

Arrangements for the inspection of the Children and Family Court Advisory and Support Service (Cafcass)

Consultation document

This is a consultation document on proposals for the inspection of the Children and Family Court Advisory and Support Service. This invites your views on our proposals for the new inspection arrangements which will come into effect from September 2013.

Ofsted seeks the widest possible range of views from those who have an interest in or expertise relating to the Cafcass role in the family court, so that the inspection arrangements take proper account of the needs and circumstances of all interested parties. Above all, the arrangements must assure the quality of services and the best possible outcomes for children who are subject to both private and public law proceedings in the family court.

The closing date for the consultation is 12 March 2013.

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About Ofsted

Ofsted is introducing a new framework for the inspection of Cafcass. This consultation seeks your views on our proposals for these new inspections. We propose that the new inspections will focus on a single annual inspection of Cafcass's performance of its statutory functions.

The consultation closes on 12 March 2013. We intend to publish the finalised arrangements in August 2013 and begin the new inspections after 1 September 2013.

Purpose and background to the consultation

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

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

Sections 144 and 145 set out powers to:

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

Cafcass is a non-departmental public body accountable to the Secretary of State for Education in the Department for Education (DfE). Cafcass works within the strategic objectives agreed by DfE as its sponsor department and contributes to wider government objectives relating to children.

Cafcass statutory functions are set out in the Criminal Justice and Courts Services Act 2000, which states that in respect of family proceedings in which the welfare of children is or may be in question, it is a function of the Service to:

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

In addition Cafcass delivers its service under the rules and directions of the family courts.

Since April 2009, Cafcass has been inspected through a four-year programme of all its service areas, originally 21 areas, now restructured into 17 service areas. The current programme of inspection will complete by the end of March 2013.

Cafcass is operating in a dynamic and changing environment. The creation of the Family Justice Board following the outcome of the Family Justice Review, in England and Wales, will see the future role of Cafcass in the family justice system change or evolve.

As well as this consultation we are also looking at opportunities for face-to-face discussions.

The way forward

Over the last four years, through its inspections, Ofsted has established a baseline of performance across all Cafcass service areas. During the same period, Cafcass has restructured its operational front line and significantly reduced its senior management capacity. Many functions, for example the complaints service and the commissioning of additional services, have been centralised to a national function.

Cafcass is unique within Ofsted's remit as it is a national organisation. Since we began the current programme Cafcass has improved from a low base. Early inspection identified deficits in safeguarding practice with inadequate arrangements to quality assure practice. Over the last year, inspection has shown that Cafcass performance has improved to adequate for 'overall effectiveness' in all six areas inspected in the current business year.

At this point, we think that concentrating inspection activity on Cafcass as a national organisation will be the most effective way of supporting continued improvement as this will enable Cafcass to respond to inspection findings and learning across the whole organisation.

Inspection proposals

A single national inspection of Cafcass performance

We propose to conduct a single inspection annually, probably over two weeks, looking at the effectiveness of the national organisation and how local services are being delivered in up to six service areas. Central to this inspection will be Cafcass performance in respect of its statutory remit including the extent to which practice and delivery are explicitly focused on the needs of children and young people.

We believe that inspecting the national functions as well as practice in a sample of the delivery areas will best support the organisation to drive improvement, at the front line, in the family courts and within its leadership and management arrangements.

We envisage capturing evidence both at the local level and across nationally delivered functions. While national functions will contribute to the inspection findings and judgements, greatest weight will be given to the quality of Cafcass's work at local level in its key statutory functions of making recommendations and providing advice to the family courts on how best to safeguard and promote the welfare of children and young people subject to proceedings.

Q1. To what extent do you agree or disagree with our proposal to inspect Cafcass annually as a national organisation?
Do you have any comments or suggestions about this proposal?

Making unannounced inspection work

In April 2011, Ofsted inspections of Cafcass became unannounced. Generally, unannounced inspection reduces the burden on those inspected, while ensuring that inspectors can see a service 'as it really is'. While this has presented challenges both to inspectors and Cafcass, it has proved successful, although access to children and young people has been limited. We propose to continue inspection of Cafcass on an unannounced basis.

Q2. To what extent do you agree or disagree with our proposal to inspect Cafcass on an unannounced basis?
Do you have any comments or suggestions about this proposal?

Inspecting a sample of Cafcass service areas

Cafcass is divided into 17 service areas. These areas differ in geographical size. To gain a good overview of the quality of the work of the agency, we propose to undertake inspection in a sample of teams in up to six areas in addition to the inspection of national functions. Because of the size of some Cafcass service areas, it will not be possible to inspect all teams within the area. However a proportionate number of children's cases will be tracked in each area.

