises are a means to achieving countrywide consistency of QA and practice, e.g, in how we write Schedule 2 letters. This has been a useful tool to analyse the rate of progress being made in an area and what needs to happen in the next period of change and improvement.

Health checks use a collaborative QA model – this means the Operational Director and Head of Service jointly commission a health check or audit and know when it is taking place and that the timing is right. The only exception is if the Chief Executive or the Operational Director require a specific check or internal inspection to be immediate and / or unannounced for good reason or if a Head of Service commissions an unannounced inspection to test the resilience of systems without notice. The methodology used in health checks is standardised across the country, such as that for service checks and inspections, and for data integrity and case information systems. An applied learning framework is used so that the emphasis is placed on individual / team / area learning, set out in action / development / engagement plans, based upon the results.

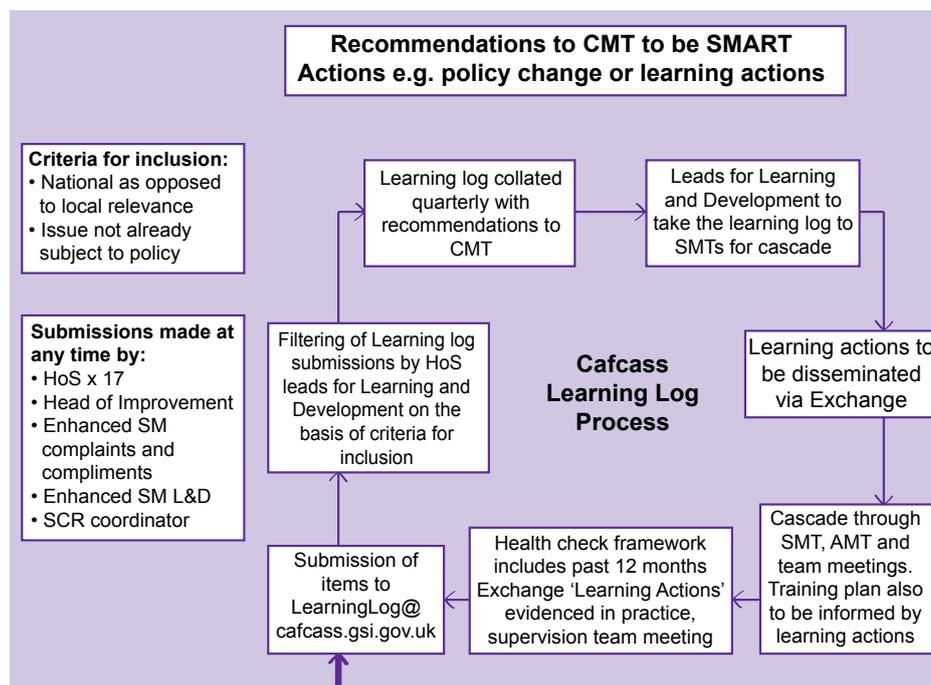
6.22 A full case record should be audited, directly from ECF including the key scanned documents, otherwise only part of the work on a case will be audited which may not give a true audit outcome.

6.23 Moderation days in the service area are a good way of carrying out a benchmarking exercise between local Service Managers to ensure common standards are applied. All Learning and Development themes collated from NIS activity inform the development of the national training plan. This completes the cycle of continuous improvement.



## The Learning Action Process

- 6.24 The National Learning and Development Strategy sets out the Cafcass methodology and programmes for Learning and Development. It sets out the principle that a national training delivery plan is produced annually setting out the key national training priorities for the coming year, how the impact of this training is measured and how training materials are accredited. The strategy also describes the core training modules that all newly appointed FCAs must complete within the first year in post. It establishes how local training needs can be met by commissioning specific inputs from NIS. The commitment to sponsorship of staff on Post Qualifying courses is also specified.
- 6.25 NIS will maintain the national learning log, which is updated and disseminated throughout the organisation on a quarterly basis via the Exchange report which is cascaded through service area meetings (SAMs), team meetings and supervision. This will include the lessons from complaints, compliments, Serious Case Reviews, Ombudsman investigations, Ofsted inspections, internal audits and health checks, etc. Criteria for inclusion in the log are that the issue is of national as opposed to local or individual relevance and is not already subject to policy or guidance. Areas will be expected to apply the learning highlighted and demonstrate they have done this through the healthcheck audit.



## Additionality

6.25 Additionality is the value added by the national organisation to frontline work. All staff working outside frontline teams must ensure their work programme supports frontline teams. Local managers, usually Heads of Service, will commission in work from national specialists as required. Support for local improvement programmes is prioritised. One example is the HR Business Partner model, in which named HR professionals work jointly and closely with local managers on workforce development and individual casework. Another example is the contribution of IT to frontline services, which is to equip a mobile workforce for a complex professional task, primarily through the provision and maintenance of reliable IT equipment.

### IT PRIORITIES FOR SUPPORTING THE FRONTLINE

1. Ensuring Flex, CMS and ECF are fit for purpose, in offices and when working remotely.
2. Designing and ensuring the effective delivery of training and coaching which supports IT literacy. This is crucial as Cafcass systems are fast becoming online and electronic.
3. Ensuring a proportionate level of security is in place for all information
4. Supporting service users and staff to use the latest technology to improve communication and efficiency.

