



# **Cafcass Operating Framework**

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# Section 1: The Purpose of the Operating Framework

An over-riding point to note: *the most important journey through a family court case is the child's journey*

## What does the Operating Framework aim to achieve?

- 1.1 The Framework sets out how we meet our responsibilities as a family court social work service to children and young people, to courts and to family members, as required by legislation. Our principal functions are found in section 12(1) of the [Criminal Justice and Court Services Act 2000](#). Our key statutory responsibilities are set out in the appendices.
- 1.2 A number of practice directions and court rules underpin our statutory responsibilities. The [Welfare Checklist](#), [Family Procedure Rules 2010](#), [Public Law Outline 2014](#), [Child Arrangements Programme](#) and Cafcass [Child Protection Policy](#) are important points of reference for us. So are the other sources listed in the Appendices. Our practitioners and managers also need to be aware of and understand all relevant legislation and regulations, such as care planning regulations. They must also keep up to date with relevant case law (see the [Legal Alerts](#) on the Legal intranet pages, which are regularly updated).
- 1.3 Like all public bodies, Cafcass is subject to other legislation which we must comply with. Where this applies, it is flagged in the Framework. The Framework draws upon important early source documents for our work, such as Judith Timms' Manual and Practice Guidance for Guardians Ad Litem and Reporting Officers (1992, Department of Health), and also aims to be in line with the direction of travel set out in Eileen Munro's [Review of Child Protection](#) and subsequent policy pronouncements (2011, Department for Education). All aspects of the current family justice reforms as they affect Cafcass are included.
- 1.4 Readers of this document are able to locate and access relevant policies and other sources of information through hyperlinks within the text.
- 1.5 Cafcass is a values-led organisation. The Operating Framework reflects the right of children, as set out in the United Nations Convention on the Rights of the Child (UNCRC), to be heard and represented in judicial proceedings which affect them. The Convention is summarised in the appendices.
- 1.6 The Framework will be updated on a regular basis to respond to changing circumstances. The up to date version will always be available on the Cafcass intranet and website.

## Why do we need it?

*'The waterline is rising, and all we do is stand there.'*  
Sage Francis (Waterline, in Human the Death Dance, 2007)

- 1.7 We cannot just 'stand there' because we continue to experience high levels of demand, which means more children, often living in desperate and/or terrifying situations, need our help. Our resources are constantly stretched. Strategies for managing the excess of demand over resources are essential.
- 1.8 Our partner agencies in the family justice system are also fully and constantly stretched. Working together is obligatory. Given the economic and financial outlook, we will need to become even more efficient in the next few years. The pressures on public funding for legal representation make this all the more urgent. In multi-agency working, it is vitally important for agencies to minimise any negative impact from unilateral programmes of service reduction which, if un-coordinated, can lead to cost-shunting or demand-shunting from one agency to another or others. For example, Family Court Advisers (FCAs) should not recommend the use of experts to compensate for their own lack of available time. Instead, they must assist the court to avoid the delay caused by serial assessments over a prolonged period by identifying at the earliest opportunity the issues in the case and the evidence required to address them. In this way, the Operating Framework seeks to play its part in the reform and improvement of social work practice as well as in family justice reform.

- 1.9 Service users, staff and partner agencies want each case to be allocated at the outset and for all court-related timescales to be met. In order to achieve that, we have to ensure continuous improvement in everything we do, including a continuous increase in our productivity.
- 1.10 Our work is becoming more complex, in common with other trends in society. We are usually working with children and families going through simultaneous and often painful transitions in their lives. There are no categories of easier cases – just features of some cases that are easier. Most of our cases require investigative and inquisitorial depth.

## What do we do?

- 1.11 We practise social work within a socio-legal framework in public and private law cases. We assess children's needs and write reports or a case analysis to court recommending how a child's welfare can best be promoted and safeguarded, taking account of their ascertainable wishes and feelings (as set out in Welfare Checklists). In our public law work, the practitioner role is to safeguard and promote the welfare of a child throughout a set of public law proceedings, with the responsibility for the child remaining with the local authority throughout. In private law work, nine out of ten separating parents make their own arrangements for the future care of their children, often with the support of family, friends, mediators, solicitors and local voluntary organisations, but without making a court application. When a separating parent makes an application to court, communication will normally have broken down or there will be significant risks in the situation. In these cases Cafcass, working within the parameters of the national Child Arrangements Programme, is usually the only social work agency involved. At times, we are the only check and balance to ensure a child is kept safe; public law cases have more checks and balances. We are also asked to advise on applications such as those where leave of the court is sought to remove a child from the country.
- 1.12 Our work has to shine a strong light on children's needs and to identify realistically and constructively what those around them can do to make children's lives better (UNCRC, Articles 19, 24 and 31). We do this to the best of our abilities in every case within the resource constraints we face. The task of ascertaining children's wishes and feeling is an essential one, both for the children involved and for the judiciary, who are required to give proper consideration to children's views when determining the outcome of court applications. Our recommendations to courts can have lifelong consequences for children, so we should seek to ensure our recommendations are sustainable and that they help the child with their long-term development and well-being.
- 1.13 One of our predecessor services – the children's guardian service – came into being in 1984 following a groundswell of concern about Maria Colwell, a seven-year-old girl killed in 1973 by her step-father in Brighton after she had returned home from foster parents to live with her mother and step-father. The risks she faced were neither properly assessed nor independently evaluated. Widely publicised incidents of family homicide and suicide, in which one parent kills their children and sometimes their ex-partner and then sometimes herself/himself, following separation or divorce, show that some private law cases also carry the highest possible level of risk (UNCRC, Article 19). Our practice requires continuous risk awareness.
- 1.14 These examples show how our work is based upon 'challenges on behalf of the child', whenever things are not right for that child. We act independently of any of the other parties in a case.
- 1.15 Cafcass services are free to service users. Our practitioners (Family Court Advisers) are some of the most qualified and experienced social workers in England. All are social work qualified, with at least three years' post qualifying experience – most have many more years of experience when they start to work for us. We also employ a small number of newly qualified social workers. We work with core groups of professionals, such as solicitors, local authority social workers, expert witnesses, police officers and health and education professionals. Joint working lies at the heart of the family justice system in which we are proud to play our part, such as our work with the ADCS to develop the [Good practice guidance for social work practiced in the family courts](#). This guidance sets out the Family Court Social Work Model which underpins the Operating Framework, based on the key domains of a threshold analysis; a parenting capacity analysis; a child impact analysis; an early permanence and contact analysis; and case management advice to the court, particularly about the child's experience and progress and when the child needs decisions to be taken.

