

CAFCASS ACCOUNTABILITY REVIEW
FEBRUARY 2008

1 Introduction

1.1 This report sets out the outcome of the Review of Accountability commissioned by the Chief Executive in June 2007 and undertaken between July 2007 and January 2008. The review was conducted by Elizabeth Hall (head of safeguarding for Cafcass), Jane Held (social care consultant) and District Judge Nik Goudie.

1.2 The terms of reference¹ tasked the review with the following:

‘to consider how accountability can be made more robust within Cafcass, and to recommend how a clearer framework of accountability can be introduced, acted upon and sustained in working practices. The review should identify any examples of confused accountability, or failures in the exercise of accountability within the organisation.’

2 Setting the scene

2.1 Cafcass, like many large dispersed organisations, will be providing its services to variable standards. Inevitably as well as the excellent work done by many Cafcass practitioners, there will be examples of poorer practice. In our terms of reference, the review panel was tasked with identifying examples where accountability has gone awry. We found some examples, but also found plenty of examples of excellent Cafcass practice where accountability seemed to be working well. So to set the scene, this report starts with a range of examples from both public and private law. They give a flavour of the issues we have encountered within this review.

Example 1	Analysis of the work
A children’s guardian worked with a 5 year old girl who had to be found permanent alternative carers, but could not live with her grandmother who already cared for 3 older half-siblings. All 4 children were adamant that they needed to remain in direct contact with each other. The local authority resisted this because the social worker did not feel there was a meaningful relationship. The children’s guardian worked with the social work manager to achieve a change in view about direct contact, based on a visit he arranged for the manager with the children.	The children’s guardian listened to the children, undertook his own analysis, and then intervened to effect change. He worked with the line management system within the local authority to achieve change He arranged for the children to meet the manager, so that they could express their own views.

¹ The full terms of reference, including information about the 3 review panel members, is attached as appendix 1

Example 2	Analysis of the work
<p>This example comes from a situation where a young girl was subject to serious, repeat sexual assaults by her stepfather over a number of months, whilst the court was considering making a care order in relation to separate concerns, and a children's guardian was visiting the home regularly. It is unclear how much time was spent within these visits in working with the child directly or on her own.</p> <p>The man was being managed through the MAPPA process but all professionals seem to have assumed that he represented a risk to adults only. The children's guardian never raised the case in supervision meetings with the line manager. He later explained that this was because the manager's background was in Probation, and he had therefore assumed that a difficult care case was too complex for the manager to be able to make a contribution.</p> <p>The manager had previously worked as a specialist with sex offenders and would have been ideally placed to correct the erroneous risk assessment relating to the stepfather.</p>	<p>Failure in recording</p> <p>Failure to work constructively with the child</p> <p>Failure of the inter-agency system</p> <p>Failure of manager and children's guardian, to engage in through, regular supervision</p> <p>Failure to share information appropriately</p> <p>Failure to respect a colleague's level of expertise</p>
Example 3	Analysis of work
<p>An inexperienced worker with no previous relevant court experience and little training since joining Cafcass, has been allocated a difficult s7 report, where the child is on the child protection register. The worker was provided with a mentor, who accompanied her to court.</p> <p>Because of the worker's inexperience, she agreed to pressure from the judge to supervise a Family Assistance Order. In the mentor's view this was inappropriate for the case and risked confusing the local authority work under the child protection registration.</p>	<p>Failure to recruit to the necessary standard of relevant experience</p> <p>Failure to redress the gaps through induction or other training, to ensure the worker provides a competent service to the child and the court.</p> <p>Failure of Cafcass to identify an inappropriate referral from the court</p> <p>Good exercise in supporting the worker through provision of a mentor</p> <p>Poor outcome for the child</p>
Example 4	Analysis of Work
<p>A final report in a private law contact dispute recommended no contact because of risk to the child and his mother This was picked up by the 'second reader' who disagreed, and referred the dispute to the service manager.</p>	<p>The Children & Family Reporter made a difficult decision, based on an assessment of risk.</p> <p>The team has a well-run QA</p>

<p>The service manager met with the author, explored the issues, and agreed to support the recommendation.</p> <p>At court, the judge supported the recommendation and ordered no contact. This was then appealed – and the original decision was upheld.</p>	<p>system in place to ensure that reports that go through to court are robust.</p> <p>The court outcome supported the Cafcass assessment of risk.</p> <p>The Cafcass process also supported the worker in allowing confidence in the recommendation, during a challenging court process.</p>
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3 Methodology

3.1 The review panel was constituted to provide input from within as well as external to Cafcass. Elizabeth Hall was commissioned from within Cafcass to lead the review, and she then recruited her external colleagues for the panel. There is one representative from a family justice context and one from a social care background. This was a deliberate attempt to reflect the twin elements of the Cafcass role.

3.2 None of us are researchers and this review has not been conducted as a piece of formal research. We have not felt constrained to discuss only what we were given within the review process, but have made use of our wider knowledge about Cafcass and accountability issues generally.

3.3 The number of questionnaires returned (stage 1) was insufficient for any reliable quantitative data analysis. The internal responses (33 in all) were collated and this numerical spread is reported in Appendix 3. We received 6 external responses, from a variety of sources. The low number and wide spread of sources meant that the numerical analysis was not appropriate, but quotations have been provided within Appendix 3, to provide a flavour of the different responses.

3.4 Inevitably we have had to be selective in what we have chosen to focus upon. We have not been able to include all the material we were supplied with or the detail of the interviews in depth within this report. We have taken all that material into account within our deliberations. Through a process of analysis, challenge and professional judgement we have arrived at some firm conclusions.

3.5 The material included in the report we believe illustrates best the evidence that informed those conclusions. We have tried to do this without bias as far as possible. A detailed analysis of all the information in the questionnaires is provided as an appendix. The interviews were transcribed and this information is on record as part of the review.

3.6 The Panel decided from the outset to focus on accountability within the

operational 'wing' of Cafcass. We recognise that other staff have accountability both to the agency and to their professional body (e.g. lawyers, accountants) but decided that this made the remit for the review too wide. We took advice from Public Concern at Work² about the way in which accountability is best exercised in the public sector.

3.7 The Cafcass Young People's Board did not submit a questionnaire and we have not so far met with representatives. The Children's Rights Director has suggested that we provide a young people's version of this report and then follow up with a discussion based on that report. We have been happy to accept this advice.

3.8 The review panel was established in July 2007, and agreed a four-stage process:

- **Questionnaire** - for internal and external respondents.³ In all, we heard back from over 45 people in 39 separate questionnaires. The content of the questionnaires remains confidential, but we have used anonymous quotations where relevant to provide a flavour of the responses.
- **Paper exercise** – analysing the responses, reaching some preliminary conclusions about the features of an 'accountability-OK' organisation, and requesting information from Cafcass as evidence to help us evaluate these features. This paper exercise helped us to agree on our areas of focus for the next stage.
- **Interviews** – with a wide range of relevant individuals from within Cafcass and from external bodies.⁴ We had discussions with 40 people in over 20 meetings.
- **Writing this report.** The direct quotations from the interviews, which we use in this report, have been agreed in advance with the participants.

3.9 The next stage is the most important:

- **Reception** of the report by Cafcass and **implementation**, where agreed, of our recommendations.