## Section 7: Evidence-informed and knowledge-based practice

### Research and case law

7.1 Research and case law need to be applied in a case specific way. Resources to draw from include the Cafcass library; subscriptions such as [Research in Practice](#) and through Cafcass' membership of the [National Children's Bureau \(NCB\)](#). Nearly 400 reading lists can be accessed from the Library pages on the intranet. Access to the full text of a number of online journals is available through an Athens account. Access via the Library and using a Cafcass computer is available to the British Journal of Social Work, Child Abuse and Neglect, Child Abuse Review and the International Journal of Law Policy and the Family. The Legal helpline is available to clarify any point of law on a case. The Cafcass intranet contains up to date policies, through the Online Policy Centre, and practice guidance, organised by subject.

Practitioners are supported in their use of research and case law in all the crucial areas of their professional practice, including (these are just examples):

- up-to-date attachment theory research
- the benefit analysis of different levels of contact for children, including interim contact needs
- child development theory
- the impact of placement options, e.g, kinship care, foster care, adoption, special guardianship
- the impact on children of living with domestic violence
- working with hard-to-engage families, e.g, uses of Contracts of Expectation; therapeutic interventions which research indicates may work best with specific family problems
- what children are looking for from the care system and after their parents split up.

### Management information

#### Case Management System

7.2 The Cafcass Case Management System (CMS) is our database for recording all details of a case. CMS is a national networked system enabling staff anywhere in Cafcass to access all basic case details.

It is made up of the following modules:

- case information
- child information
- the national complaints system
- a reporting function used to extract information.

#### Performance dashboards and scorecards

7.3 Performance dashboards are produced by the MIS team for managers and provide a snapshot of a team's overall performance against set criteria, including case type allocation, throughput and HR-related information including sickness absence and appraisals. Some staff produce their own information dashboard or individual personal scorecards to self-regulate their work, and the organisation is developing a scorecard for such general use.



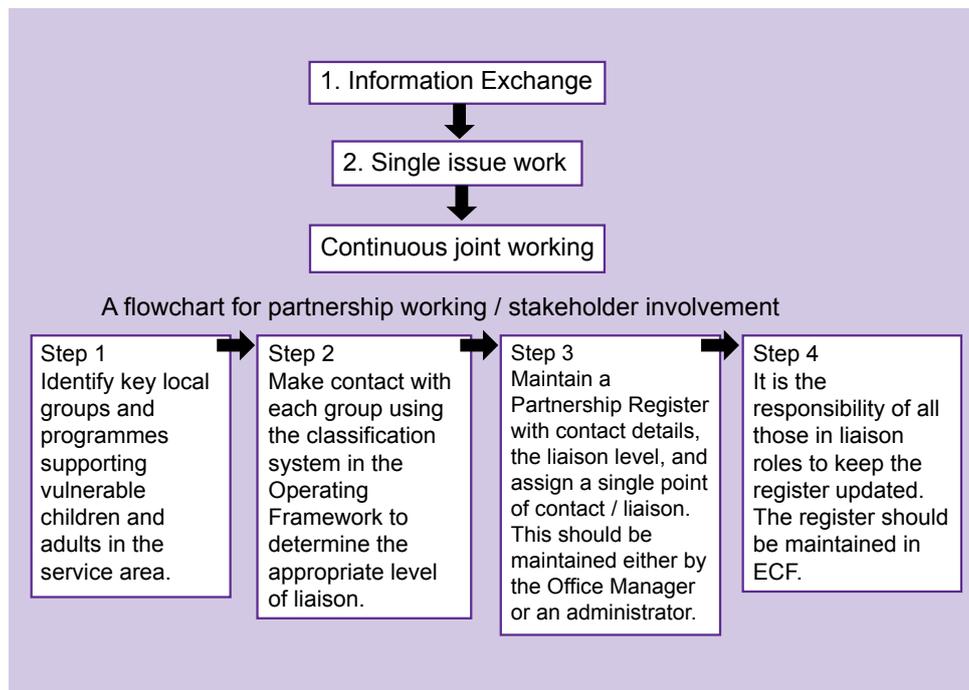
## Section 8: Working with service users, stakeholders and staff

This section of the Framework sets out how we aim to communicate effectively as an organisation, internally and externally.

### Engagement Principles

- 8.1 Cafcass has a relationship management system in place, with named individual contacts for the important organisations we work or liaise with. Cafcass is always represented by a named person. With our external contacts, all staff and contractors working for us are ambassadors for Cafcass.
1. Each service area will engage positively and constructively with the three main groups we work with: service users, stakeholders and staff.
  2. Engagement levels are performance managed within Cafcass via Q4C in the same way as priorities like child protection and service effectiveness.
  3. Cafcass aims at all times to be an inclusive organisation, to work transparently and to be held to account.

There are three levels of relationship management:



### With service users – ‘communication, communication, communication’

- 8.2 We have already set out communication principles from the beginning to end of cases (see [Section 1: The Purpose of the Operating Framework](#)). This starts with our Welcome Packs when we aim to be clear about our role. We then aim to communicate effectively throughout our involvement with a child and her / his family, in various ways which are embedded in the Operating Framework.

## GOOD WRITTEN COMMUNICATION STANDARDS WRITING LETTERS AND EMAILS – STANDARDS

- All letters must be personalised, with a legible signature from the Cafcass worker signing it / them off. Legible electronic signatures can be used.
- Standard templates should be used, so we look professional.
- The content of letters should be factual and courteous – not bland, bureaucratic and / or impersonal.
- All letters and reports must be proofread by their writer before being sent out, so they do not go out with typing errors, misspellings, etc.
- Letters should be sent routinely to both parties and courts if our work is unavoidably delayed, stating the reason/s.
- Standardised emails such as ‘out of office’ alerts should always provide an up-to-date and accurate alternative email address, phone number or correspondence address so that in the absence of a staff member all enquiries can be re-directed without delay.