## Working with children and young people

- 1.16 All Cafcass staff aim to support the child to the best of their ability from the beginning to the end of the case. We are unequivocally for the child and what concerns them. We are clearly focused on how we can improve the situation for them, which they are in through no fault of their own.
- 1.17 In all public law and private law cases that go beyond the First Hearing, practitioners need to communicate effectively with children to understand their wishes and feelings, to set these out before the court and, informed by them, to offer an evidence-informed view about what steps will most effectively safeguard and promote children's welfare (UNCRC, Articles 3 and 12). We also work with parents through the various court processes and suggest ways in which they can meet their children's needs and play appropriate roles in their children's lives – whether or not they have day-to-day care of their children.
- 1.18 A key part of our work is to enable the appropriate involvement of children in the court proceedings that are about them. Subject to their age and level of understanding, this involves ensuring that children are aware of the proceedings and have the opportunity to participate in them or otherwise contribute to them (UNCRC, Article 12). This may include supporting and facilitating children to see the judge in their case. Our work with parents, during the course of proceedings, is focused in part on enabling them to think about and take account of their children's perspectives and needs, which can often help cases to be resolved and conflict to be reduced. Positively engaging children in their own cases can lead to higher levels of self-esteem and self-confidence, which promotes resilience when growing up with continuing emotional or psychological conflict (UNCRC, Article 12).
- 1.19 In our work with individual children, it is important that we understand the child's timescale and the child's timeline, particularly the child's less visible emotional and psychological timeline.
- 1.20 Practitioners work with children in various ways, including:
- Sensitively discussing their situation, and helping children to express themselves. For many children, this will be the first time they have been supported to articulate their daily lived experience. To do this, practitioners identify locations and ways in which children can feel secure enough to communicate their feelings. Practitioners may also use the Cafcass [Needs, Wishes and Feelings guidance booklet](#), play materials or interactive software, to help a child to put complex feelings into a commonly understood language.
  - Ensuring that children's wishes and feelings – their unique voice – are reflected in case analyses and court reports, together with advice about the weight that should be attached to them by the court. This recognises that children's expressed views may not always reflect the best way in which their safety and welfare can be promoted by the court.
  - Practitioners help children to write letters to judges or magistrates, as well as seeing them, when children wish to.
  - Practitioners observe children together with their parents, in order to assess parenting skills or relationships (and also take into account children's feelings about being observed). Various [tools are available to practitioners](#) to use when working with children and adults, to support evidence-informed analysis.

### **STRENGTHENING THE CHILD'S WORLD**

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

## Young person's feedback (Oxford)

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

## Seeing children

- 1.21 Children are seen in all public law and private law cases that go beyond the first hearing (CMH or FHDRA respectively), with a small number of exceptions, e.g. if the child is living abroad and is seen by a practitioner from that country or jurisdiction. Practitioners exercise professional judgement in each case about the basis and extent of their direct contact with children. The number of times a child will be seen is proportionate to the needs of each case and the issues at stake. The practitioner needs to have sufficient direct contact to enable them to understand the child's situation and to reflect this understanding in an evidence-informed case analysis for the court. This evaluation of their own direct work and other evidence/information will reflect not only the direct work with the child but also the perspectives of the adult parties and other family members and professionals, as relevant, who are involved in the case.
- 1.22 Seeing children is an emotive issue for the organisation. Children's Guardians were established by law after some children in precarious situations were not 'seen', or they were 'seen but not heard' or they were 'hidden in plain sight'. We are concerned to emphasise the importance of direct work with children as an essential part of practitioners' work on behalf of children and to ensure that we continue to act as the court's 'eyes and ears', in recognition of the fact that it remains rare for children to attend court. Seeing children remains a vital source of support and protection for them. There is further information in the Visiting section of this Framework.

## Working with parents and carers

- 1.23 Through telephone calls, letters, such as the Welcome Letter, and through emails and visits, our first task with parents and carers is to explain clearly who we are and what we do. We encourage those we work with to see the situation they are in through the eyes of their child or children and to think about how they can make the most positive contribution possible to their child's life (UNCRC, Article 5).
- 1.24 Whilst practitioners have a presumption they are being told the truth, they also have to be cautious in case they are not being told the full facts, or, for example, if they are faced with 'disguised compliance'. They also have to guard against the 'rule of optimism', in which a parent or parents has/have deceived social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. Positive change can of course take place. Practitioners have to balance hope and a belief in change and communicate this to parents and carers, where it is justified, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.
- 1.25 In private law cases especially, parents are seeking to convey their side of the story to the practitioner, including facts about who did what to whom and when. Such 'facts' are often disputed. For the practitioner, it is the impact on a child that she/he has to assess, particularly the emotional and psychological impact. It is for the court to determine the facts, as far as it can.
- 1.26 Article 9 of the UNCRC is about the right to contact with both parents if parents separate deliberately or are separated through circumstance. A parenting plan is a key element of each public and private law case. Much of our work is about assessing the benefits and risks of contact for a child, including the child's view of contact, taking into account their age and level of understanding, and the range of parental views to which they have been exposed.

## Lacking Mental Capacity

- 1.27 Where a practitioner believes that a party, including a non-subject child party such as a 17 year old parent of a child who is the subject of care or adoption proceedings, lacks the capacity to make decisions within the context of court proceedings (known as 'litigation capacity'), the practitioner should raise this with: the local authority if party to the proceedings; the court; and the party's solicitor if represented, so that a request by the court for the involvement of the Official Solicitor (OS) can be

considered. The OS can act as, or appoint, an advocate or act as a litigation friend for the party (including non-subject child parties).

- 1.28 Cafcass practitioners are not responsible for determining the mental capacity of a party or for representing non-subject children. However, in assessing the capacity to parent, a practitioner may comment on the capacity of the parent to understand proceedings, as there is a close link between the two. Information can be found in the March 2013 [Practice Note: The Official Solicitor to the Senior Courts: Appointment in family proceedings and proceedings under the inherent jurisdiction in relation to adults](#).

### **Vulnerable Adults**

- 1.29 A vulnerable adult is a person aged 18 or over who is or may be in need of services by reason of mental or other disability, age or illness, and who is, or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. A practitioner who is concerned about a vulnerable adult should establish whether, to whom, and how Cafcass should make a referral to enable the vulnerable adult to receive appropriate services, if they do not appear to be in receipt of such services. Where possible the prior consent of the vulnerable adult should be sought prior to making a referral, though the absence of consent does not prevent a referral being made, where there are serious concerns about the welfare of the adult or others.

## Section 2: How we manage our work

The key reason for immediate intervention is because every child deserves a service from us, without delay.

### Proportionate working

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

#### **CASE MANAGEMENT PRINCIPLES**

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

### Screening

- 2.3 All new information coming in to Cafcass, whatever form it takes, must be evaluated within a single working day. The screening process is a discipline in which the significance of information is assessed and its degree of relevance and priority established. The journey taken by incoming documents is the start of the child’s journey through Cafcass. Documents, telephone calls, emails, etc. need to be treated with great care and processed quickly and efficiently so that the child’s journey is not held up.
- 2.4 Case documents are screened by business support staff who must pass them to the right person or team, ensuring any issues of immediate concern are passed to a duty officer or Service Manager for screening. Entries onto the Cafcass Electronic Case Management System (ECMS) will be made by business support staff upon receipt of the case/information, e.g. make up a new e-file, make an entry on the contact log, start the Work to First Hearing Process (for National Business Centre (NBC) data

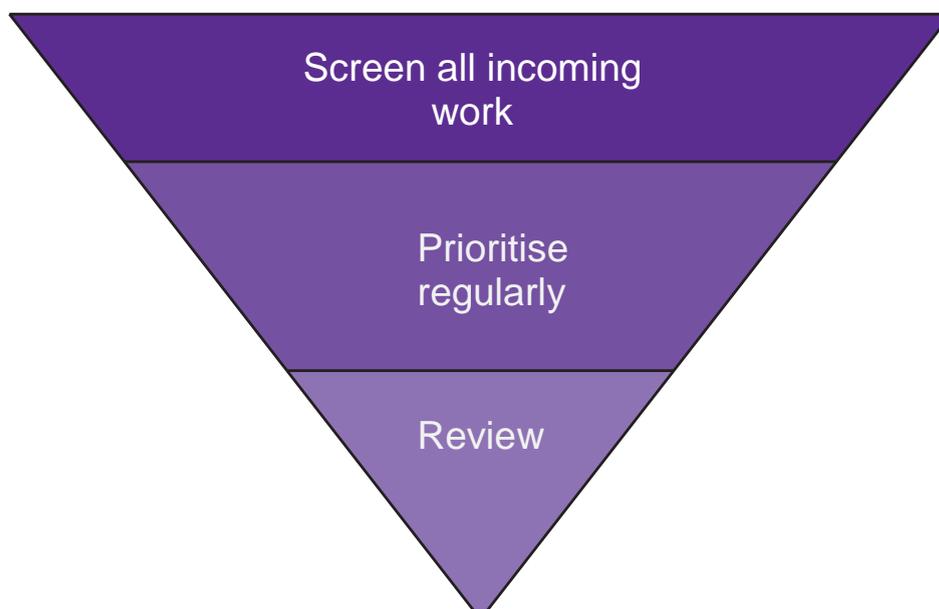
inputters in Coventry). You can view the process in Appendix Four. Court orders, enhanced police checks, and local authority checks are sent by courts, police and local authorities to local Cafcass teams. When the digitisation roll out has been completed, all checks and orders will be sent to the Fujitsu processing centre in Warrington.