4 Definition of accountability

4.1 The Panel received a range of suggested responses to the question 'To whom is a Cafcass practitioner or manager accountable?' These suggest that

² Public Concern at Work is an independent charity that promotes good practice, compliance with the law and accountability in the workplace. It provides legal, practical and policy advice on whistle blowing.

³ The introduction to the questionnaires is provided as Appendix 2. A detailed analysis of the questionnaire responses is included as appendix 3

⁴ An outline of these meetings is included as appendix 4

most staff⁵ identify a 'complex web' of accountabilities: to Cafcass, the court, the children and their families, colleagues, the government and the social care profession. This complexity has led to some confusion for operational staff and managers and a lack of clarity about accountability in general. The Panel has heard sufficient information about this to persuade us that this debate is not 'just semantics' and that if a shared understanding of accountability is not developed, then there will continue to be confusion. This was the view expressed by the inspectorate in their latest inspection, which stated: ' HMICA considers that the current confusion about who is accountable to whom and about what is particularly unhelpful' ⁶

QUOTES FROM THE INTERVIEWS AND QUESTIONAIRES

"Diffused accountability risks being confused accountability" Guy Dehn, Director, Public Concern at Work

"...a clearer definition of 'accountability' and 'responsibility' would help. Are they the same thing?" Family Court Adviser

"How would a child monitor the accountability and hold a practitioner accountable in reality?" NAGALRO

4.2 The Panel felt that a much simpler, explicit statement of the accountability for operational staff is needed:

*"Staff are **accountable** to those people or bodies (Cafcass and GSCC⁷) who are authorised to hold them to account and who do so on a day-to-day basis. They are **responsible** for providing the highest possible quality of service to children, their families, and the family court system and the wider inter-agency system for safeguarding children"*

Accountability:

4.3 Applying this clear statement means that, for Cafcass operational staff, accountability is to the organisation, Cafcass, and their professional body the General Social Care Council. For Cafcass as an organisation, accountability is to the staff of the organisation, and to Parliament mediated through the sponsoring department, the Department of Children, Schools and Families (DCSF).

⁵ In this report the word 'staff' relates to operational managers and to practitioners. It also relates to both employed and self-employed workers. There are some differences in the operation of accountability between these two groups, which are explored further in the report.

⁶ HMICA Children's Guardians and Care Proceedings September 2007 paras 6.20-6.23

⁷ General Social Care Council, established in 2001 to act as the regulatory body for the social care profession.

4.4 Both the court and the child have some mechanisms for holding practitioners to account but these are limited. The court focuses on the case before it, and we heard that the judiciary have been very reluctant to engage in any separate dialogue with Cafcass about performance of staff. The older child may complain at the time. Any child as an adult may want to ask questions about why staff acted in the way they did on their behalf years earlier. In practice both mechanisms are limited in their impact and will happen rarely.

Responsibility:

4.5 The other ‘accountabilities’ (which have been variously described as ethical; moral; second tier; differential) are of huge importance but need a different term to limit confusion. So we propose that the second stage of our definition relates to ‘responsibilities’: to the court, to the child and family and to the wider network of safeguarding children’s services. Both Cafcass as an organisation and staff carry these responsibilities.

4.6 The responsibility to the court held by both practitioners and by Cafcass as an organisation, is to provide a high quality service that promotes good outcomes for children within the family justice system. These outcomes need to be both immediate and lifelong. This includes the responsibility to provide a worker when one is needed, as the primary way in which Cafcass meets its responsibilities is through the work of its practitioner workforce.

4.7 To children and their families, there is the same responsibility to provide a high quality service. This will include mechanisms to maximise the direct engagement of the child both in the process and in decision-making; and, should any child return in later years, the ability to answer the question ‘why’.

4.8 The responsibility to the wider safeguarding children’s network is to adopt a holistic approach to the welfare of each child. This seeks to promote not just a positive outcome from the current court case, but to maximise the child’s life chances as set out in the Every Child Matters outcomes.

RECOMMENDATION 1

The Panel proposes that Cafcass adopts the following statement:

Staff are **accountable** to those people or bodies (Cafcass and GSCC) who are authorised to hold them to account and who do so on a day-to-day basis.

They are **responsible** for providing the highest possible quality of service to children, their families, and the family court system and the wider inter-agency system for safeguarding children.

5 Assessing ‘accountability’ and ‘responsibility’ within Cafcass

QUOTES FROM THE QUESTIONNAIRES

*“Laming⁸ has pointed Cafcass in the right direction: a clear line of accountability.... Cafcass does not have a clear line. At best it is blurred, as worst confused.”
Family Court Adviser*

“Understanding that there is no quick fix, one size does not fit all and that people are human and do not and should not behave like robots. Bad things do happen and we should not be on a witch hunt if it does.” Family Court Adviser

“There is genuine confusion within the minds and practices of significant numbers of practitioners as to where the balance between these sometimes competing lines of accountability. Others take advantage of the tensions between these forms of accountability to avoid closer scrutiny of their work. It often appears that significant numbers of practitioners, and some managers have lost sight of the requirements of accountability, the reasons for it and the importance to children (particularly in safeguarding terms) that organisational accountability is robust.” Manager

5.1 As part of the review, we have developed a concept called the ‘Accountability-OK Organisation’. This has helped with the task of assessing accountability within Cafcass. We tested the validity of the concept in our interviews (Stage 3) and received a large measure of support for the concept. Some changes were suggested which we have incorporated, in the interests of strengthening the model. The rest of this report uses the features of the model as a structure for our analysis. The review has produced a wealth of valuable material but, in the interests of conciseness, we have limited this report to the most significant issues, which emerged. Insight into the rest of the material can be gained from the analysis of the questionnaires (appendix 3).

6 Features of an ‘Accountability-OK Organisation’⁹

QUOTATION FROM INTERVIEW

“Accountability will not work without the whole of Cafcass being organised in a way which is transparent, with clarity and the flexibility to respond to changes. This has to work for everyone at all levels.”

⁸ Lord Laming, Victoria Climbié report 2003 para 1.27

⁹ These features are set out again on a single page, in appendix 5

Alan Rawlinson, Family Court Adviser

6.1 We agree with Alan Rawlinson. Each of the following 10 features needs to be clear, transparent and mutual – that is, treated with equal respect and compliance by staff from all parts and levels of the organisation. They are in no order of importance.

The feature which means that we would expect to find in Cafcass:
Culture	a shared culture, based on a common understanding of values and shared behaviours, underpinned by mutual respect. For Cafcass, the hall-mark of this culture is a commitment to promoting positive outcomes for each individual child with whom Cafcass works.
High quality work	professional, competent, timely delivery of a high quality, child-centred service informed by evidence and supported through a clear framework for tasks and processes. This will include transparency of practice, working in partnership and sharing information properly with service users and others.
Governance	a governance framework to support accountability. This includes risk management, financial probity, scheme of delegation, operational audit and quality assurance in addition to the operational structure (below)
Structure	an organisational structure, roles and responsibilities which provide a 'clear line of accountability, without any ambiguity, about who is responsible at every level for the well-being of vulnerable children'. ¹⁰
Objectives	organisational objectives and expectations for performance at every level, which are balanced with the capabilities of each individual. Examples include access to authority, skills, resources and capacity.
Contracts	a contract with the workforce with explicit terms and conditions including pay.
Supervision	explicit and mutual expectations about the role of supervision.
Management information	regular reporting of credible, timely information on what was achieved, at what cost, with what learning – and how any deficits might be addressed.
Review of quality and	enlightened and informed review of the quality of service and of performance at all levels of the organisation. This includes

¹⁰ Lord Laming, Victoria Climbié report 2003 para 1.27

performance	feedback, recognition of achievements and interventions to improve practice or performance where necessary. It also includes dissemination of learning and a commitment to continuous improvement.
Development	a framework for personal development.