The Cafcass’ customer care standards, on display in every office set out the principles we work to and state: We are committed to providing a consistently high service to all children and families we work with. We have created our customer care standards to make sure we treat everyone fairly and equally.

We will:

- provide a friendly, professional service and treat you with respect at all times
- treat everyone fairly and allow everyone to access our services
- be helpful, give you the information you need and work hard to get things right for children
- provide clear information on our services that you can access easily
- use plain English, avoid jargon, translate information and put it into other formats when you need it
- use your comments and feedback to improve our services
- make sure that our complaints process is clear, easy to understand and fair, and that we solve problems quickly

Our staff have the right to work in a safe environment. Staff should be treated with respect. We will not accept any form of intimidation, harassment or threat of violence.

## An example of a customer care poster displayed in some offices

You said	We did
There are times when service users do not understand the role of the Cafcass worker and how the application before the court will be assessed and reported.	Made sure literature is provided to ensure the different roles of Cafcass workers are explained And Made sure it is an expectation of the Cafcass worker that they share with adults, children and young people the plans for their work verbally or in writing And Made sure it is an expectation of Cafcass worker that they explain what information is likely to be included in the court report and what information will not be in the report
When a telephone enquiry is made there is not always a clear answer e.g. about how to make a complaint.	Ensured that all Business Support staff and duty practitioners are aware of the correct information and where to locate this
Timescales for when appointments will be fixed are not always communicated in a timely way after the order for a report is made.	Ensured that all cases are allocated promptly and that service users are contacted as soon as possible to plan appointments

## Hear4U

- 8.3 Hear4U is an online advice line for children run from the National Business Centre. Details of the address, [hear4u@cafcass.gsi.gov.uk](mailto:hear4u@cafcass.gsi.gov.uk) are given out in the welcome pack materials which all children in private law cases receive. Children can email any questions they have about Cafcass, or their parents' divorce or separation and receive a response from an FCA. All emails and responses are logged and relevant information passed onto the allocated practitioner or team to ensure children are adequately safeguarded if the need arises.

## Adults' and Children's leaflets

- 8.4 [Click here](#) for all adults and children's leaflets. There are also [practitioner toolkits](#) for working with children and young people.

## Sharing case records

- 8.5 Sharing case records is an important demonstration of good customer service. The following three points should be followed:
- Share the case plan and report / case / issue analysis / position statement, in line with the principles of openness and natural justice, whilst putting the needs of each child first. Share these in sufficient time for service users to absorb and reflect on what we are saying and to prepare any fresh position of their own (this normally needs a minimum of two to three days).
  - Consider third party confidentiality, safeguarding and the possible adverse impact on any criminal investigation that could arise from inappropriate information-sharing.
  - Detail all record-sharing in the contact log.

## Information Assurance

- 8.4 Cafcass is required by law to manage our information assets effectively. The Information Assurance (IA) document provides the policy framework through which effective management of records can be achieved and reflects the principles set out in the Case Recording Policy. The IA policy describes what Cafcass does and intends to do with respect to its information and records. Efficiently maintaining our records supports Cafcass' core functions to comply with its legal and regulatory obligations and to contribute to the overall management of the organisation. This can improve:
- the quality of decision-making
  - the quality of business activity
  - long-term planning
  - compliance and meeting audit requirements
  - quality reporting
  - fast and accurate customer service.

Through the IA policy, Cafcass has set good record keeping standards and practices encapsulating areas such as the management of emails, the security of premises, record retention and classification, secure data transfer and the reporting of data breaches. Head of business areas meet quarterly to discuss IA matters.

Also there are the eight principles that Cafcass needs to comply with for processing personal information to be lawful under the [Data Protection Act 1998](#) – found in the SAR Policy.

## Complaints and Compliments

- 8.5 The current [complaints procedure](#) was introduced on 1st February 2012 and sets out how parties to cases can complain and how to feed back compliments. Compliments, concerns and complaints can all provide valuable learning points for individuals and the organisation. In some teams, over 40% of concerns are due to problems in communication, such as calls not returned, messages not responded to or crucial information about the conclusion we are reaching not being passed on to the service user. If customer service improves, complaints reduce. The mantra for good complaints handling is therefore: “communication, communication, communication”.

Cafcass must be open to concerns that are raised and respond in a way that prioritises the safeguarding and promotion of children's and young people's welfare, including complaints and concerns raised by children and young people themselves.

Compliments also promote learning if best practice is well disseminated. Examples of learning from complaints and compliments in the 2011 calendar year are:

#### LEARNING POINTS FROM COMPLIMENTS (FROM ONE SERVICE AREA)

- Sensitivity: treating service users with care and understanding
- Being clear about our role and what is going to happen
- Supporting / effectively challenging parties to focus on their children
- Doing what we say we'll do
- Parents feeling their children were supported and listened to
- Being open and honest
- Being down to earth, not making service users feel inferior, less intelligent, or patronised in any way.