- 2.5 Automated scanning will add the electronic document directly into the relevant section of the ECMS, with an electronic alert provided to the responsible practitioner or administrator.
- 2.6 **Complaints** are passed to the specialist Customer Services team at the National Business Centre (NBC). [Click here](#) for more information about complaints.
- 2.7 **Subject Access Requests (SARs)** are passed to the Customer Services Team at the NBC. Information on SARs is [available here](#) in the subject access request policy
- 2.8 **Freedom of Information (FOI) Requests** are passed to the Governance team, based in the National Office in London. [Click here](#) for further information on FOIs, including the policy.
- 2.9 **Office/Court Duty:** All local teams/offices must have effective duty cover arrangements, which comply with the following standards:

#### OFFICE DUTY STANDARDS

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

### Screen, Prioritise, Review



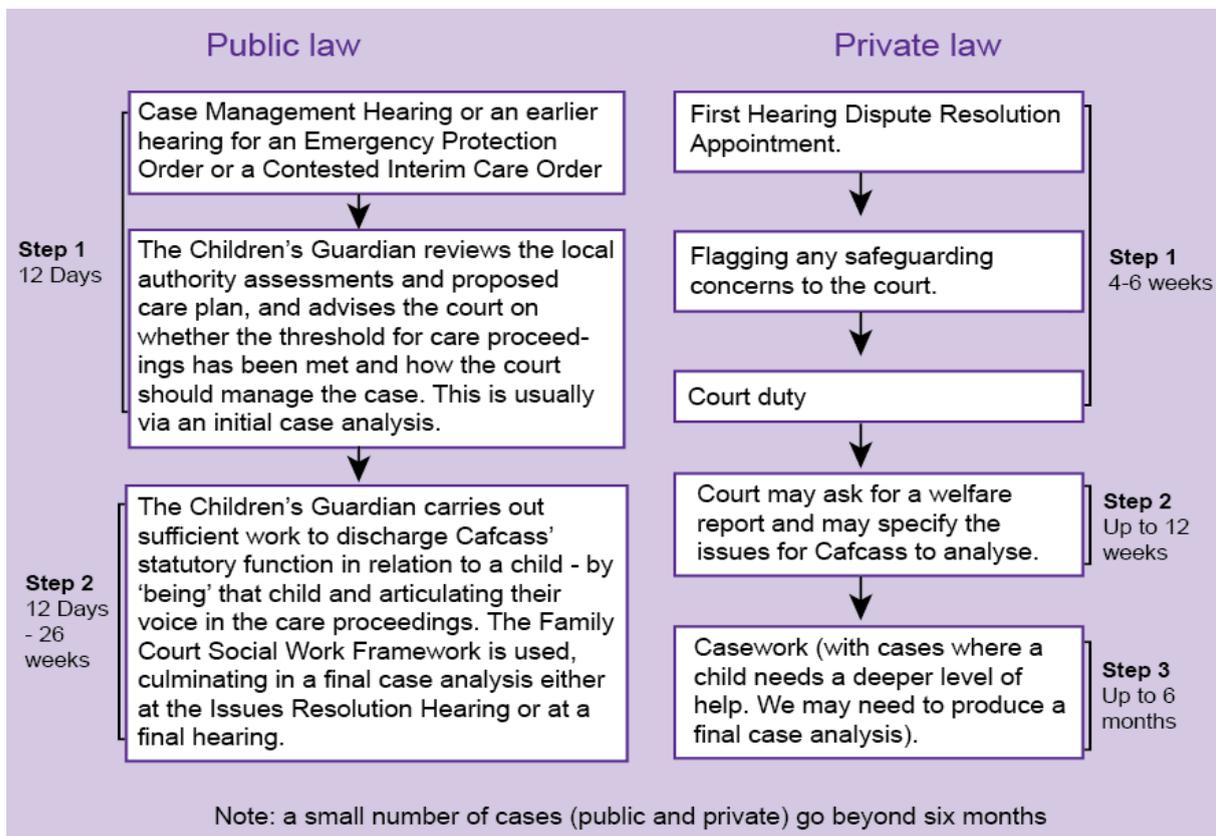
## The Cafcass Immediate Intervention model

2.10 Cafcass uses an immediate intervention model in all work. This aims to deal with and, where necessary, resolve issues straightaway, in the smallest number of stages or processes. The diagram below illustrates the way this works in practice.

### Immediate intervention: the end to end process

	Step 1	Step 2	Step 3	Step 4
<b>Public and Private law casework</b>	<ul style="list-style-type: none"> <li>Screen</li> <li>Prioritise</li> <li>Start information gathering.</li> <li>See/ring people.</li> <li>Write initial case analysis <b>(1 – 12 DAYS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Narrow the issues</li> <li>Deepen the hypothesis, refining it accordingly.</li> <li>Explore and where possible resolve issues of concern. <b>(1 – 6 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Extend Step 2 for a specific purpose/reason.</li> <li>Await crucial contributory information/assessments.</li> <li>Implement case plan</li> <li>Update case analysis if needed. <b>(6 WEEKS - 6 MONTHS)</b></li> </ul>	
<b>Complaints</b>	Complaint received, directly in NBC or via team	Service user contacted, case file scrutinised and FCA/SM contacted	Response sent out to service user, wherever possible prior to next court hearing (15 working days maximum)	
<b>HR Casework</b>	<ul style="list-style-type: none"> <li>Screen initial complaint</li> <li>Suspend or alternative</li> <li>Appoint investigator with a clear case plan</li> <li>Set hearing date within 8 weeks. <b>(48 HOURS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Carry out investigation <b>(2 – 3 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Write report</li> <li>Carry out any necessary discussion/negotiations <b>(3– 8 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Hold hearing/make decisions <b>(BY WEEK 8)</b></li> </ul>
<b>Financial management</b>	SA Allocation derived from weighted workload model December before new FY	HOS/AFM review before new FY commitments and agree actions to close gap	Monitor monthly exceptions against forecast including action to stay balanced	
<b>MP's letters</b>	<ul style="list-style-type: none"> <li>Screen</li> <li>Check on RFL</li> <li>Send holding letter</li> <li>Email staff member for a position <b>(24 hours)</b></li> </ul>	<ul style="list-style-type: none"> <li>Finalise information from local area within 5 working days</li> </ul>	<ul style="list-style-type: none"> <li>Draft reply to and fro</li> <li>Track changes process</li> <li>Signoff and send <b>(3 - 9 days)</b></li> </ul>	

### The Cafcass casework process



## Allocation practice

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

### ALLOCATION AND THROUGHPUT STANDARD

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

- 2.12 When allocating cases, the manager will communicate with practitioners as clearly as possible within the constraints of busy working lives. Communication may be face-to-face, by telephone, or by email, depending on practicalities.
- 2.13 Service Managers should only hold cases in the first few days after receipt, for screening and allocation purposes, or for a brief period if it becomes necessary to transfer a case from one practitioner to another, for example if a practitioner leaves the organisation, is on extended sick leave or the service manager is challenging a court about the need for a report or order on a particular case.
- 2.14 Our [Key Performance Indicators](#) (KPIs), determined each year by the Secretary of State, measure the proportion of our open public law care workload allocated to an appointed Children's Guardian (KPI 1) and private law workload allocated to a Family Court Adviser (KPI 3). KPI 2 measures the timeliness of allocation to an appointed Children's Guardian for all care applications, and KPI 4 measures the proportion of private law s7 reports that meet their agreed filing times.