7 Culture

.. which means that we would expect to find in Cafcass a shared culture, based on a common understanding of values and shared behaviours, underpinned by mutual respect. For Cafcass, the hall-mark of this culture is a commitment to promoting positive outcomes for each individual child with whom Cafcass works.

7.1 In considering culture, we look here at three main themes:

- the 'glue' for Cafcass culture
- the idea of 'them and us'
- the concept of independence

The 'glue' for Cafcass culture

QUOTE FROM INTERVIEW

"The glue that holds us all together, that keeps us working, is our commitment to the children. Without that, we might as well all go home"
Miranda Fisher, Service Manager

7.2 The review heard a lot about the impact of history on today's Cafcass. Much of this was positive, in particular the importance of the shared commitment to children across the three former (or 'legacy') organisations¹¹. As described in the above quotation, this seems to be the 'glue' that holds Cafcass together and that forms the basis for a shared culture.

The idea of 'them and us'

QUOTE FROM INTERVIEW

"I do remember a team meeting – we are probably going back a couple of years – when Anthony (Douglas) came down and there were several issues going on in Cafcass and I remember saying to myself 'well that's a Cafcass problem' and Anthony turned round and said 'Its all of our problem' ... Actually I am part of Cafcass and it is my problem as well, and I think going back into working in the office

¹¹ Cafcass was established in 2001, from 3 'legacy' organisations: the GALRO Panels, formerly within local authorities; the Family Court Welfare Service, formerly within the probation service; and the children's section of the Official Solicitor.

*and being more part of the office helped me realise that.”
Kate Mullinder, Family Court Adviser (formerly an employed FCA working from home, and before that a self-employed contractor.)*

7.3 Less positively, many staff both within the questionnaire and the interviews talked about the impact of history from the difficult days of ‘start-up’ in 2001/02. Many people highlighted the contrast between the early days of Cafcass, and their experiences before then in the GALRO Panels or Family Court Welfare within the Probation Service.

7.4 We heard many references to the ‘them and us’ attitude. This seems to date back to the early days of Cafcass when no-one at national office seemed to be in post long enough to build the bridges with local Cafcass offices and staff. We heard that staff may still refer to themselves in one breath, and Cafcass in another, although this is less noticeable with staff appointed since 2001. It seems that there is an important journey still to be made, to ensure that everyone feels part of one cohesive organisation. We heard how important the role of both senior and local managers is in encouraging this element of Cafcass culture, but also heard how important it is that any engagement by senior managers is based on a thorough understanding of the professional task.

The concept of independence

*“Before Cafcass there was a conflict of interests between the guardian and their local authority employer who was also a party to the child’s care proceedings. Once Cafcass was established as an independent non-departmental public body, that conflict was removed. However, the opportunity was missed to address the issues of the inter-relationship between proper professional independence as a core part of the safeguarding framework for the child at the centre of the proceedings and appropriate accountability to Cafcass. We haven’t had a proper discussion, until now, about the nature of independence and accountability post 2001.”
Judith Timms, Cafcass Board member*

7.5 The issue of ‘independence’ was raised in many interviews and underlies much of the debate about accountability. We were told that it relates mainly to the legacy from public law. The GALRO Panels were established in the mid-1980’s and located within local authorities. In order to ensure the professional independence of the individual guardians ad litem, the regulations and guidance sought to put a barrier between the individual practitioner and the manager. These were gradually relaxed as the need for sensible performance management became recognised. For example, in 1996 regulations were amended to give a GALRO Panel Manager access to the guardian ad litem’s case files for the purposes of appraisal or to investigate a complaint, without first seeking leave of the court.

7.6 The situation changed radically with the setting up of Cafcass, which is a separate professional body in its own right. Since 2001, the independence of the children’s guardian – and all practitioner roles – has been vested in the

agency rather than in the individual. We heard from many people that, during all the difficulties of 'start-up' in 2001/02, the implications of this change for the accountability of the practitioner, were never fully explained or explored.

7.7 In essence, the picture presented to us by a number of individuals, supported by an analysis of the evidence, was of three possible cultural behaviours, all of which can currently be found within today's Cafcass. This was helpfully illustrated by one manager [Mike Lisser] in particular who gave examples from each set. We have called these:

- a) dependence;
 - b) shared responsibility; and
 - c) isolationism.
- a) **Dependence.** Mike said that in general, new staff from some local authority backgrounds will tend to work in this way initially. They may, for example, come to the manager, tell him of a development in the case, and seek instruction about what to do. He has found that staff from this culture need assistance from the manager to move from dependence to appropriate shared responsibility.
 - b) **Shared responsibility.** In this culture, the same manager explained that a worker will share with him the development in the case, often saying 'This is what I am thinking of doing ... what do you think?' This approach maintains the key professional responsibilities of the individual practitioner without risking the sort of isolation that can lead to flawed analysis or decision-making.
 - c) **Isolationism.** Mike exemplified this approach as 'A development may or not take place; the worker may or not respond; the response may or may not be appropriate; but what is certain is that the manager is only likely to find out - if he ever does - after the event'. This approach can lead to extreme commitment and, in many cases, excellent work. There are however no guarantees or safeguards for the child beyond the individual skills, knowledge and commitment of the practitioner. The case given in 'setting the scene' at the start of this report is a good example of where it went awry and we were given many more examples. Lessons from the wider social care world¹², and from serious case reviews within Cafcass, demonstrate repeatedly that it is not a culture, which reliably promotes clear accountability or safe practice.

7.8 Of the three, we are in no doubt that the culture within Cafcass should be one of shared responsibility. The 'dependency' culture can be inevitable for some new staff and it is a management task to encourage the development towards shared responsibility. The evidence is that in many places the 'shared

¹² For example, 'SAFEGUARDING CHILDREN' The second Joint Chief Inspectors' Report on Arrangements to Safeguard Children June 2005

responsibility' culture and way of working is growing, but that there are still significant areas where there is a culture of isolationism.

QUOTE FROM A QUESTIONNAIRE

*"I do not agree with the term supervision in the context of my professional role" and
"I consider it to be my personal responsibility and mine alone"*
Family Court Adviser

7.9 The isolationist culture and associated behaviours should not be accepted within Cafcass. This is the one people identified mainly with the GALRO 'legacy culture', where there was a requirement for an unusual level of independence for reasons far removed from the individual case. (This was not exclusive however – we heard of some 'isolationist' former court welfare officers as well as former guardians ad litem.)

7.10 We spent some time trying, in interview and through other evidence, to disentangle this isolationist culture from the question of self-employment as a model.

7.11 We heard from most contributors that they do not see that isolationism is inevitably tied in with self-employment as a model, and we support that view. We received evidence from and about self-employed contractors who clearly operate in a shared responsibility way, appropriately using their contract manager to check things with, report issues to and share concerns, as well as contributing to the overall working of the local Cafcass team. However we were also told about, and given examples of, the fact that many self-employed contractors have had a tendency to operate in an isolationist way.