#### LEARNING FROM COMPLAINTS (KEY POINTS FROM THE LAST YEAR)

- Minimising the risk that our work is perceived to be biased in favour of either adult party in private law cases
- Clearly explaining our safeguarding remit in private law cases and its basis in law and the [Private Law Programme](#)
- Poor customer service and relationship management e.g. not returning phone calls, not communicating the rationale for a lack of involvement / contact to the service user
- Maintaining practitioner continuity (all cases) unless a change is unavoidable and communicating this clearly
- Responding early to concerns so that a delay in responding does not trigger a much angrier complaint later
- Sending s7 reports to parties in sufficient time to seek advice from their solicitors, and raise queries back with us, with particular awareness of the timescale needed for litigants-in-person.

The following guidance is available:

- Service user [factsheet](#) on how service users can raise their concerns
- Full [procedure](#) setting out the way Cafcass will deal with concerns and complaints.

Under the Cafcass complaints procedure, all concerns, representations and complaints are triaged upon receipt in the National Business Centre by the specialist national complaints team. Representations about their case from one party are routed through to the appropriate court along with the Cafcass response to the concerns or complaints, for the court to consider them along with other representations and information they have before them. Certain representations which allege potential professional misconduct will be dealt with according to the Cafcass Employee Relations Policy, such as allegations of a gross failure of customer service.

A quarterly analysis of all complaints from children is conducted by a Head of Service, with any learning applied through the learning log system.

## Dealing with Unacceptable Behaviour

- 8.8 Some complainants take things too far, threatening staff or becoming abusive. Others inundate staff with a multitude of communications. Cafcass has a zero tolerance policy towards this type of behaviour.

## Single Point of Contact

- 8.9 Cafcass uses a 'single point of contact' arrangement, so that the communication can be managed effectively without allowing the organisation to be unreasonably bombarded. Use of the 'single point of contact' model ensures that communication is consistent and that a service user who emails a number of staff, sometimes using blind copying, receives a single organisational response. Where a single point of contact is used, the service user will be told that she/he should communicate in writing only. If the service user sends a written communication to anyone other than the single point of contact, the recipient should delete it without reading.

## Ending communication

- 8.10 In cases where Cafcass' work with a service user has come to an end, including the complaints process, but the ex-service user continues to write to or telephone staff, a manager may decide that there should be no further communication. The ex-service user may of course still exercise any statutory rights such as the right to make a subject access request, but will be asked not to send any other letters or emails and will be told that if she/he disregards this request she/he will receive no response.

## With stakeholders

### With judges

- 8.11 Local Heads of Service and Service Managers must liaise closely with local judges. The key relationship is between the Head of Service and the Designated Family Judge. Most Cafcass service areas now have good local arrangements or protocols in place. Some judges have issued local practice directions or advice notes supporting all possible steps to ensure scarce Cafcass time is used effectively.

### With legal practitioners

- 8.12 Solicitors are key professional partners in all public law and a significant minority of private law cases. Close liaison is required on individual cases, as well as national and local liaison with solicitors' umbrella groups and professional bodies on a regular basis.

### With HMCTS

- 8.13 Heads of Service, Service Managers and Office Managers must ensure that liaison with Her Majesty's Courts and Tribunals Service (HMCTS) locally is regular and at the right level to make any operational changes necessary. This includes liaison over which courts and lists require Cafcass attendance so that attendance can be guaranteed within the resources available, and the electronic transmission of public and private law applications, preferably on the day they are received. Examples of joint work underway at present include:
- joint back office posts
  - reduction of duplication in information-gathering and transmission of C100s
  - sending public law court bundles electronically, as well as all other documents such as sending s7 reports to court inboxes which are cleared several times a day (through a local agreement)
  - using data to understand and improve joint performance e.g, joint reviews of cases either subject to excessive delay or of particular local significance.

### With local authorities

- 8.14 Cafcass has an agreed protocol with the [Association for Directors of Children's Services \(ADCS\)](#):
- A protocol confirming the commitment of both Cafcass and ADCS to work together where appropriate, to share good practice, and to identify ways to improve services jointly. This protocol consolidates a number of previous protocols into one document for ease of use and will be available later in April 2012.
  - A protocol on the respective responsibilities of Cafcass and the local authority in applications to discharge care orders
  - A protocol setting out the circumstances in which the local authority should be responsible for preparing s7 reports, and those in which Cafcass should be responsible.

### Working with the Police

- 8.15 Liaison with the police over police checks takes place through the police team based in the National Business Centre, in respect of universal Level 1 checks and proportionate Level 2 checks (enhanced with local police intelligence). Constructive liaison between local Cafcass teams and the National Business Centre police unit or local police forces is crucial on individual cases.

## With other partners / agencies / public bodies

### Local Safeguarding Children Boards (LSCBs)

8.16 Cafcass is a statutory board partner of every LSCB in England, under s13 (3) of the [Children Act 2004](#), reinforced in [Working Together](#) (2010). Cafcass contributes to Serious Case Reviews and s11 audits as a statutory partner. Our proportionate working model means we have a defined strategy with each LSCB ranging from full involvement with a clear role and specific defined contributions in some, to a watching brief in others where involvement is less for a clear reason. Heads of Service define the level of appropriate involvement in each LSCB and agree this with each LSCB Chair. Active comment on papers, with some follow through action if needed, is more effective than passive attendance in person. The unit of currency to measure involvement should not be attendance at meetings. Due to the demands on local managers, we will only ever be able to attend some meetings (and not all) and to be involved in some issues (and not others). Keeping the safeguarding needs of children in private law cases on the local LSCB radar is an example of added value we can bring for children, as can support for inter-agency and inter-disciplinary programmes to reduce delay in public law cases. Our managers are also members of many other local groups and forums of varying status, such as Local Performance Improvement Groups (LPIGs), so they have to regularly 'triage, prioritise and review' their overall level of engagement and involvement in the local multi-agency world.