## Case planning

2.15 Case planning is the social work method for defining the practitioner's intervention or interventions in a case. Structuring social work in a case plan is a safeguard against random work. This is especially important when time is limited and when the next deadline on a case is invariably imminent. Case planning is best done when the outline of a case, and what is being asked of Cafcass, is known.

- A case plan should set out simply and clearly what we plan to do on each case, including how our intervention is to be structured, and interview plans
- Case plans are needed in all cases, apart from the two categories of case below:
  - Work to First Hearing private law cases do not need a case plan. The plan for any subsequent work should be put together by the practitioner allocated after the first hearing.
  - Flexibility applies to how a case plan before the first hearing in a public law case is recorded, though there must be evidence of why certain enquiries were made, and not others
- Case planning/the rationale within a case analysis should be shared with service users unless to do so would place a child or adult at risk
- Case planning is a way of structuring work and to determine how to allocate finite resources according to priority (professional time being the most expensive resource)
- 'Pause and plan' is a key phrase
- Case planning can be carried out either by the FCA once allocated, or by the SM before allocation.

## Case Transfer Process

2.16 The overriding principle in any transfer of cases within Cafcass should be what is in the best interests of the child, which should inform discussions and decision-making about the transfer of cases, with a view to avoiding delay in proceedings. To support this process the following guidance applies:

### Private Law

2.17 All cases will be transferred from CIT to the EIT responsible for the court issuing the C100 (i.e. the areas where the issuing court is located) who will then complete the WTFH. No case will be transferred prior to the first hearing.

2.18 When work is generated for Cafcass after the first hearing, the area where the child lives will be responsible for completing the work. Negotiations on transfers should take place on this basis. The transfer at this stage will be conducted by the EIT manager or relevant Service Manager within two working days. In situations where this may put either one of the parties or the child at increased risk (e.g. domestic abuse) the transfer of cases to a relevant service area will be conducted between the relevant Service Managers for further intervention teams.

2.19 Where Service Managers are unable to agree transfers, the issue should be referred to the relevant Head(s) of Service/Assistant Director(s).

### Public Law

2.20 Agreement to a change of children's guardian should be sought from the court hearing the case, should that become necessary. Any transfer within Cafcass should be based on the principle set out in 2.16.

## Visiting children

2.21 Every visit, whether to where a child is living, a Cafcass office or elsewhere, should be necessary. The framework for visiting is:

- To see and hear the child
- To gather information that can only be gathered through a visit
- In line with the case plan, and normally aimed at producing positive change for the child

2.22 In all types of case, use may be made of office visits and, where appropriate, videolink and Skype, to keep non-productive travel time to an unavoidable minimum. The needs of each individual case may result in parties being seen/visited on different numbers of occasions, depending on how each practitioner has planned to carry out their work of safeguarding and promoting the welfare of the child in each individual case.

2.23 For more information see Section 8: Working with service users, stakeholders and staff, and the Seeing children section in this document.

## Interviewing

2.24 Each interview, whether conducted by telephone or face to face, must have a purpose. Practitioners will determine who needs to be interviewed, and how many times. When interviewing, practitioners should immediately convey emotional and professional confidence and integrity, whether face to face, over the phone, or via an email exchange. Practitioners' questions should be clear and to the point, always keeping the focus on the child, using interviewing skills such as rapport, use of authority and empathic listening, which shows the answers have been understood and assimilated into the evolving case analysis. Purposeful interviewing can be summed up as 'if your question isn't pertinent, it's probably impertinent'. A ['toolkit'](#) is available on the intranet to support practitioners in their direct work with adults and children; the toolkit matrix provides a guide on how to match the appropriate tool to the identified needs in the case.

2.25 Examples of how to interview in a focussed way are:

- Day assessments in which all parties to a case and relevant non-parties are interviewed on the same day or over a two day period, with all relevant case material read beforehand and the case analysis produced immediately afterwards. Relevant members of the family will normally need to be seen together as well as separately, including observation of contact where 'necessary'. Day assessments can be the main way we discharge our public law role, at pivotal points in the case, such as when we are analysing whether the threshold for care is met, whether a parent/s has/have the capacity to change in the child's timescale, or whether the care plan is viable.
- A defined number of focussed sessions which combine interviews/assessment with an active solution-focussed approach such as dispute resolution and which create a forward momentum in the case and an expectation of movement and/or resolution.
- Motivational interviewing, aimed at changing behaviour
- Use of structured or semi-structured scripts for interviews, in which the key questions in a case are framed prior to the interview e.g. can this parent improve her parenting sufficiently to re-parent this child in the child's timescale (translated into more user-friendly language for the interview itself)
- Interviews with a specific focus and methodology, such as a child attachment interview.

## Covert recording

2.26 Occasionally, service users may covertly record an interview or telephone conversation with a practitioner.

2.27 We should have nothing to fear from covert recording. Our attitude should be, "I am doing my job and I have nothing to hide. I can explain why I said what I said or why I did what I did". This is within the spirit of transparency in the family courts. We should always be transparent in our work, to meet contemporary expectations, including being able to defend whatever we say or write in a court under cross-examination, because we are working to a professional standard on behalf of a child. In this sense, we should expect that everything we say or write could become public knowledge.

2.28 Some service users ask in advance of an interview whether it can be recorded. Advice on handling advance requests from service users to record interviews is available on the [Cafcass Legal](#) intranet page. In cases where no advance request has been made and the practitioner subsequently becomes aware that they have been recorded without their knowledge, they should tell the court. In some cases, however, the practitioner may not become aware of the recording until the service user presents the recording, or a transcript of it, at court. In such situations, the practitioner should make clear to the court that the recording was made without their knowledge. The practitioner may ask for the opportunity to listen to the recording or read the transcript before it is admitted into evidence, if the court is minded to take this step. It is a matter for the court to decide whether the recording or transcript can be included in evidence.

2.29 Service users may also ask practitioners to listen to or watch recordings of others that they have recorded covertly. Such material may consist of:

- A. A recording of a contact session with a child without the other party's knowledge or the consent of the court;
- B. A recording of a telephone conversation with the other party or another person;
- C. A recording made by concealing a device on a child.

2.30 There are several considerations that should be taken into account by practitioners when offered such material:

- A. There is a possibility that recordings may not be authentic, accurate or complete;
- B. In accepting the recording, the practitioner may appear to be influenced by one party over another;

- C. Once the practitioner has seen/heard the recording, it must be provided to the parties and the court, if it is relied upon.