QUOTE FROM A QUESTIONNAIRE

"The team have found some of the questions very difficult to answer, although the exercise made us think about many things"
Team response

7.12 The Panel heard from many people about the journey that local staff have made or are still making, sometimes from 'dependence' to 'shared responsibility' but more usually from 'isolationism' to 'shared responsibility'. We were impressed by specific examples of either individuals or teams who have made this journey.

7.13 We wonder what may happen to the culture within Cafcass, should every team pick up the challenge of Board member, Judith Timms, (see quotation on previous page) to take time now to debate these issues and identify in what ways practice may change and develop to incorporate true shared responsibility and mutual accountability.

RECOMMENDATION 2

Cafcass takes the opportunity of this review report to:

- a) discuss issues about accountability and a common culture within every team, openly seeking to foster the development of shared responsibility between practitioners and managers, linked to and in support of a child-centred commitment to individual cases.
- b) turn the outcome of these discussions into a clear policy statement, which is built into induction and into models of supervision, and used as a shared topic for supervision or contract management.

8 High Quality Work

... which means that we would expect to find in Cafcass, a professional, competent, timely delivery of a high quality, child-centred service informed by evidence and supported through a clear framework for tasks and processes. This will include transparency of practice, working in partnership and sharing information properly with service users and others.

8.1 Under this section we have discussed a broad range of issues, all of which relate to quality of service and how this contributes in turn to quality of outcomes for children within the family courts. We have studied recent inspection reports from HMICA and a range of other evidence about the quality of work undertaken. We focus in particular on the two main themes to emerge: partnership working both by Cafcass as an organisation and by practitioners within individual cases, and the nature of the Cafcass officer's appointment to the work.

Partnership working

QUOTES FROM QUESTIONNAIRES

“Regular meetings with LA Heads of services, attendance at LA team meetings, Invitation to team meetings (statutory, voluntary and independent providers), joint training events, attendance at multi agency training events. Participation and attendance on LSCB subgroups, delivering multi agency training, Meetings with Religious community leaders, once a year celebration with our partners and stake holders.” Manager

*“We know that (Cafcass) safeguarding practice is excellent, and at local level they actively pursue good practice when working in partnership with other agencies”
External response from an NCH project*

8.2 The impression, from internal and external responses, is that within a fast-changing world of children’s services, Cafcass practitioners and managers are working well to keep up to date and to maintain effective working links. We heard of some areas where this development is lagging behind – for example the Common Assessment Framework, but of other areas where it is working well, for example membership of local safeguarding children boards, and the new ContactPoint project. Within the limitations of our remit, we could not easily verify this perception and accordingly make no further comment or recommendations on this issue.

8.3 In relation to individual cases, the picture is inevitably mixed as demonstrated in the examples provided at the outset of the report. In private law families, Cafcass has an important role to play in linking vulnerable children in to the support available from other children’s services. In public law, the children’s guardian provides a vital safeguard for extremely vulnerable children.

8.4 Both roles therefore mean that, on behalf of children with whom they work, the Cafcass practitioner has to expect high standards from other children’s services and that the other services expect equally high standards from the Cafcass practitioner. This can lead to tensions, but we heard from a number of people about how the ability to maintain these difficult but constructive relationships is a key part of the Cafcass practitioner role in both public and private law. The most effective way to achieve this is through working in partnership with all involved, sharing responsibility for arriving at outcomes for children whilst being clear where differences arise. We make no specific recommendation on this issue, but commend the quotation below from a Family Court Adviser as an illuminating comment on the work:

QUOTE FROM A QUESTIONNAIRE

“I would refer to the interview with Camila Batmanghelidjh (Director of Kids Company in London) in the Guardian Society article on 10.10.07 ‘.We need to put love at the centre of social services. Fear of emotion is the disease of western culture; we’ve been bureaucratised and professionalized, The cost is the emotional dimension, and if you standardise, you kill off the personal engagement..’ Perhaps CAFCASS would benefit from accepting that what practitioners are doing day in and day out is providing such ‘personal engagement’ with those we meet. It is our hidden asset and changes, while necessary, need to preserve and promote this quality.’ “ Family Court Adviser

Different methods of appointment for Cafcass practitioners

8.5 An important question to emerge in considering this feature of an 'Accountability-OK Organisation', was the issue relating to the different ways in which Cafcass practitioners are appointed to work in cases and how this may impact on the accountability of the practitioner. The position was set out in the recent HMICA public law inspection report as follows:

'The legislation that established Cafcass named all its frontline practitioners as 'Officers of the Service.' Cafcass continues to work with the anomaly that practitioners in private law welfare work are allocated to cases by Cafcass management after the courts have decided that Cafcass is needed. In most private law, the practitioner is not formally appointed by the Court. Practitioners in public law continue to be formally appointed to care-related proceedings by the court. Only the court can terminate the children's guardian's appointment in those proceedings' para 6.2¹³

8.6 We encountered a wide range of views, ranging from people who felt it was vital to keep the status quo or vital to change it - in either direction. The majority of people said that in day-to-day reality, the difference made no impact: it was just a "fiddly" point, not impacting on the level of commitment or activity within any particular case.

QUOTE FROM QUESTIONNAIRES

"For my own part, having operated in both roles, my high expectations of my own practice does not mean that either methods have impacted on the day to day service I have provided." Family Court Adviser

"There is no logic to there being a difference – it arises from history – but I think there are pros and cons to both rather than one being good and the other bad." Family Court Adviser

8.7 For those who identified it as raising significant problems in some cases, they provided the following examples:

- a) court appointing someone who is no longer working for Cafcass, and this needing unpicking leading to delay
- b) court refusing to change an appointment although other courts had done so, leading to an unsatisfactory 'half and half' approach to suspension. This links with an overall lack of clarity about whether, under current legislation, a suspension can take place without the court's prior agreement if the individual is working as a court-appointed children's guardian.
- c) court appointing a worker directly because they wanted her expertise in the case, but whose manager was trying to limit her caseload because of (confidential) stress issues

¹³HMICA 'Children's Guardians and Care Proceedings' September 2007.

- d) court unwilling to suspend although the police were investigating possible abuse, leading to vulnerable children and adults being exposed to risk

8.8 For those who want the individual appointment to be retained, the following reasons were given:

- e) it promotes the commitment of the children's guardian
- f) it reflects the duty on the children's guardian to think only about the issues in the single case, rather than any wider considerations as, for example, those which are faced by social workers within the local authority
- g) it avoids a second 'corporate' body being present in the care proceedings. The children's guardian brings an individual standing, vis-à-vis the local authority.

8.9 There was also a strong sense from a number of people that it has become an important symbolic issue, used to strengthen the professional independence of the children's guardian. When discussed in these terms, the 'independence' was usually identifiable as being of the 'isolationist' model, allied with a culture of maintaining inappropriate independence or secrecy from the organisation. We therefore felt that the issue of route of appointment is at risk of being used as a mechanism for promoting the type of 'isolationist' culture, which we have discussed previously in this report, as unhealthy. The Panel has reflected long and hard on this. The ideal outcome would be for this differential system of appointments to become a historical accident, which has no relevance for the running of the organisation or the activities and commitments of staff within public or private law. This would avoid the issue becoming a symbolic battleground, without any guarantees that Cafcass will achieve the changes recommended by HMICA.