### Local Performance Improvement Groups (LPIGs)

8.17 Cafcass prioritises and attends these in order to play our full part in local family justice system improvement programmes. The biggest concern we are taking into LPIGs at this point in time (mid 2011-12) is the expanding stock of public law cases live in the courts and the consequential lengthening average case duration. Ordering rates for s7 reports in private law cases are also rising and this may need local exploration and action planning.

### Family Justice Councils (FJC)

8.18 Cafcass is represented on every national and local FJC. Proportionate attendance and involvement should take place, using the same framework as for LSCBs (see above).

### Multi-Agency Public Protection Arrangements (MAPPAs)

8.19 MAPPA joins the police, prison and probation service together to assess and manage the risks posed by violent offenders. Cafcass has a responsibility to join Multi Agency Risk Assessment Conferences (MARACs) in some individual cases. The degree of involvement should be proportionate to the risks involved and the contribution we can make.

### Multi Agency Risk Assessment Conferences (MARACs)

8.20 Cafcass attends MARACs where it is in the interests of children to do so, but the extent to which we are able to disclose information is restricted by statute and by the court rules.

### Unions

8.21 Cafcass operates in partnership with three trade unions. These are [Unison](#), the [National Association of Probation Officers](#) (NAPO) and the [Public and Commercial Services Union](#) (PCS).

## Methods of stakeholder engagement

### Exchange visits / days

8.22 These have been used by many service areas to improve working relationships and understanding with local courts. Court staff will visit a Cafcass office and vice versa. Where this has been done, it has increased the flow and timeliness of information, e.g, a reduction in the number of incomplete C100s.

### Partnership Forums

8.23 These are a good means of communicating on a regular basis with key stakeholders like judges, solicitors and voluntary organisations. These are usually best held in the late afternoon after courts finish sitting. MPs will usually visit local offices if invited on Fridays when working in their constituency.

## With staff

- 8.24 See [Section 6: Regulation and support with the professional task](#). In addition to this, we use an online tool, Survey Monkey, as a quick and easy to use way of gauging staff opinion, of understanding the factors which raise or lower morale, and to seek a range of views about how best to solve specific problems.

All staff should have regular open access to their senior managers as well as their line manager to promote open but structured communication so that concerns can be systematically followed up to make a difference, rather than just being expressed.

If they feel poor practice or management is being ignored or covered up, Cafcass staff can invoke the Whistle Blowing Policy.

## Section 9: Corporate Services

### Finance

9.1 The Finance Manual sets out proportionate approaches to accountancy, budgetary control and monitoring, etc.

### Human Resources

9.2 Cafcass is a 'people organisation' providing a service to people (service users) by other people (staff and contractors). Other people behind the scenes, including the HR service, contribute to making this process as effective as possible through what they do.

HR services have changed in three important ways:

- Transactional services are moving online, provided through the iTrent HR system.
- They promote self-efficacy skills, with managerial regulation limited to tackling poor performance – otherwise managers concentrate on professional support.
- Policies are being consolidated e.g. all types of leave will be consolidated into a single leave policy, with most staff able to self-certify within defined parameters, unless they have misused the facility, at which point authority to self-certify will be withdrawn.

HR Business Partners will continue to support improved performance and service improvement in local teams and service areas. Most HR resources will be allocated to this work.

During 2012, the new iTrent HR system will replace the Q4C database and the existing KCS HR system. It will also give direct access to online training and will include new tools for staff development and workforce planning.

- All future HR policies and processes will be electronic and as paper-free as possible.
- All policies will encourage the use of self-certification with few exceptions.
- All processes will be radically streamlined.
- Policies are written to clearly and concisely explain new self-reporting models while also giving a clear message on parameters, the auditing being applied, and the consequences of non-compliance.

### Legal Services (family law)

9.3 Cafcass Legal is a team of in house lawyers who:

- represent children in High Court team cases
- provide separate legal representation for Children's Guardians across Cafcass where appropriate
- act as advocates to the Court
- act as a support for Independent Reviewing Officers who are experiencing problems with their local authority over a specific case
- operate the Legal Helpline
- provide legal updates for practitioners via Legal Alerts.
- offer training for practitioners

### Legal Services (Corporate)

9.5 In addition, the lawyers at Cafcass Legal also provide legal advice and representation to Cafcass on all other legal areas, with the exception of employment law, which is provided through the HR service, and land law, which is provided through the Estates service. The legal team also holds the governance function and work, including Information Assurance Standards, whereby, for example, our documents are classified as either unrestricted, protected or classified – most of our documents are restricted.

### IT Services

9.6 The Cafcass IT team commissions IT systems and equipment for the whole organisation and manages a range of outsourced contracts for the provision of technology. Our main IT provider is Fujitsu through the Flex contract.

## Procurement

- 9.7 All new and repeat procurement is co-ordinated by the national procurement team. Wherever possible, internal national or Government-wide contracts are used. These enable local staff to self-authorise and to use consolidated electronic billing within defined parameters.