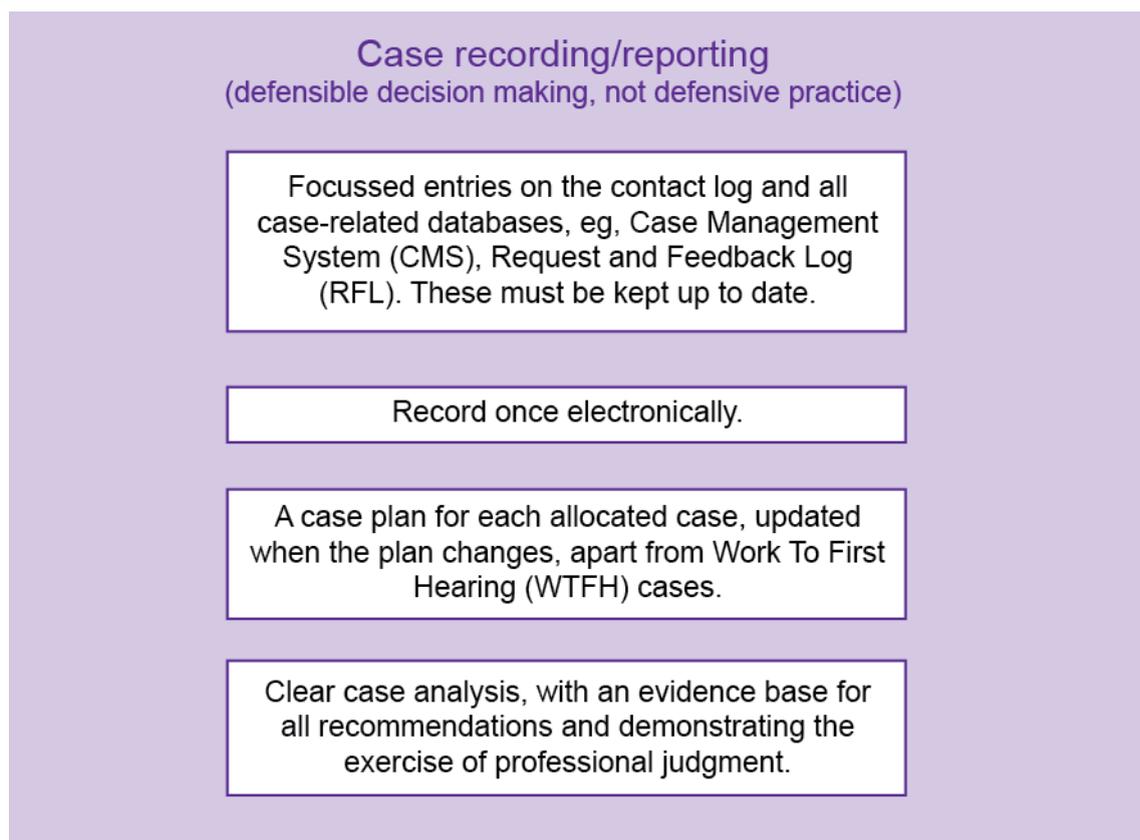
2.31 If offered such material, the practitioner needs to be aware that whether it is admitted into evidence will be a decision of the court and there may be issues raised by other parties about the validity of the material. While it may be appropriate to read/listen to the recordings the practitioner should decline to accept it until the recording has been brought to the attention of the court and the court's directions have been obtained.

## Report templates

2.32 Electronic templates support all aspects of our work, in order to improve and standardise the structure of reports and to meet recording requirements. The templates have been set up to be pre-populated with data from ECMS to save practitioners' time and to improve the accuracy of records. The most recent templates will always be available on ECMS. All report templates support succinct, evidence-based analytical report writing.

## Reporting/case recording

2.33 The [case recording policy](#) sets out how, when and where to record, as well as policy on the retention and destruction of records. The case record, though recorded proportionately, must contain an adequate audit trail of work done, including notes of interviews and the inclusion of other relevant information.



## Analytical writing

2.34 Analytical writing improves the value of the report to the judiciary and the parties by providing a tighter focus on the relevant facts and evidence. It does not displace a narrative for the family situation or for the child's story; we have always told the child and family story in court reports and we have always analysed the situation facing a child, along with our conclusions about the likely impact of the different options available on the child's short and long-term wellbeing.

## Key points:

- Set out the issues in the case and their relationship to the application. In nearly all cases, there is not one single static factor but a combination of several static and dynamic factors, so the issues are nearly always about whether damaging factors for children can be sufficiently mitigated. A root-cause analysis is one framework to use for this.
- Produce an evidence-based analysis using a bullet point format, starting with the most important point. The selection process for what is relevant evidence has to be objective, but it should be the evidence base in relation to the defined issues at the start of the report. Use key facts, incidents or events that best illustrate the issues in the case, and then analyse these ‘significant facts’.
- Consider the impact of the proceedings on the child in terms of the adverse or purposive impact of delay; whether the current proceedings are escalating tension and/or worsening relationships; and what can be done to bring proceedings to (usually) the timeliest safe and productive conclusion.
- Exercise professional judgment. A balancing exercise of some description is necessary, as the evidence rarely points solely in one direction. Such a ‘balance sheet’ approach is in line with the latest caselaw (e.g. [Re B-S \[2013\] EWCA Civ 1146](#)). The B-S case requires us to assess each realistic care planning option for a child in care proceedings.
- Recommendations should be clear and flow naturally from the preceding boxes e.g. with a clear evidence base, moderated by the exercise of professional judgment.
- Each report should consider and apply the relevant welfare checklist. Individual elements of the checklist must be covered when it is clear they are significant in the case.
- The analysis should ensure the child’s needs, wishes and feelings are understood and that the impact on her/him of their situation “leaps off the page”.
- There can be no page limit for a professional report, but a good analysis is always concise, as well as being easy to read and follow.
- Position statements can be used in defined circumstances with the agreement of the court.

## Court-based social work

2.35 Our practitioners frequently give evidence in court to substantiate their recommendations. The following key points should be borne in mind when working in court:

- Court-based social work is a crucial skillset, including negotiation with parties about what is needed and gaining all parties’ confidence in practitioners’ proposals. We operate in significant part through negotiation and persuasion.
- Dispute resolution or conflict mediation is a core skill to use in work with families and with professional colleagues throughout the life of a case. We aim to interrupt a cycle of neglect, abuse, violence, hostility, etc. and to support rational child-focussed attitudes and strategies. This can be effective in public and private law cases.
- Most parties to a case – or at least their advisers – should be aiming to work collaboratively and to narrow the disputed issues in line with the court rules, their professional codes of practice and judicial expectation. We should be clear when insignificant issues or ‘red herrings’ are raised by any party, which distract from the issues facing the child.
- Whilst some proceedings become adversarial or confrontational because of the personalities involved or because the stakes are so high, we should not work defensively through apprehension about being cross- examined.
- Practitioners should be familiar not only with the content of their written reports, but also with the sources they draw from, including the evidence that might have been sourced by colleagues (e.g. Cafcass duty officers).

- It is vital to do sufficient work on each case to be able to justify our conclusions and recommendations. This must include our own evaluation of the evidence (primary evidence evaluation), as well as analysing the work of others (secondary evidence/evaluation).
- We can advise courts about case management e.g. focussing on the effect of any direction sought in the case, and bringing to the court's attention the effect of delay at all points in the proceedings.

## Attendance at court hearings

- 2.36 Attendance at court hearings is a matter for a direction of the court and the practitioner's professional judgment about which hearings she/he needs to attend. Increasingly, practitioners are expected to be at more than one hearing on the same day, so these frequently have to be prioritised. Double-booking or being multiple-booked is a fact of contemporary professional life. It is essential that such conflicts are communicated promptly to the court and the parties, and the court's directions sought.
- 2.37 The Family Procedure Rules 2010 do not require Guardians to attend directions hearings if the solicitor for the child is going to be there (paragraph 6.5, Practice Direction 16A). The Guardian should review the 'need to attend' with the child's solicitor and make sure the solicitor is sufficiently briefed, seeking a direction from the court if there is a dispute with any party about the Guardian's planned non-attendance.
- 2.38 Practitioners should attend all other types of hearing in accordance with the directions of the court. The practitioner should make a professional judgment about which hearings are vital to attend in whole or in part, and advise the court of this. The court has the final say.
- 2.39 In many cases it is possible for the practitioner to remain available by telephone, or to be within easy reach should the need for attendance arise. This enables the practitioner to continue working on other cases whilst waiting or being on standby.