8.10 The issue is less likely to retain its symbolic importance if positive progress is made through promoting the growing culture of accountability within the organisation, alongside the establishment of open dialogue and trust between managers, their local courts, and the lead family judge in each area. However there is no doubt that there are some serious issues arising for Cafcass, linked to the nature of the appointment. In particular it is an issue, which can have immediate safeguarding implications. In addition, we heard and saw evidence of it being used by practitioners inappropriately to justify isolationist behaviour. This prevents Cafcass fulfilling its responsibility to the court of being satisfied that the practitioner is operating to a proper standard of practice.

8.11 The two recommendations below aim to deliver two outcomes: first, where the individual appointment has immediate safeguarding implications as in d) above, the problem needs to be addressed immediately by the court service, the judiciary and Cafcass working together to resolve the immediate problem: and second, in the event that the issue of appointment continues to be used inappropriately as a symbol or justification for a culture of isolationism, then it should be addressed.

RECOMMENDATION 3

The Chief Executive of Cafcass, the Chief Executive of the Courts Service and the President of the Family Division work together to agree a shared framework for accountability, which would address in particular those situations where immediate safeguarding concerns arise in relation to a children's guardian and require an urgent response by the court.

RECOMMENDATION 4

In relation to s41 Children Act 1989 (named appointment of the children's guardian), Cafcass holds discussion about the viability of changing primary legislation with the Department of Children, Schools and Families and then monitors progress around this issue within the legislative timescale suggested. Primary legislation should only be proceeded with if monitoring reveals that this matter continues to be used inappropriately as a justification by individuals for maintaining the 'isolationist' culture.

9 Governance

... which means that we would expect to find in Cafcass a governance framework to support accountability. This includes risk management, financial probity, scheme of delegation, operational audit and quality assurance in additional to the operational structure.

QUOTE FROM INTERVIEW

"It's about being clear about what the Board's position is as far as accountability is concerned, which is about non-operational issues. It's about the governance / management split, if you likeI was at great pains to ensure as far as accountability and responsibility were concerned, we knew where our lines were. I don't think we have any difficulties about that". Baroness Jill Pitkeathley, Chair, Cafcass Board

9.1 We have been provided with sufficient information to be satisfied that on the whole, under the leadership of the current Board, the governance structure is appropriate and working well.

9.2 The one caveat relates to the development, agreement and implementation of policy.

9.3 There appears to be confusion around this area about how policies are 'signed off'. The Chair of the Board was in no doubt that this responsibility rests with the Board, but others explained that for less significant policies this

responsibility is delegated to senior management whilst responsibility for strategic matters rest with the Board. It is this process of when and what is delegated, which appears unclear.

9.4 Public Concern at Work suggested that the Chair of the Board should put a short introduction at the front of each strategic policy, explaining what it is, who it is for and why it is needed. The Chief Executive should do the same for operational policies. This would have the dual benefit of confirming the Board ownership of strategic policy as a governance issue, as well as communicating the overall content in simple terms. We adopt this proposal as a recommendation.

RECOMMENDATION 5

In order to confirm the role of the Board and of senior management in agreeing strategic and operational policy, the Chair of the Board or the Chief Executive as appropriate should insert a simple introduction to each policy explaining the purpose of the document. This should be done retrospectively and for all new policies.

QUOTES FROM QUESTIONNAIRES

“There is a difference between ensuring that practitioners know about the documents, ensuring that they are using them and ensuring that they are using them well.” Family Court Adviser

“Reasonable and rational bureaucratic response to professional issues and problems that arise in the real world. We cannot legislate for every eventuality” Family Court Adviser

“Not all of life’s complexities can have policies and procedures to steer you through.” Manager

“Heavy-handed, top downwards – and patronising, in failing to recognise the experience and skills of staff. Example: Needs, Wishes and Feelings pack – good in itself, but trumpeted as a great new CAF/CASS invention.” Family Court Adviser

“CAF/CASS as an organisation must stop believing that the presentation of a policy is the conclusion of an issue. We do have a committed and educated workforce and yes they can read, but they are human and need proper dynamic and interactive training. Policies without training is like chilled food packages without any content. You’ve got the instructions but no food” Manager

9.5 These questionnaire responses also raised a question-mark about effectiveness. The questionnaires asked about 4 policies in particular (national

standards; safeguarding; travel & subsistence; whistle-blowing) in relation to staff awareness; fitness for purpose; and compliance. The responses provide a mixed picture both about content and about implementation.

9.6 This mixed picture is supported by other feedback. For example, in relation to the whistle-blowing policy, feedback from the Public Concern At Work organisation was that, although technically correct from a human resources and legislative perspective, they doubted that in its current format it would convey much meaning to practitioners within Cafcass.

9.7 The Panel was impressed by the set of questions provided by the national policy manager as a framework for the evaluation that is needed before any operational policy can successfully come 'off the page' and into practice. This is included as appendix 6. We commend this process of assessment and the following recommendation seeks to provide a structure that would ensure it happens.

RECOMMENDATION 6

Cafcass establish a standing 'policy group' of staff taken from all levels of the organisation, whose function is to

- a) test all new operational policies at 'final draft' stage, in terms of their clarity, applicability and effectiveness.
- b) receive proposals, and comment upon them, in relation to the nature of the training and development requirements arising from implementation of each operational policy.

10 Structure

...which means that we would expect to see in Cafcass, an organisational structure, roles and responsibilities which provide a 'clear line of accountability, without any ambiguity, about who is responsible at every level for the well-being of vulnerable children'.¹⁴

10.1 The introduction to the questionnaire contained the above quotation from Lord Laming, and asked respondents how Cafcass 'measures up' to this standard. The average response was 2.6¹⁵

10.2 Two specific themes emerged: the current re-structure, and the capacity of front-line managers ('service' or 'contract' managers) to met the demands of the job.

Restructure

QUOTE FROM A QUESTIONNAIRE

¹⁴ Lord Laming, Victoria Climbié report 2003 para 1.27

¹⁵ This was on a scale of 1 – 5, with 1 being 'not at all' and 5 being 'completely'.

“Teams of practitioners need consistency and clarity of management i.e. supervision and support. Changing structures brings with it uncertainty which has major consequences for service delivery” Family Court Adviser

10.3 The panel heard from many respondents about the confusion caused by the current restructure. This was demonstrated by the structure charts we were given, which were clear about the Board, central Cafcass and senior management. However no structure chart could be provided for the current interim position with the organisational change from regions to areas.

10.4 The Panel also heard about how the new model, once fully in place, should improve the clarity around accountability. The timing of the review, in the middle of the re-structure, does not allow for this to be assessed. It needs to be monitored over time to ensure that cumulative changes do not inadvertently obscure the ‘clear line of accountability.’

RECOMMENDATION 7

The Board should examine the organisation’s structure on an annual basis, testing the line of accountability through challenge to senior managers and evidence from a sample of staff, in order to ensure that the Laming standard continues to be met throughout the organisation.