One inspector, usually the lead inspector, will undertake an inspection of centralised functions at either the national office, the Cafcass national business centre or the location from which specific national functions are delivered or led. The lead inspector will keep in regular touch with the teams out in the regional areas who will be inspecting at the same time, to ensure that emerging national as well as local themes are identified during the inspection.

The inspection will take place over two weeks, which will enable each inspector to evaluate practice and performance in two areas or teams within Cafcass. We propose that inspectors will share their findings with the Cafcass senior leadership team at the end of each week and that the meetings to agree on judgements and feedback will be held at the Cafcass national office in London at the end of the inspection.

Q3. To what extent do you agree or disagree with our proposal to inspect Cafcass's performance of its statutory functions nationally and through a sample of regional offices at the same time, bringing the outcome together in the form of a report giving national findings?
Do you have any comments or suggestions about this proposal?

Getting the views of children, young people and adults who receive a service from Cafcass

The views of children, young people and adults who receive a service from Cafcass by virtue of their involvement in family proceedings are a very important part of the inspection. Inspecting without prior notice makes access to children, young people and adults who receive a service from Cafcass more challenging.

Wherever possible, inspectors will continue to talk directly to children, young people and adults involved in proceedings either at the court, with due consents obtained, or when they visit a Cafcass office. Where possible, we will also observe court proceedings to help to understand the impact of Cafcass on decision-making for children. We will survey a proportion of all current and recent cases during a two-month 'window' early in the inspection year. This will be an online survey that will provide an opportunity to gather the views of Cafcass service users that will, in turn, lead to lines of enquiry during the inspection.

Q4. To what extent do you agree or disagree with our proposal to survey children and young people who are current and recent users of Cafcass, using an annual online survey?
Do you have any comments or suggestions about this proposal?

Obtaining the views of key stakeholders

Cafcass operates in a multi-agency, multi-disciplinary context within the family justice system, both nationally and locally. The family justice system has been the subject of national review and continues to evolve and modernise. We believe it is important that we continue to meet with and gain the views of Cafcass's key stakeholders: the family judiciary, magistracy and local authorities. In addition to consulting with these statutory partners to help understand Cafcass performance, we will continue to consult with organisations that represent interested parties involved with family proceedings.

The judgement structure

We propose that inspectors will make judgements on:

- Overall effectiveness, including areas for development
- The effectiveness with which Cafcass safeguards and promotes the welfare of children
- The quality of practice
- Leadership and governance.

For each judgement, we will use a four-point grading scale: outstanding, good, requires improvement and inadequate.

Q5. To what extent do you agree or disagree with our proposed inspection judgements?
Do you have any comments or suggestions about this proposal?

The effectiveness with which Cafcass safeguards and promotes the welfare of children

We propose to focus inspection activity on a sample of recent and current children's cases subject to both public and private law proceedings. We will look closely at each child and young person's 'journey' from application through to the conclusion of Cafcass involvement, to establish the effectiveness of the work of Cafcass in ensuring a timely resolution and improving outcomes for children and young people.

This will involve a range of activities, including: case file scrutiny; where possible and appropriate, discussion with the young person and their carer, the young person's allocated family court adviser, and others who have a key role in their life, including the local authority social worker in the case of public law. Inspectors will also observe court-based work to evaluate how Cafcass practitioners advise the court and parties in the use of services such as contact activities, in private law, to help achieve improved outcomes for children and young people.

Through this close look at individual children and young people's experiences, we would identify key lines of enquiry for inspectors to explore through further case sampling and other inspection activity, to triangulate inspection findings and secure robust inspection judgements.

Inspectors will evaluate the extent to which:

- children and young people are safeguarded and their welfare is promoted through the actions and recommendations of Cafcass
- the family court is given high quality advice about any application made to it in such proceedings

- children and young people are appropriately represented in family proceedings, or, where age-appropriate, enabled to instruct their own legal representative
- children, young people and their parents, carers and families are provided with appropriate information, advice and other support during proceedings.

Q6. To what extent do you agree or disagree with our proposed inspection methodology?
Do you have any comments or suggestions about this proposal?

The quality of practice

Our proposed methodology requires inspectors to consider the impact of practice and the extent to which that practice results in appropriate, high-quality and timely assessments and advice to the courts. In making a judgement on the quality of practice, inspectors will evaluate the extent to which:

- delay is appropriately avoided
- effective initial risk assessment and screening of cases are undertaken
- children and young people's wishes and feelings are elicited and represented and put in context
- children's best interests remain central to the proceedings
- effective assessment and direct work with children, young people and their families/carers are undertaken
- work with children, young people and their families/carers is well planned
- appropriate analysis, recommendations and reports are presented to the court.