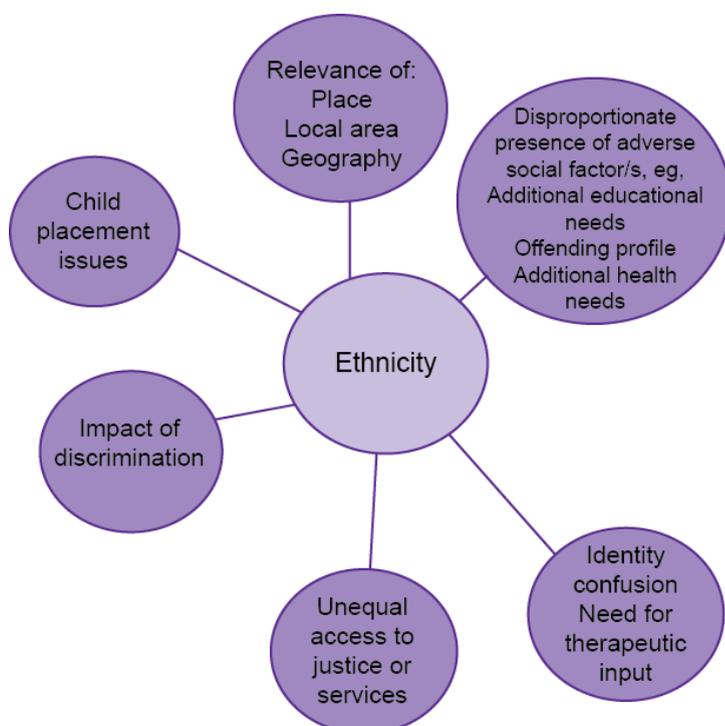
## Risk assessment

- 2.40 Throughout our work, Cafcass has a duty to assess risk, under s16A of the Children Act 1989. In our private law work, we may consider it necessary, as a result of our involvement in cases, to pass information about children to local authority children's services, where it appears that their duty (under s47(1) Children Act 1989) to investigate child protection concerns appears to be engaged. These steps are set out in the Cafcass [Child Protection Policy](#), and in the [guidance document on our 16A duty](#). In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself, exercising its s37 Children Act 1989 power, directs a local authority to undertake and provide to the court a welfare investigation report
- 2.41 The risk of harm to a child, including but not restricted to harm arising from seeing or hearing the ill-treatment of another, should be considered in cases where domestic violence is identified. The direct and indirect impact of domestic violence on individual children should be addressed. Static and dynamic risk factors should be taken into account, such as whether the violence is 'separation-specific' or endemic and showing itself in behaviours such as post-separation control. In all cases involving acute concerns about domestic violence, the practitioner should consider the need for a child protection referral, police referral, or a multi-agency risk assessment conference (MARAC.) It is difficult to differentiate between past risk and future risk, so caution is needed before concluding that a proven level of domestic violence will not recur and was situational at the time of the separation only. However, this can be a sound evidence-based conclusion in some cases.
- 2.42 A MARAC is a non-statutory meeting of local agencies whose purpose is to identify the highest-risk victims of domestic violence, and to produce a safety plan to reduce the risk to victims, their children, and any other vulnerable person in the household. Participants at a MARAC do not all come within the categories of people specified in the Family Procedure Rules (FPR) 2010, to whom disclosure can be made without the court's permission. Cafcass will therefore not routinely participate in MARAC discussions, nor will it sign MARAC information sharing protocols. Guidance is available to practitioners in ['MARACs and disclosure from Family Court Proceedings'](#) (2013) on the Safeguarding intranet page.

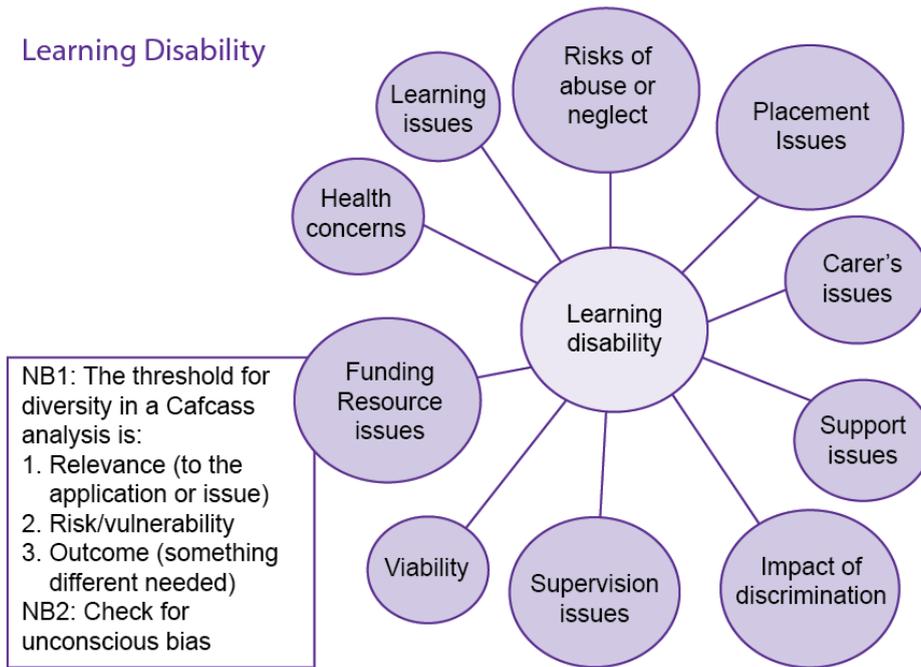
Where a child is suffering, or is likely to suffer, significant harm, the practitioner must ensure that relevant referrals are made to local authorities or to the police.

## Diversity in cases, including anti-discriminatory practice

- 2.43 The two illustrations below explain how to approach and analyse diversity issues in cases and outline some important factors to consider in relation to relevance and vulnerability as they apply to an individual child/case. Relevance means deciding whether the diversity factor makes a difference to the issue in the case or to the application. If not, it is not relevant. If it does, it is relevant and must be included/analysed (UNCRC, Articles 2 and 23).
- 2.44 We need to make reasonable adjustments in our work in response to a relevant diversity factor; a reasonable adjustment to the way we work, to how the issue/case is analysed and how recommendations are formulated.
- 2.45 Whilst ethnicity and learning disability are used to illustrate this model, the same framework applies to all our obligations under the Equality Act 2010, such as gender and religion, set in the context of the welfare checklist.
- 2.46 Cafcass does not collect diversity data nationally, in respect of service users, because we take the view that standard diversity monitoring forms often cannot capture useful information about children's diversity needs. Instead, it is the practitioner's responsibility to identify any diversity issues in a specific case. In addition to this requirement, each Cafcass service and service area has a responsibility to identify the diversity needs of groups of children living in their area where we are involved, and to take action accordingly. Such local diversity issues should be recorded, along with the action taken, in local business plans.
- 2.47 Diversity is one of the top 5 strategic priorities for Cafcass, as set out in the [2013-15 Strategic Plan](#). Progress on this priority is monitored on a quarterly basis. See also the Cafcass [Equality and Diversity Strategy](#).