Capacity of front-line managers

QUOTES FROM QUESTIONNAIRES

“Clear policies and good middle managers.” Manager

“Weaknesses are best addressed through good supervision & training,Good supervision means ensuring that those supervising do not have an unrealistic number of workers to supervise. If you overload the supervisor little effective supervision takes place.” Family Court Adviser

“I have 25 staff to supervise .I enjoy the challenge but it is difficult to have the right energy levels at time” Manager

“Reduce the workload for SMs and give them clear guidance and support to fulfil their role as the mainstay of team cohesion.” Family Court Adviser

“As previously stated I feel that the new structure will improve the position for first line managers. First line managers need to refocus on practice development within their individual teams and devote more time to this within supervision, appraisal, team meeting and team development” Family Court Adviser

10.5 The other important topic raised with us repeatedly, was the role of the local service manager or (for self-employed staff) contract manager. The questionnaire respondents, who differed across almost every other topic, were united in the importance of this role. However they also presented a consistent picture of how under-resourced this role is within Cafcass.

10.6 The Panel welcomed the recent commitment made by Cafcass to reduce the workload of service managers so that any individual manages a smaller number of employed staff. There are subtleties around this beyond the simple numerical calculation. For example, we heard about the different techniques needed for managing staff who work at a distance, as opposed to individuals whose work pattern is that of a more traditional, local office-based team. These cannot properly be worked through until the capacity has been increased. The plan to hold regular service manager conferences over the next 18 months provides an excellent vehicle for building on the basic improvement.

10.7 A similar process does not yet appear to have taken place with regard to service managers acting as contract managers for self-employed staff. We heard of individual managers working with over 30 individual contractors. It is unrealistic to expect safe or sensible contract management with these numbers. A more detailed discussion relating to self-employed staff comes under the next section but under this feature, we highlight the need for the re-structure process to extend to the role of contract manager.

RECOMMENDATION 8

Cafcass reviews the arrangements for managing the contracts of practitioners who work as self-employed contractors. The ratio of manager to self-employed contractor needs to permit safe and sensible management of the contract including oversight of the work.

11 Objectives

...which means that we would expect to find in Cafcass organisational objectives and expectations for performance at every level, which are balanced with the capabilities of each individual. Examples include access to authority, skills, resources and capacity.

11.1 The National Standards for Cafcass were finalised and implemented during 2006. The panel feels that they provide a good basis for future development. We were interested to hear about the training provision, in view of the criticism from some respondents that previous policies have been implemented without training.

“The National Standards remain shrouded in ambiguity for many which is in large part due to poor communication around them, although we have sought to rectify this over recent months in preparation for full training which should make a huge difference in helping people familiarise themselves with the standards and understand how they apply to the practice role “ Worker based in national office

11.2 With reference to a balance between expectations and capacity, the Panel heard about current work to ensure that the aims of the national standards are matched by resources. The issue about service manager span of responsibilities is addressed above. With regard to practitioners, we heard of current work being undertaken about workloads with the trade union partners, which should help to provide some consistency across the country. We also heard of some excellent current examples of this process working in practice.

11.3 The organisation is at a turning point in the implementation of national standards, which will then provide a basis for all other work around objectives. The panel was given information about the work planned to ensure a focus on implementation over the next year. The work on accountability, recommended in this review, will be fundamental to the success of this programme.

11.4 There is no other, specific recommendation arising from this feature of an ‘Accountability-OK Organisation’.

12 Contracts

... which means that we would expect to find in Cafcass a contract with the workforce with explicit terms and conditions including pay.

12.1 As part of the review we heard from representatives of NAPO and Unison trade unions, and also NAGALRO¹⁶, NAGALRO also provided a helpful questionnaire and a detailed submission after their interview.

12.2 With regard to employed staff, we heard much about the process of negotiation. This seems well-established and there are no specific recommendations to make here.

12.3 With regard to self-employed contractors, we learned that the current contract was deemed to be in need of revision some time ago, but that work with NAGALRO to develop a new contract stalled several months ago. The panel received the distinct impression that the demands of the current re-structure have prevented sufficient management attention being paid to self-employment issues over the past year. This appears to have compounded the difficult history from events of 2000 – 2002 so that now, whilst there seems to be widespread agreement that change is needed, we could not identify the

¹⁶ NAGALRO describes itself as the professional association representing Children’s Guardians, Children & Family Reporters and Independent Social Workers.

existence of any coherent plan for identifying what is needed or how to achieve it.

12.4 We also heard of difficulties relating to unrealistic expectations of contract managers (discussed above); the fall-out from 2001/02 which made some newer managers wary of being seen to 'interfere' with the work of self-employed staff; and the challenge for managers from a Probation background who felt that they had insufficient professional credibility, to successfully engage with self-employed contractors.

12.5 We heard of a number of examples where this has impacted negatively and sometimes dangerously upon the quality of service delivery. It is therefore a 'safeguarding' issue, which needs to be addressed sooner rather than later by Cafcass.

12.6 As stated above, the Panel does not believe that the model of self-employment is inevitably linked with an undesirable 'isolationist' culture. However we were given sufficient examples, to demonstrate that there remains a problem in delivering safe and sensible management of self-employment contracts, particularly with those individuals where all the above challenges are compounded by an isolationist attitude and culture.

12.7 We heard about similar difficulties relating to the management of Family Court Advisers who are homeworkers, and who therefore need 'distance management' rather than a more traditional, office-based approach described by one manager as a 'walk the floor' technique.

12.8 The challenge is to develop expertise and confidence in a range of styles of management, which are able to meet the demands of varying patterns of employment and self-employment whilst maintaining an effective focus on quality, safeguarding, supervision and compliance by all working for Cafcass.

12.9 We heard from some contract managers about a range of developments which have helped this 'distance management' including:

- allocating cases from private law to former public law workers, including self-employed. This has transformed the level of contact with the manager, as practitioners seek to get to grips with this very difficult new working environment
- twinning a self-employed contractor or homemaker with an office-based FCA, assisting the mutual sharing of expertise and information
- the availability to self-employed contractors of training from Cafcass, which has helped with GSCC re-registration¹⁷.
- access to the intranet by home workers and self-employed contractors

QUOTES FROM QUESTIONNAIRES

¹⁷ The GSCC (General Social Care Council) requires every registered person to demonstrate that they have accessed 15 days of professional development within the 3 years before re-registration is agreed.

*“ Same ultimate objectives but different methods used in different circumstances”
Family Court Adviser*

“Mechanisms for assuring quality and cost effectiveness have to be different but the standard should not.” Manager

12.10 For the future, the Review Panel believes that Cafcass should be more rigorous in its management of the work done for children and the family courts in its name. There is a great deal of common ground here with NAGALRO, who provided a number of examples of where review of the work of an individual self-employed contractor has quite simply been inadequate. The difficulties seem to stem from one or more of the following:

- **capacity** of the contract manager (relating back to recommendation 7 above);
- **ability** in terms of confidence and expertise in the professional task, particularly when a ‘private law’ manager has to step into management of public law at short notice;
- **confusion** about what is acceptable in terms of respecting the ‘clear blue water’¹⁸ under the terms of the self-employment contract.

12.11 This picture was balanced by the examples provided by managers of problematic behaviour by practitioners, of the sort already discussed under the section about isolationist culture.

12.12 Recommendation 7 addresses the first concern about capacity. The programme for service manager conferences and training that we heard about needs to increase confidence and ability in managing the professional task. With regard to the confusion, we believe that Cafcass needs to undertake a thorough review of the system for managing self-employed contractors to ensure that this is safe and sensible. This has implications for the quality assurance processes and supervision system within Cafcass. Both these are addressed below.