The national procurement team also advise on what to do locally when no suitable contract exists for a local team to use, or the contract available cannot be used in the time-scale needed.

Agency staff should be recruited from approved agencies on our framework contract. A business case must be approved at Operational Director level. This is a closed list until February 2012. We are not bound by minimum volume terms to any of the three agencies used. If none of the three can supply a suitable agency worker, we can go to other agencies but only using our hourly rates. Recruiting managers should be aware that the Agency Worker Directive and Regulations 2010 applied from 1st October 2011, in respect of all agency staff who work for us for a continuous twelve week period.

Quarterly contract management meetings will be held with all self-employed contractors commissioned to hold cases by Cafcass. As with all contracts we manage, contracts have to be performance managed and the contract with individuals or organisations should be creatively and constructively developed – a model of contract management that emphasises contract development and service improvement.

## Property management

- 9.8 The National Estates and Health & Safety service supports local Office Managers in the management of our offices to provide safe and secure environments for staff and service users that are compliant with current H&S legislation and regulations.

We are continuing to reduce the number of offices we occupy and focus on the key service areas where we need a presence based upon service user density data. This is in line with our Secretary of State's 2011 remit letter asking us to reduce our property portfolio by 30% between April 2010 and March 2013 and is in keeping with Government Property Controls. The adopted 'core and cluster' approach features touch-down facilities supplementing the smaller number of offices, so that practitioners can use local interviewing facilities when and where needed. Added to this we are providing wireless connectivity in as many courts as possible, given the time practitioners spend there, so that any unavoidable downtime can be used for work. Many offices are hot-desking environments, with space used as flexibly as possible to support the professional task for whoever is there.

The National Estates team manage all office refurbishments and re-configurations, working with locally appointed project managers. They hold national maintenance contracts to call off against covering furniture, property consultancy, legal property solicitors, emergency maintenance, signage and H&S estates compliance services; they deal with any lease or service charge queries, or disputes with landlords; and they have access to the relevant property databases when leases are due to expire.

The core documents the team work to are The Cafcass Health and Safety Policy, The Estates and Health and Safety Service – Service Level Agreement and the Cafcass office design standards and materials.

### OFFICE STANDARDS

1. All offices must have highly organised systems with all files and data easily retrievable whenever they need to be, using an A-Z filing system for all paper case files until the full implementation of ECF.
2. Data should be inputted and distributed accurately upon receipt or according to a triage process for priority and importance.
3. All offices must operate a clear desk policy with no files or papers left lying around overnight and all sensitive data shredded or safely disposed of.
4. Files must be closed and archived promptly.
5. All offices must have a well organised and accessible G drive for cases and information.
6. All offices must be managed to a high health and safety standard. (Health and safety is everyone's business to notice and put right, especially the risk of slips, trips and falls.
7. All offices must be child-friendly (perhaps validated by a commissioned Young People's Inspection) using the Cafcass design standards and materials.
8. Hot-desking should be the norm, but with enough relatively quiet space available when needed, including multi-purpose rooms to maximise usage, e.g, interviewing children and families or quiet space to write reports when not being used by service users.
9. DX or a secure carrier, e.g, The Government Car and Despatch Agency, will be used for all internal post between Cafcass offices for information security.
10. For maintenance issues, use the national emergency maintenance contract or find the best local deal.

## Commissioning and Partnerships

- 9.9 The Commissioning and Partnerships team manage contracts for supported and supervised contact activities carried out by the private and voluntary sector. This work supports the [Private Law Programme](#), and the team (organised through each operational area) manage all service area contracts and PIPs (through the administrator based in the Chelmsford office), in addition to the Domestic Violence Perpetrator Programmes.

## National Policy Team

- 9.10 The team manage the Online Policy Centre and write its content. They also write and co-ordinate Practice Alerts. Which sit alongside Legal Alerts. The team works within internal and external policy alliances aimed at improving the services and the lives of the children referred to us.

The team also has the responsibility for developing national child protection policy and a quality assurance role in relation to the Individual Management Reviews (IMRs) that Cafcass writes as part of the overall Serious Case Review (SCR) process. The analytical writing standard will be applied to IMRs.

## Communications

- 9.11 The Cafcass Communications Team works nationally and is based at the National Office. Their main functions are:
- communicating (internally) must-know information including must-know practice and legal updates, via the intranet, the Channel C newsletter, Exchange report, posters in teams etc.
  - responding to media enquiries and MPs' letters
  - responding to the national and local press (all press contact must be routed through the Communications Team)
  - an in-house publishing and design capability
  - quality assuring Cafcass material that goes into the public arena, e.g, the Welcome Packs, the external newsletter Channel Cafcass, our contribution to Serious Case Reviews, published contracts.

Each member of staff is responsible for making changes to the intranet or website, or to improve its content. Everyone with material on either site is responsible for producing their own updates.

All media contact must be routed through the Communications Team, who will determine our response to all media enquiries, in conjunction with the Chief Executive or other senior staff if he is not available.

## Translating and interpreting services

- 9.12 Translating services of our publications are organised through the National Communications Team, who use the current contract with BigWord. They also arrange translation for service users with additional needs, e.g, Braille and Talk-Type. Interpreting and translation of local documents are organised locally.