## Learning Disability



## Section 3: Public Law Cases

3.1 The Children and Families Act 2014 introduced a 26 week time limit to most care and supervision proceedings, and a revised [Public Law Outline](#) (PLO) was implemented to support this. All professionals must apply a culture of urgency to the child's situation. Children's Guardians will need to front-load their work as much as possible. The work of Children's Guardians must remain proportionate, analytical and child-focused.

### Case planning in public law care cases

3.2 Clear, early case planning should be used to differentiate between well-managed local authority cases and those with significant gaps. There are three types of case to plan for:

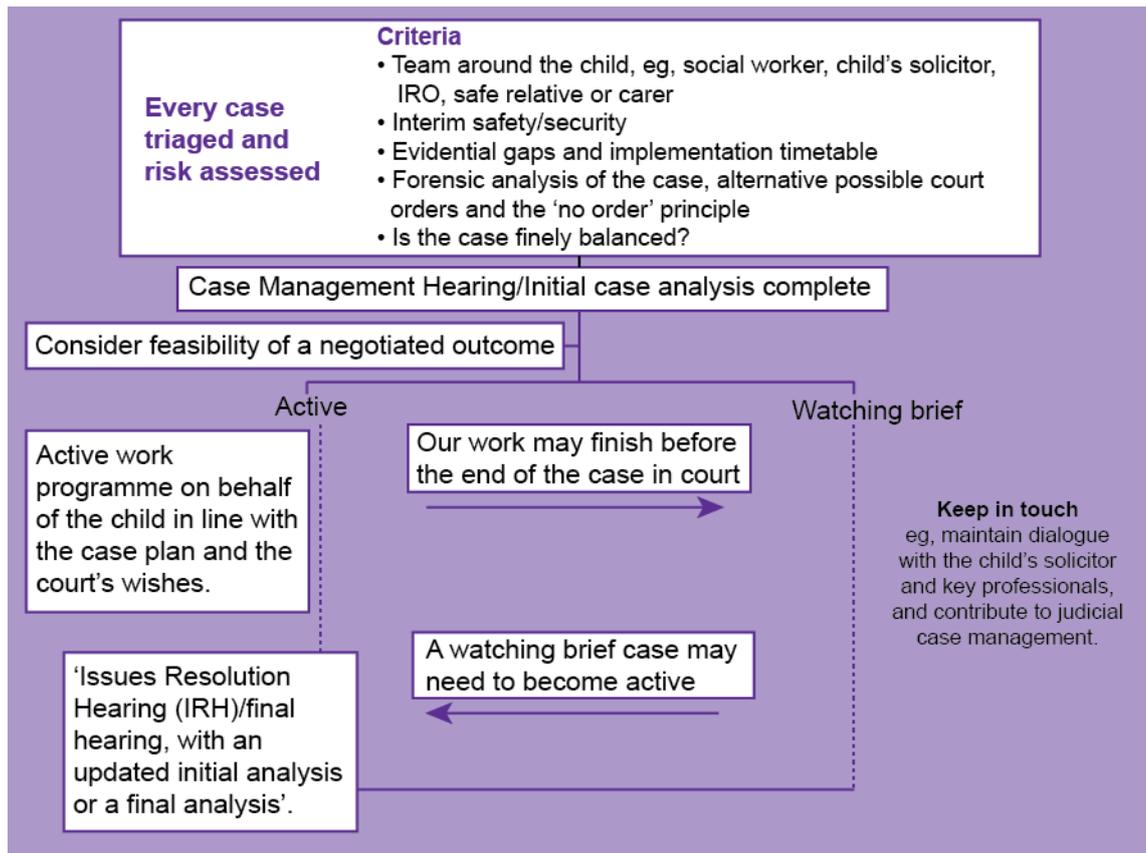
**First type of case:** Applications where the local authority has carried out and coordinated sufficient assessments and where the outline care plan/s is/are sound. In this group of cases, the Children's Guardian should carry out sufficient enquiries to be able to provide the required independent evaluation of the local authority case to the court. The court may also need our assistance much less in certain types of case e.g. straightforward discharges from care, as outlined in [Good Practice Guidance: Applications to Discharge Care Orders](#).

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

**Third type of case:** The third group of cases is those where the Children's Guardian needs to be intensively involved on behalf of the child, because the assessment/s, the care plan/s, or both are insufficient or professionally unsound.



## Framework for working in public law cases



### 3.3 The main tasks of the Children's Guardian are to:

- Safeguard the interests of the child/children subject to proceedings and provide advice to the court, having regard to the 'no delay' principle (Children Act 1989, s.1(5)), the child's wishes and feelings and to the other matters set out in the 'welfare checklist' (s.1(3)) (UNCRC, Articles 12, 24, 28).
- Make sure that if children subject to care proceedings have been (or are proposed to be) removed from home, the evidence base is compelling. Cafcass research on [The Work of Children's Guardians in Care Cases](#) (2013) showed only 26% of the sampled children as living at home when the application was made; 74% being outside the home before proceedings started. The longer a child remains living away from home, reunification (if appropriate) becomes that much more difficult (Farmer et al, 2011 (BAAF); Wade et al, 2011 (BAAF)).
- In all cases, the court will want the Guardian's assistance when considering early permanence plans and alternative legal orders. This is why the early stage of a case is so crucial, so that wherever possible a clear direction can be set, with a strong focus on the timescale for the child.
- The steps to be followed as part of 'whole system' parallel planning, including analysis of the parenting capacity gap, are included in [Good Practice Guidance for Social Work in the Family Courts](#).
- If reunification is appropriate, ensure any such plan for a child is not only the best available, but also that it is likely to be viable and to provide stability and permanence, especially if the child is returning to a home environment which was previously abusive or neglectful.
- Where it is considered the threshold for care proceedings is met, an assessment for a permanent carer should begin at the earliest possible stage.
- Ensure that the assessment of all permanence options uses a common threshold of 'good enough' care standards for the potential carer. Recommendations should reflect the child's 'unique permanence framework' in terms of placement, contact arrangements and identity support, and explain how these will safeguard and promote her/his welfare (UNCRC, Article 20). NB: recommendations for child focused contact levels, applying the principles in [Cafcass and ADCS Good Practice Guidance Note: Contact](#).