12.13 The guiding principle should be that the ‘clear blue water’ required by Inland Revenue comes between the organisation and the working arrangements of the self-employed contractor: the argument about clear blue water should never be used as an obstacle between Cafcass and the child, the family or the court.

RECOMMENDATION 9

Cafcass reviews its planned provision of training for service managers, and then develop an action plan, to ensure that all managers are capable of
A) managing staff undertaking the full range of professional tasks

¹⁸ ‘Clear blue water’ relates to the Inland Revenue requirement for there to be a structural separation between contractor and organisation which prevents the contractor slipping into an employee relationship with the organisation and vice versa.

delivered by the agency.
 B) managing staff working in a variety of employment patterns including office based, home based, bank or self-employed.
 C) senior managers equally have the capacity to manage managers across these professional areas and functions

RECOMMENDATION 10

Cafcass reviews the system for commissioning work from self-employed contractors, and for reviewing the quality of that work both during the life of the case and after it has finished. Once agreed, the system should be supported by a full training programme for managers and widespread information sharing with self-employed contractors.

13 Supervision

....which means that we would expect to find in Cafcass explicit and mutual expectations about the role of supervision

13.1 Supervision is an important element within social care practice. In a 'people service', accountability issues are mediated largely through the direct working relationship between the worker and his/her line manager. The Panel has spent time reflecting on the difference between management or contract oversight and professional supervision. Both are necessary but they are different. Much of the resistance to supervision, which has been reported to us, appears to be a resistance to management oversight of the work. Issues relating to management oversight will be addressed later, under the feature 'review of quality and performance'.

13.2 The majority of questionnaires gave a high priority to the role of supervision with only a small number resisting the overall concept. Of much more concern was the quality of supervision provided. We heard about the comprehensive training programme for service managers over the past year and of the current review of the policy.¹⁹ The questionnaires provided a fairly positive picture of current provision:

Do you expect to be supervised?	16 / 17 respondents said Yes
Do you get regular supervision?	12 / 17 respondents

¹⁹ Elizabeth Hall, the Cafcass member of the Review Panel, is working on the review of the supervision policy and there has been inevitable overlap with these discussions.

	said Yes
How well is this model of supervision ²⁰ applied in current practice?	3.7 (on scale 1-5)
If you are supervised, please rate how useful you find it	3.4
If difficult issues arise between supervision sessions how accessible is your line manager?	4.4

13.3 The previous issues already discussed in this report have an impact on supervision:

QUOTE FROM A QUESTIONNAIRE

“As previously stated I feel that the new structure will improve the position for first line managers. First line managers need to refocus on practice development within their individual teams and devote more time to this within supervision, appraisal, team meeting and team development.”
Family Court Adviser

13.4 Cafcass is currently on a journey, as discussed under the 1st feature – ‘culture’. This is a movement from a range of cultures to one predominant culture of shared responsibility. The review panel recognises there is a risk that the pendulum might swing too far towards a dependency culture.

13.5 We spent time discussing with a number of people the issue of how far a service manager may get involved with a case before it has gone to court – as in the 4th case example at the start of this report. There was general agreement that this may occasionally be necessary, particularly if there are safeguarding concerns. However there was little clarity about whether Cafcass as an organisation could or should ever seek to change a recommendation. In part, this lack of clarity is understandable because the situations are ideally extremely limited and dealt with on a case-by-case basis. The review was impressed with the sense of the following comment from a Family Court Adviser in her questionnaire.

QUOTE FROM A QUESTIONNAIRE

“It all comes down to the quality of supervision and the level of trust that develops between supervisor and worker. However, the worker must remain totally in control of any court recommendations. If the Manager identifies problems with an individual’s work these should be addressed within supervision. If the Manager feels that the worker is placing a child’s welfare at risk he/she would have to have a very clear view of why this was so, and this should not be simply based upon a difference of

²⁰ Cafcass is using the model outlined by Tony Morrison ‘ Staff Supervision in Social Care’ (2005) Training on this model is being rolled out to all service managers during 07/08. The model contains four elements: management; development; support and mediation. At the time of the survey, and of writing this report, not all managers will have had this training.

professional opinion. The reality is that on many cases there can be a range of professional opinions, which can all have some validity. If the Manager identifies a serious risk and he/she cannot persuade worker of this then the only alternative open to the Manager would be to seek to remove the worker from the case. This could be done by consent, but in Public Law the court should decide this issue if worker and Manager cannot agree.”

Family Court Adviser

13.6 The Panel has considered whether the model applied in mental health specialist work could usefully transfer to Cafcass: that is, that work is supervised and subject to quality assurance, but the recommendation remains the responsibility of the individual practitioner. In the limited situations where Cafcass may seek to challenge the recommendation, then this would need to be done in a transparent manner with the court.

13.7 However the circumstances do not closely relate. It would be hard to achieve a successful, robust supervision and quality assurance system within Cafcass if the manager cannot address the problems, which arise in a small number of cases. These arise very rarely but are usually because no recommendation is made; the recommendation does not match the rest of the information or the analysis; or the recommendation is clearly wrong and will fail to safeguard the child or achieve a positive outcome.

13.8 Within its supervision policy or performance framework, Cafcass should set out very clearly:

- how the professional responsibility of the practitioner will be respected and maintained
- whilst at the same time how Cafcass will fulfil its responsibility for ensuring that the work undertaken for the child and the court, including any court reports and recommendations, is of the highest possible quality and has been properly assured before it goes to external parties.

13.9 There are important implications here for the relationship between Cafcass and the court. Cafcass should work with the court service and the President of the Family Division to ensure that the approach being taken is fully understood and supported. Perceptions of organisational interference or oppressive management will undoubtedly arise, along with the allegation that the pendulum has swung too far from an ‘isolationist’ to a ‘dependency’ culture. Cafcass needs to be able to justify and support any actions taken in individual cases as well as pro-actively explaining the general policy and approach.

RECOMMENDATION 11

The current revision by Cafcass of the supervision policy should ensure that any new policy includes:

- a) the parameters for the working relationship with self-employed contractors, to ensure that the same four functions from the

- model used for employed staff, are addressed on behalf of the child and the court when the worker is self-employed.
- b) specific arrangements for supporting the professional responsibility of the practitioner whilst ensuring that, in all cases, a high quality of service is maintained.

RECOMMENDATION 12

The Chief Executive should meet with the Chief Executive of the Court Service and the President of the Family Division to ensure that the Cafcass commitment to quality assurance and performance management, alongside the commitment to the practitioner's individual professional responsibility, is understood, supported and properly communicated to the judiciary

13.10 Finally under this section, the Panel hoped to learn how the commitment to 'supervision for safeguarding' in the Safeguarding Framework is being implemented in practice. However without a more detailed review, it is hard to be sure how accountability issues are generally addressed within supervision. This is of particular concern in relation to safeguarding and promoting the welfare of children, and ensuring their active engagement in the process. This responsibility is too important to be left on trust and needs to be reviewed in more detail than this review has found possible.

RECOMMENDATION No 13

There should be an audit of supervision to identify how the policy position is being implemented in practice, in relation to oversight of safeguarding, risk assessment, and direct engagement with the child.

14 Management information

.... which means that we would expect to find in Cafcass regular reporting of credible, timely information on what was achieved, at what cost, with what learning – and how any deficits might be addressed.