## Section 10: Value for money

### Personal responsibility

- 10.1 Value for money, like safeguarding, health and safety responsibility and all other sections of the Operating Framework, is a personal responsibility to implement. This means in practice that each member of staff needs to be aware of the cost and value of everything they do in their use of time and the money they commit, in accordance with value for money (vfm) principles. Staff also need to be aware of the positive and negative financial consequences of their actions, e.g. avoiding Wasted Costs Orders; being aware of the cost-benefit analysis of their work, returning equipment that is not needed, etc.

### Managing the Cafcass budget

- 10.2 The Cafcass budget is set annually based on the level of grant from the Department for Education. The Chief Executive is the Cafcass Accounting Officer and has responsibility for the proper use of the annual Cafcass budget.
- Budgeting follows priority-based budgeting principles.
- Each budget holder is given a safe minimum / adequate budget following a formal discussion each year about future needs of the service in question, taking into account efficiency / productivity indicators against relevant benchmark/s.
- Budgets are delegated to managers accompanied by a statement setting out how much budget has been delegated and their responsibilities for its management. In particular, this includes being clear about how much of the budget has been spent and what commitments are planned over the remainder of the year. This is captured in regular budget monitoring returns.
- The Accounting Officer obtains assurance that these arrangements are working properly through the Expenditure Control Group (see Governance structure), the Budget Approval Panel and Star Chamber sessions directly with Budget Holders, as well as routine monitoring by managers and finance staff working together.

### Looking after Cafcass assets

- 10.3 Most of the money Cafcass receives is used to cover staff and running costs. Sometimes the money needs to be spent on items of equipment or buildings. Because these can be of higher value we all need to take care to maintain both their condition and their security. Items worth more than £2,500 are recorded on a national register so we can track them and show accountability for the use of public funds. Smaller items of £500 and above are recorded on local registers. External auditors check we are doing this every year.
- Small amounts of petty cash are also often kept in local offices to pay for small expenses. Access is restricted to a few named staff and the petty cash box is always kept in a safe.

### Sustainability

- 10.4 The Operating Framework aims to create a sustainable service by matching the service level on cases to the resources available. Fewer buildings, less travel time on cases and better procurement, such as a single utility bill (an example of consolidated billing), will also contribute to sustainability. Sustainability is also a personal responsibility, as part of positive self-regulation.

### Business cases

- 10.5 Proposals for new financial commitments should be set out in a business case which is duly authorised according to the schedule of delegation held by the Director of Finance.

### Unit cost and productivity data

- 10.6 Unit cost calculations, productivity data and trend analysis is provided to managers which allows service areas to be compared to see how efficiently they use their funding. This helps managers understand where they stand relative to the value for money benchmarks in place at any one time and assists the Chief Executive in determining individual service area budget allocations.

## Impact assessments and risk analyses / registers

10.7 Cafcass holds a national business plan, a single national impact assessment, including an equality impact assessment, and a national risk register. Each team or service area includes the main risks and impacts they face in their local service area business plan. All these plans are updated quarterly. The key documents for managing risk and regulating impact are:

- the national business plan
- Service Area business plans
- the national impact assessment
- the corporate risk register.

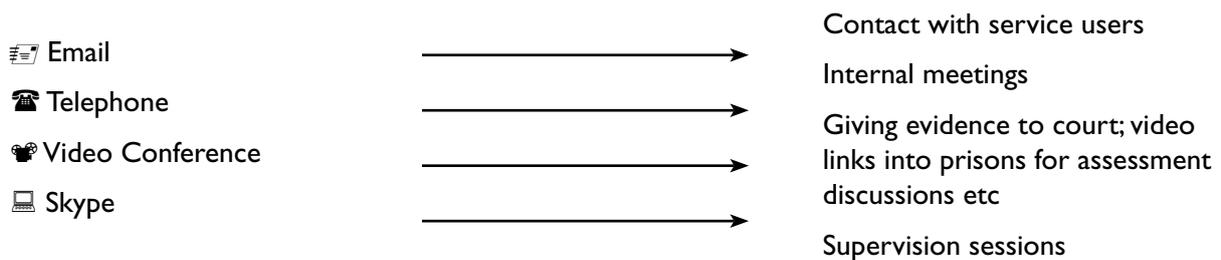
A short diagnostic overview can be produced, using the relevant template.

## Business continuity

10.8 Business continuity is management activity which creates resilience within our processes and tools (e.g. IT systems) to enable services to be recovered and continue to be delivered during any unexpected disruption to normal working. Every Cafcass site will have in place a continuity plan which will contain immediate actions, escalation contact details as well as plans for recovery of business services. The National Recovery Matrix provides an overview of all critical activity recovery strategies.

## Meetings

10.9 Staff should consider whether a face to face meeting is the most cost effective and appropriate form or whether other methods of communication can be used as a replacement when practical to do so.



## Travel for work

10.10 Most of us need to travel for work at some time (home to work travel costs are not paid). Public transport is generally preferable and we use a booking agent, Redfern, for all our rail travel. If staff use their own car, it must be insured for business use and a set rate per mile is paid. We also have a hire car contract that may give better value. For staff with a high level of business miles, a lease car may be more suitable. The Travel Abroad Policy covers essential overseas travel.