With appropriate sensitivity and consent, inspectors will spend time:

- observing direct practice with children, young people and their families/carers
- reading and discussing case files with practitioners and managers
- accompanying and shadowing family court advisers on visits and speaking with the judiciary
- observing casework in court, including public and private law cases.

We are keen to understand the experiences of children and young people. We will seek the views of children, young people, their carers and, where possible and appropriate, their families, through direct contact during the inspection.

Our evaluation of practice will include an assessment of the quality of the relationship that children and young people have with their family court adviser. In Cafcass work prior to the first hearing in private law, their focus is on telephone-based contact with the adult parties in order to undertake brief interventions and analysis-focused initial advice to the court. Inspectors will focus on the quality of the interactions in this area.

Inspectors will assess the extent to which Cafcass practitioners skilfully, proportionately and in a timely manner meet the needs of children subject to family proceedings. In all cases this is to safeguard and promote the welfare of children. In private law, the family court adviser is the principal social worker and adviser to the court making recommendations about with whom a child should live, or have contact. This takes into account an assessment of the impact on the child of the dispute between those adults seeking a legal solution to the needs of their child. In public law proceedings, the Children's Guardian, usually working alongside the child's solicitor, will consider the extent to which the local authority plan for the child is in their best interests and takes account of their wishes and feelings.

In addition, inspectors will evaluate the extent to which:

- children and young people who are the subject of family proceedings are consistently seen and seen alone. This should be proportionate to the needs of the case and should be with a Cafcass practitioner who builds an effective relationship with the child in accordance with Cafcass's functions and duties
- children and young people are listened to and heard, and practice is focused on their experiences
- the provision to the court of advice and recommendations, in relation to children who are the subject of family proceedings, is undertaken by suitably qualified and experienced social workers and/or managers, as appropriate, and that advice and those recommendations are recorded effectively
- case recording is coherent, timely, reflects the work undertaken and the outcomes achieved
- information-sharing between agencies and professionals is lawful, timely, specific and effective.

As part of the judgement on quality of practice, we will also evaluate the quality and effectiveness of front-line management of Cafcass practitioners. Inspection evidence clearly indicates that the quality of support, challenge and oversight from front-line managers has a direct impact on the quality of practice with children, young people and their family and carers.

Q7. To what extent do you agree or disagree with our proposed approach to evaluating quality of practice?

Do you have any comments or suggestions about this proposal?

Leadership and governance

The leadership and governance arrangements will include the leadership, scrutiny and management oversight of data and performance in respect of:

- children and young people who are subject to public law care and supervision applications
- those subject to private law applications
- applications for children to be placed in secure accommodation under section 25 of the Children Act 1989
- adoption proceedings, be they adoption from care, a step-parent adoption, inter-country adoption, or adoption of a baby relinquished by her or his mother
- cases of application for leave to remove a child from the jurisdiction
- applications for parental orders linked to surrogacy arrangements.

The judgement will evaluate the effectiveness of leadership and governance arrangements in ensuring that the assessment process is robust, making sure direct work is well planned with children and families, and that the quality and effectiveness of advice and recommendations to the court are consistent.

We will also evaluate how effectively leadership and governance arrangements ensure that, when relevant, children are able to develop and sustain a meaningful relationship with someone who is important to them as they progress through the proceedings. In particular, leaders and managers should maximise the continuity of the child or young person's relationship with an individual Cafcass practitioner.

As part of the leadership and governance judgement, we will evaluate the effectiveness of any commissioning activity by Cafcass for children and families subject to or as an alternative to family proceedings. We will also look at the effectiveness of Cafcass performance in the context of the local family justice system, including the effectiveness of family justice boards in improving services and the effectiveness of Cafcass as a statutory member of Local Safeguarding Children Boards, both in how it contributes to safeguarding all children and specifically its effectiveness in safeguarding and promoting the welfare of children subject to family proceedings, particularly those in private law.