QUOTE FROM A QUESTIONNAIRE

"Sometimes I feel Cafcass is so busy examining the twigs that it loses sight of the trees, and has forgotten there ever was a wood."
Family Court Adviser

14.1 An organisation such as Cafcass collects information for a variety of purposes. The process has to be made clear and relevant for front-line practitioner and administrative staff, with regular feedback, or else the system cannot function effectively.

14.2 We were provided with examples of Cafcass' current system for collecting management information. Inevitably this has been changing and developing even during the course of the review. We felt that Cafcass has addressed the danger of collecting information for the sake of it, and is working hard to collect credible and timely information. The next step is to make it relevant for staff. From the feedback we received, we are not confident that this has yet been achieved. The recommendation in relation to this is part of recommendation no. 14, at the end of the next section.

15 Review of quality and performance

... which means that in Cafcass we would expect to find enlightened and informed review of the quality of service and of performance at all levels of the organisation. This includes feedback, recognition of achievements and interventions to improve practice or performance where necessary. It also includes dissemination of learning and a commitment to continuous improvement.

QUOTES FROM QUESTIONNAIRES

"The methods are purely tick box audits of forms/reports; practitioner direct work in the court setting – negotiating, mediating, instructing – is not addressed, nor with the family, social services and in professionals meetings." Family Court Adviser

"I have been writing reports for family courts for over 15 years. At no time has any manager ever asked to come and observe my practice in court. I find that strange." Family Court Adviser

"Improving the techniques, tools, methods and standards used to assess effectiveness in all the above by being more objective if at all possible. Include court staff in internal audits, participate in audits in partner agencies" Manager

15.1 There is a distinction between performance management and quality assurance. Both are needed, in order to achieve a satisfactory picture of overall service delivery, and to promote a high quality service. The panel heard very little about performance management, but a great deal about quality assurance. Cafcass needs to review the whole system to ensure that a holistic approach is being achieved, which manages to:

- engage staff through its relevance to practice
- provide safeguards about quality
- provide a 'bird's eye' picture of performance at all levels of the organisation
- create an environment which encourages learning from success, and
- foster a commitment to continuous change and improvement.

15.2 As stated above, we heard a great deal about the 'Quality Assurance' system within Cafcass. There is general acknowledgement of the need for such a system, and that Cafcass has done well to get it in place over the past

2 years. The review panel supports this and would wish to emphasize the significance of this development from the perspective of accountability.

15.3 There is less agreement about the quality or relevance of the current mechanisms. In analysing the questionnaires, and in our interviews, we tried to tease out how far criticisms such as those quoted above were of the system per se - and would therefore be made however perfect it is - or how far they were a valid response to a system which is still in evolution.

15.4 In the end, we felt the criticisms appear to have validity especially in relation to the 'top-down' nature of much of the process. Cafcass would benefit from working closely with practitioners and first-line managers to review the Quality Assurance system and to generate practice-driven mechanisms for quality assurance. In particular, a number of practitioners highlighted the potential value of practice observation and we would argue for this to have an important place.

RECOMMENDATION 14

Cafcass should review the system for management information, to ensure that it is part of a holistic approach to improving outcomes through performance management and quality assurance, and that it is relevant to practice whilst maintaining the commitment to a reduced bureaucratic burden.

As part of this work, Cafcass should review the system for quality assurance in the light of the issues raised by the Accountability Review, with particular reference to

- a) the quality and relevance of the mechanisms available
- b) the application of the mechanisms to work undertaken by self-employed contractors.

16 Development

... which means that we would expect to find in Cafcass a framework for personal development.

QUOTES FROM QUESTIONNAIRES

"One of the very big pluses about CAFCASS is its commitment to staff training and professional development." Family Court Adviser

"The proposed new structure will greatly enhance practice development, and transparency within practice as this will be much higher on the agenda and more time will be given to creative ways of developing this in teams." Family Court Adviser

16.1 The importance of this last feature of an 'Accountability-OK Organisation' is demonstrated by the number of references to training and development

which have already been made within this report. As in almost all responses, the questionnaires varied greatly. Overall, however, there was recognition that the provision of training and development has improved greatly over recent years. A number of respondents, and people during our interviews, said that it is now of an extremely high standard.

16.2 We heard about some difficulties during recent mandatory training programmes²¹ relating to the behaviour of some employed and self-employed staff on these courses.

QUOTE FROM A FEEDBACK FORM AFTER A NATIONAL STANDARDS TRAINING COURSE

"I think attempts were made to "sabotage" the training at times, by one participant"

16.3 This breaches the basic tenets of accountability and demonstrates a lack of respect for the organisation as well as for the needs of colleagues.

16.4 It is unclear how far this behaviour has been a reaction to the requirement to be present; to the content of the training; to the quality of the material and trainers; or simply because being together on a training event enables other dissatisfactions to surface which are not directly related to the training. Whatever the motive, we were glad to note that Cafcass has responded firmly to this, implementing a new 'code of conduct', which enables extremes of behaviour to be fed back to line managers for a response. Such problems clearly raise questions about accountability, since ongoing personal development is a requirement of the GSCC²² as well as of Cafcass. Because of the response, which has already been made, we have no specific recommendation to make about the issue.

16.5 There appears to be an ongoing difficulty about the involvement of self-employed contractors in training events provided by Cafcass. On the one hand, a contract manager identified it as a huge 'plus' in enabling contractors to meet the GSCC requirements fairly easily. On the other, a number of people referred back to 'pre-Cafcass' when many GALRO Panels provided access to training events free of charge and also paid for attendance. This is apparently no longer acceptable because of the Inland Revenue 'clear blue water' requirement – although for training, which is specific to Cafcass, we heard that a small payment is made. We heard that this position is not always consistent and that the system needs to be clarified as part of the more general work around the self-employed contract.

RECOMMENDATION 15

As part of the wider review relating to self-employed contracts, Cafcass should review the system with a view to

²¹ Cafcass has provided two mandatory programmes for all practitioner staff: domestic violence and national standards.

²² General Social Care Council, to whom all registered social workers are accountable.

- a) extending training and development opportunities to self-employed contractors in a way which respects the 'clear blue water', and
- b) clarifying the position for self-employed contractors, relating to events which are mandatory for employed staff.

17 Conclusion

17.1 This report has explored issues about accountability within Cafcass, using the framework of an 'Accountability-OK Organisation'. We have made fifteen recommendations to support the findings of our review.

17.2 We have not been able to report on everything that we were told, but have tried to focus on the main themes that emerged during the review. In particular, accountability issues are more complex for self-employed staff than for employed staff, because the mechanisms for developing and delivering accountability have to be slightly different, whilst ensuring the same outcomes. There is therefore more reference to self-employment issues than would be expected if we had adopted a balance that simply reflected the numbers of staff in the organisation.

17.3 In essence, we have suggested that an 'Accountability-OK Organisation' is one which:

- has a clear definition of accountability and responsibility, shared by most people across the organisation
- is comfortable with the exercise of accountability

and where:

- accountability is understood to be mutual, working both ways between the organisation and the workforce, and
- accountability works within a culture of clarity, transparency, flexibility and mutual respect.

17.4 We heard a great deal about the journey that Cafcass is making towards a culture of shared responsibility and accountability. Our hope is that, in years to come, people will look back and identify this review as a significant milestone along that journey.

District Judge Nik Goudie (Chair of the Panel)
Elizabeth Hall
Jane Held

February 2008