



# Open consultation Equality, diversity and inclusion statement: Children and Family Court Advisory and Support Service inspection framework

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## 1. Introduction

This equality, diversity and inclusion (EDI) statement sets out how Ofsted's considers the proposed new Children and Family Court Advisory and Support Service (Cafcass) inspection framework will enable us to fulfil the requirements of the [Equality Act 2010](#), including the public sector equality duty (PSED) set out in [section 149 of the Equality Act 2010](#).

The PSED requires Ofsted, when exercising all our functions, including those of Her Majesty's Chief Inspector under [section 18B of the Education Act 1994](#) and the [Education and Inspections Act 2006](#), to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

We are publishing this statement as part of the consultation on the 'Future inspection of Cafcass'. It sets out our assessment of the equality, diversity and inclusion implications prior to consultation.

We will analyse all responses to the consultation from those with protected characteristics and those who have not identified as being within a protected characteristic group but respond from an equalities perspective.

We will consider all responses related to equality, diversity and inclusion. These may result in changes to the draft framework. We will reflect any comments received on this statement in our consultation response and may also publish a revised version of this EDI statement. A final version of the framework will be published alongside the consultation response.

## 2. The future inspection of Cafcass

The proposed new Cafcass inspection framework will replace the [current Cafcass inspection framework](#) that has been in place since 2013. The new framework and handbook will set out the criteria against which we will inspect Cafcass. They will reflect [Ofsted's strategy](#), which states that Ofsted's main principle is to be 'a force for improvement through intelligent, responsible and focused inspection and regulation'.

The consultation proposes 3 new principles:

- focus on the things that matter most to children's lives
- be consistent in our expectations of providers
- prioritise our work where improvement is needed most

## 3. How will the proposed Cafcass inspection framework impact on those with protected characteristics and the 3 PSED aims?

We have considered how the proposed framework, handbook and consequent inspection practice could impact on individuals or groups of people with protected characteristics. We have also considered whether the proposals meet the 3 PSED aims.

The focus of the proposed framework is the things that matter most in children's lives. Therefore, it will have a positive impact on all children and families who are represented by Cafcass.

All of the protected characteristics are relevant in relation to the experiences of children and parents/carers, either directly (age, disability, gender reassignment, race, religion and belief, sex, pregnancy and sexual orientation) or indirectly (marriage and civil partnership).

We will also consider how Cafcass considers protected characteristics among its employees.

### 3.1 The proposed evaluation criteria

The proposed evaluation criteria in the framework consider the protected characteristics in a number of ways, including in the culture of the organisation, its workforce and the experiences of individual children.

In the criteria for evaluating a 'learning culture' under the impact of leadership judgement, we expect the following:

- 'Staff at all levels work in a culture that is challenging as well as supportive and that promotes improvement, safeguards the welfare of children and promotes diversity and inclusion.'
- 'There is an effective response to equality issues such as race, religion and belief, sex, age, sexual orientation and disability both in terms of the workforce and in how Cafcass fulfils its statutory functions.'

As part of evaluating practice in relation to 'workforce', also within the same grade descriptor, we expect the following:

- 'There is strong leadership on issues of race, religion and belief, sex, age, sexual orientation and disability both in terms of the workforce and in how Cafcass fulfils its statutory functions.'

## 4. Eliminating discrimination

The proposals do not create unlawful discrimination, harassment or victimisation against those individuals with protected characteristics.

Cafcass must follow the PSED and our inspections will consider whether it is doing so. In seeking to eliminate discrimination, inspectors will evaluate whether Cafcass responds effectively to equality issues:

- in casework for individual children and their families
- in the workforce
- in the strength of leadership and management through supervision, audit and self-evaluation documents

The inspection framework will impact positively on children and families because we require Cafcass to consider the needs of individuals with protected characteristics and will evaluate its effectiveness in doing so.

When making judgements, our inspectors will evaluate a broad and diverse range of experiences of children and their families. They will feed back on how Cafcass has considered equality and diversity issues. Inspectors will hold discussions with practitioners and managers to find out how they understand and carry out their work in considering protected characteristics. This includes how Cafcass as an employer has considered and met its PSED obligations. After assessing all relevant documentation and policies, inspectors will form a view on whether Cafcass is ensuring an effective response to equality issues, both in terms of the workforce and in how Cafcass fulfils its statutory functions, including the PSED.

## 5. Advancing equality of opportunity

The proposed framework is consistent with the aim of advancing equality of opportunity between people who share a protected characteristic and people who do not.

Inspections aim to provide assurance about the quality of services being provided by Cafcass. Integral to that is equality of opportunity for all children accessing those services. Inspectors will take this into account when looking at case samples of children during any inspection or visit.

By seeking to understand the experiences of these children and young people, we can support Cafcass to improve. Inspectors will feed back on individual casework practice and thematic learning specific to equality, diversity and inclusion in any inspection or visit. Any learning that relates to protected characteristics will be specifically highlighted, including any differing experiences between groups of children who share protected characteristics.

Our inspection reports/letters will provide the government and the public with a national picture of the quality of decisions made for those children accessing Cafcass.

## 6. Developing good relations

The inspections are intended to have a positive impact on all children and their families who access Cafcass and to build confidence in how equality, diversity and inclusion are considered in any visit/inspection.

Children and their families will see that their experiences have been given an appropriate priority and that they have been able to contribute to inspectors' evidence.

Cafcass's workforce will benefit from assurance that protected characteristics are considered externally. Staff will see a fair and equitable consideration in feedback provided.

The sector will benefit from the framework through our inspection reports, which will promote whole-system learning.

## 7. Monitoring and evaluation

We will monitor and evaluate the quality and consistency of inspections under the new framework. As part of this, we will look at how effectively inspections and reports have reflected how Cafcass has met the needs of children with protected characteristics. This will build confidence in the public and advocacy groups both around Cafcass's work and our inspections.

The consultation gives all stakeholders the opportunity to raise any concerns they may have about equality, diversity and inclusion. This EDI statement may need to be revised in the light of any concerns received. In that case, we will re-publish it with our consultation response.

We intend to implement the new arrangements for inspecting Cafcass from February 2021. After this, we will monitor closely how they are working and formally review the arrangements by December 2021. We will publish any changes made.

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