Inspectors will also evaluate the extent to which:

- strategic leaders prioritise, identify and implement ambitious strategies in relation to the provision of family court social work services
- Cafcass is proactively and effectively engaged with the family judiciary
- performance management and evaluation are effective
- senior and middle managers exercise robust management oversight and are effective in tackling weaknesses and overcoming barriers to improvement

- staff at all levels work in a culture that is challenging as well as supportive and that promotes improvement
- feedback and/or complaints from children, young people, families and front-line staff, both individually and collectively, is taken into account and, where appropriate, impacts on strategy, service development and design
- there is effective and continuous learning from a range of sources, including complaints, serious case reviews and audits, key stakeholders, inspection findings and research
- there is effective workforce planning and management
- there is an effective response to issues of race, culture, religion, gender, age and disability both in terms of its workforce and in how Cafcass fulfils its statutory functions.

Q8. To what extent do you agree or disagree with our proposed approach to evaluating leadership and governance?
Do you have any comments or suggestions about this proposal?

Summary of the main proposals

From September 2013, we propose:

- to introduce a new framework for the inspection of Cafcass, which will be a single national inspection of Cafcass performance in relation to its statutory functions
- to continue to conduct unannounced inspections
- to inspect a sample of Cafcass service areas and national centralised functions leading to both local and national findings
- to seek the views of Cafcass child and adult service users through an annual online survey as well as through meeting them while on site
- that inspections will focus on the quality of the practice of practitioners and managers supporting children and families subject to family proceedings
- to make judgements on:
 - Overall effectiveness, including areas for development
 - The effectiveness with which Cafcass safeguards and promotes the welfare of children
 - The quality of practice
 - Leadership and governance.

The consultation process

We welcome your responses to this consultation and your views on any aspect of the inspection of Cafcass. Please use the comments sections provided to raise any other points not covered by our questions.

The consultation remains open from 15 January until 12 March 2013.

Sending back your questionnaire

There are three ways to complete and submit the questionnaire and send us your comments.

Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire: <https://www.surveymonkey.com/s/ofsted-cafcass2013>.

Download and email

This document can be downloaded from www.ofsted.gov.uk/resources/130014, completed on your computer and emailed to socialcare@ofsted.gov.uk.

Print and post

The questionnaire can be printed and completed by hand. You can download a Word version of this document from our website: www.ofsted.gov.uk/resources/130014.

When you have completed the questionnaire, please post it to:
Ofsted, Social Care Development Team
Floor 7, Aviation House
125 Kingsway
London
WC2B 6SE.

Questionnaire for Cafcass consultation

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?

Yes please complete Section 1

No please complete Section 2

Section 1

If you are completing the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please indicate this below.

Organisation: _____

Section 2

Which of the below best describes you? Please tick one option.

I am:

a carer	<input type="checkbox"/>	an employee of Ofsted	<input type="checkbox"/>
a parent	<input type="checkbox"/>	an employee of Cafcass	<input type="checkbox"/>
a young person	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
Other (please tell us)			

Q1. To what extent do you agree or disagree with our proposal to inspect Cafcass annually as a national organisation?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q2. To what extent do you agree or disagree with our proposal to inspect Cafcass on an unannounced basis?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q3. To what extent do you agree or disagree with our proposal to inspect Cafcass's performance of its statutory functions nationally and through a sample of regional offices at the same time, bringing the outcome together in the form of a report giving national findings?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q4. To what extent do you agree or disagree with our proposal to survey children and young people who are current and recent users of Cafcass, using an annual online survey?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments:

Q5. To what extent do you agree or disagree with our proposed inspection judgements?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q6. To what extent do you agree or disagree with our proposed inspection methodology?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q7. To what extent do you agree or disagree with our proposed approach to evaluating quality of practice?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q8. To what extent do you agree or disagree with our proposed approach to evaluating leadership and governance?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Comments:

Q9. Do you have any further comments? Please leave them here.

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation by answering the questions below.

	Agree	Neither agree or disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I found the consultation easy to find on the Ofsted website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I had enough information about the consultation topic.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I would take part in a future Ofsted consultation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

How did you hear about this consultation?

- Ofsted website
- Ofsted News*
- Ofsted's email alerts service
- Ofsted conference
- Another organisation (please specify, if known)
- Other (please specify)

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

Thank you for taking part in our consultation.

Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. **We would like to assure you that all responses are confidential and you do not have to answer every question.**

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>
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3. Ethnic origin

a) How would you describe your national group?

British or mixed British	<input type="checkbox"/>	English	<input type="checkbox"/>
Irish	<input type="checkbox"/>	Northern Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>	Welsh	<input type="checkbox"/>
Other (specify if you wish)	<input type="checkbox"/>		

How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>

Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Any other ethnic background	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
Chinese			
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/Belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	None	<input type="checkbox"/>
Jewish	<input type="checkbox"/>		

6. Disability

Do you consider yourself to have a disability?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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