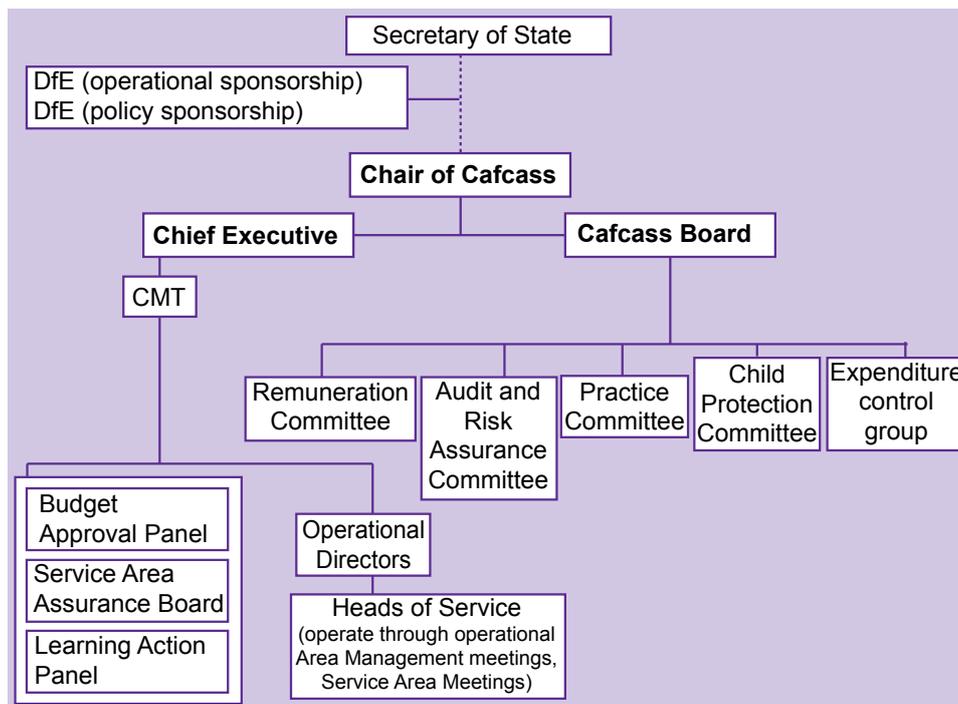
For overnight accommodation where necessary, we have a booking agent, Expotel, who work with a list of hotels across the country and negotiate good rates for us and take care of bookings.

Guidance on how to use the booking agents are contained in the Finance Manual along with some information on the car lease and hire schemes. Information on mileage and food allowances is contained in the payroll guidance.

10.11 **Tele conferencing** is an easy way to talk to several people at once and more efficient than travelling with the real cost and opportunity cost involved – opportunity cost is the lost opportunity to do something more important with that time and money.

10.12 **Video conferencing (VC)** – More than a third of Cafcass offices have VC facilities, which can be booked through Office Outlook. Video is also a good medium for contact observation and assessing parent-child interaction, so our facilities can be used for casework too.

## Section 11: Corporate Governance



### The Department for Education

11.1 As a non-departmental public body, Cafcass is accountable to the Parliamentary Under-Secretary of State for Children and Families in the **Department for Education (DfE)**, which is our sponsoring department. We work within the strategic objectives agreed by DfE and contribute to wider government objectives relating to children.

### The Cafcass Board

11.2 The role of the Board is to establish the overall strategic direction for Cafcass and monitor its delivery within the available resources. The **Board** is accountable for all the work of Cafcass and delegates operational responsibility to the Chief Executive and CMT.

### The Cafcass Audit and Risk Assurance Committee (ARAC)

11.3 The Audit and Risk Assurance Committee is a statutory committee whose members are appointed by the Board. The ARAC advises the Board and Chief Executive on the strategic processes for risk assurance, control and governance, accounting policies, our accounts and the Annual Report for the organisation. It is also responsible for the planned activity and results of both internal and external audit.

### The Cafcass Board Practice Committee

11.4 The Board Practice Committee has been established to improve the evidence base underpinning Cafcass' practice models by utilising the specific research and practice experience of Practice Committee members to inform their development.

### The Cafcass Board Child Protection Committee

11.5 The Board Child Protection Committee has been established to review data linked to safeguarding-related KPIs and progress in relation to business plan priorities and commitments, receive information regarding inspection and audit outcomes in respect of safeguarding and any resulting action plans, and to receive reports about internal management reviews prepared for Serious Case Reviews.

### Cafcass Young People's Board

11.6 The Cafcass Young People's Board consists of up to 20 young people, all of whom have had public or private law experience in family proceedings. The Young People's Board members are between 10 and 25 years of age and regularly contribute to Cafcass practice developments, as well as to Government and other stakeholder consultations. The services they provide to the organisation include sitting on recruitment panels,

particularly focussing on the ability of a candidate to communicate with children, training teams jointly with internal or external trainers, carrying out Young People's Inspections of services or mystery shopping exercises to test awareness of a child or young person's needs and rights, or making speeches at local partnership events.

## Corporate Management Team (CMT)

- 11.7 The Corporate Management Team, led by the Chief Executive, is accountable for the running of the organisation. Information about CMT members is located on the [and website](#). CMT meets monthly, and in between meetings works via CMT online, in an outcome-based management process.

## The area-based structure

- 11.8 Services are delivered through seventeen local service areas. Operational Area Management Teams meet monthly to manage performance and problem-solve in the operational areas. Service Area Management Teams (SAMs) within the area meet in the following week to translate corporate and operational area strategies into local action. Service Improvement Meetings (SIMs) are held in addition to SAMs in respect of those areas undergoing a major (as against a normal) improvement programme. Team meetings are held at varying intervals for various local purposes, e.g, weekly performance and allocation meetings.