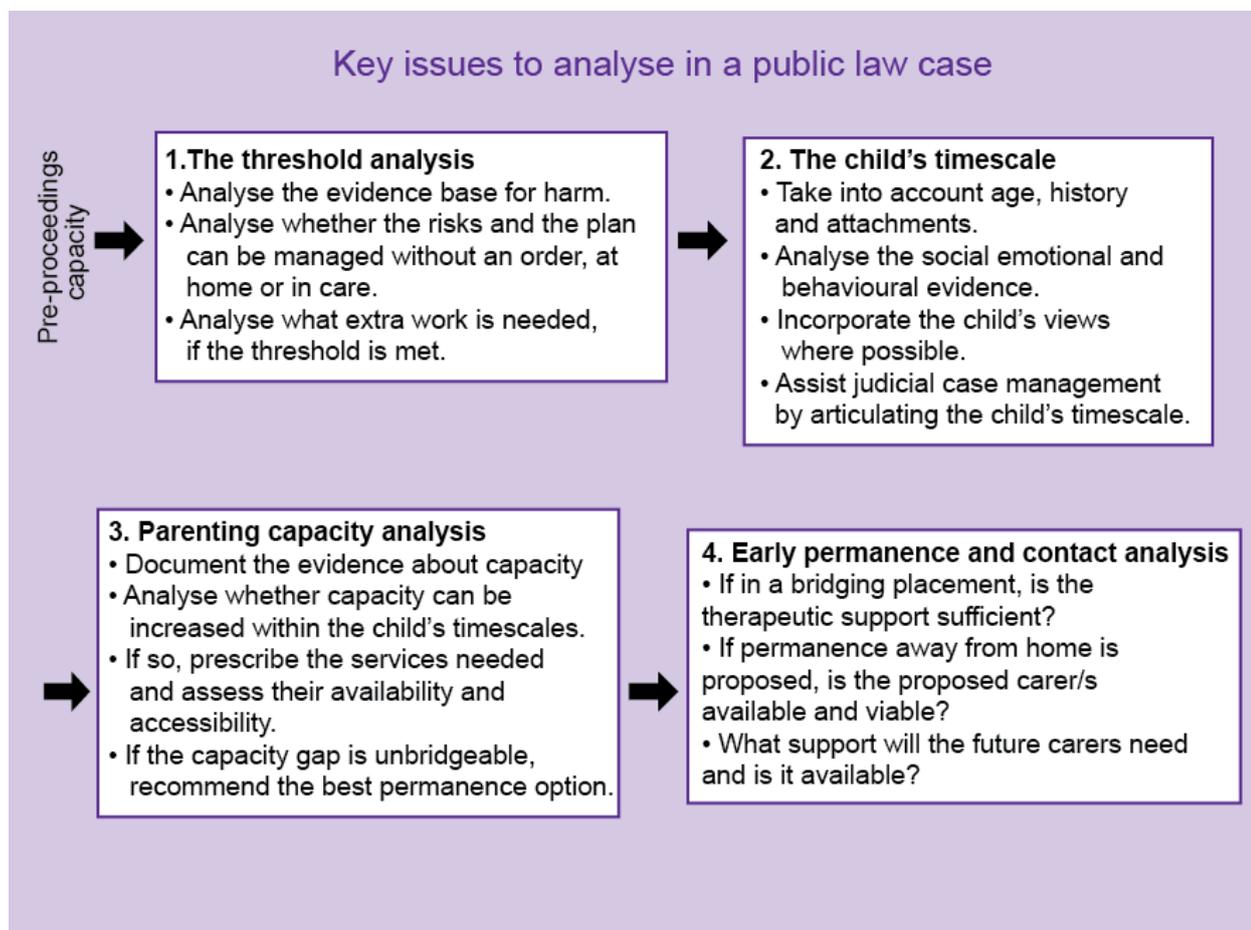
- The guardian's threshold analysis is a critique of the threshold statement produced by the local authority. The guardian's analysis should include whether the child's needs are being met: a root cause analysis of any significant harm a child has experienced or is likely to face; and whether any parenting capacity gap can be bridged or not. The risks the child faces and the strengths in the family system must always be set out and analysed.
- The initial Cafcass Case Analysis must be completed by the Case Management Hearing, which will take place within a window between days 12 and 18. All or as much as possible of the case analysis template should be completed by the Case Management Hearing. The requirements for a Cafcass Case Analysis can be found in [The Revised PLO: Guidance for Cafcass](#).
- With a 'watching brief' case, the Children's Guardian will keep in touch with the child's solicitor, the local authority social worker, and foster carer through telephone catch up calls. The emphasis must be put on the child's needs and current circumstances and what extra work needs to be done.
- In some cases, it will be clear that a care order will be necessary, but the details of a permanency plan will take some time to work out following further assessments. In such cases, the court may be recommended to make a care order so that the local authority can continue with its corporate parenting duties and make a new application to court for a Placement Order at a later point.
- An overview of the legal framework for placement proceedings, and guidance on the Children's Guardian's and Reporting Officer's role, is contained in the [Adoption and Surrogacy Handbook](#).
- The Children's Guardian's role in care planning should parallel that of the court, leading them to step back from the detail once a viable outline plan has been established. The IRO is well-placed to act as long-term overseer of the care plan as the plan will inevitably change and evolve over the child's time in care. Such a handover needs to include a commitment on the IRO's part.

#### 3.4 Some key practice points:

- The main focus should be on the child's timescale. All cases are expected to be concluded within 26 weeks, unless the court deems a case needs longer. In such cases, the court can extend the 26 period for up to eight weeks at a time, where this is necessary in order to resolve the proceedings justly. Active case management is everyone's responsibility. It is part of the Children's Guardian's role to support the judiciary to ensure deadlines for the child are met and to be conscious of the impact of our own work on case duration.
- Work with the child's solicitor within the established tandem model. It is the Guardian's duty to appoint a solicitor for the child. The matters to be taken into account in this appointment are set out in [Guidance to Children's Guardians on Appointing a Solicitor for the Child](#).
- Attending statutory review meetings or case conferences may be a good way of understanding all the factors in a case and all the players, but attendance should generally be kept to pivotal meetings only (UNCRC, Article 25).
- Reading and absorbing the key documents in the case as soon as possible and as far as possible, acquiring a historical perspective and evidence about the child's world, the impact of previous local authority interventions, and treatment programmes.
- Identifying at the outset, as part of the screening process, the team around the child and being more actively involved if the child has no other professionals or safe carers safeguarding and speaking up for her/him.
- Conducting a 'gap analysis' of the local authority case at the outset. Any further necessary work is best supported through a court direction. Where it is assessed that additional or specialist assessment is needed this should be in line with the current [Practice Direction on the use of experts \(FPR Part 25\)](#). If directions are not being complied with, it often supports the child to restore the matter to court for review/further direction. Relations with local authorities should be cordial and constructive, but never cosy or collusive.
- Interviewing the key players, using the perspective of the best interests of the child to evaluate what they have done and what they say. Analysing how the child's world is being affected by those around him or her is central to the Children's Guardian role.
- Clarifying, recording and appraising the wishes and proposed plans for the care of the child of parents, others with parental responsibility (PR) and other adults who are important to the child, and ensuring that the local authority has given due consideration to these.
- Intervening at pivotal points of the case and continuously analysing the pros and cons of each

viability assessment, particularly in the light of the B/S judgment.<sup>1</sup>

- 'Acting on the system', for example by challenging a care plan that needs improvement. Making an overall viability assessment of the favoured CA 1989 s31A care plan. This plan, which can also be written as a placement plan, must be 'appropriately specific' and 'sufficiently firm and particularised for all concerned to have a reasonably clear picture of the likely way ahead for the child for the foreseeable future' (Per Nicholls LJ in *Re S, Re W* (2002) UKHL 10).
- Working proportionately still means adding value to the child's case and the child's care. For example, it may add value to write the child a short later life letter or to make use of digital life story work techniques to show that the binding decision made by a court was informed by an independent social work evaluation.



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

- 3.5 The Cafcass Pre-proceedings Pilot in Coventry and Warwickshire, called Cafcass PLUS, ran between January 2011 and May 2013. The clear success of some aspects of this pilot led to it being taken up in a number of other local service areas, resources permitting. Each local scheme must reflect local need and must have the support of the local Designated Family Judge (DFJ). Schemes such as that in Lincolnshire have contributed to significantly reduced case durations, by tackling more issues at the pre-proceedings stage. All schemes have supported diversion from court as well as better prepared cases when there is no alternative to court. The most consistent positive message from the research was the value of the "head-start" reported by FCAs. The 56 pre-proceedings cases achieved an overall diversion rate of approximately 40%; higher than the national benchmark of 25% (Masson et al. 2013). A number of cases featured excellent work in identifying and supporting kinship care placements. Planned pre-proceedings work did result in

<sup>1</sup> There are three relevant judgments, on which Cafcass has produced legal alerts: [Re B-S \[2013\] EWCA Civ 1146](#); [Re W and Re H \[2013\] EWCA Civ 1177](#); and [Re W \(A Child\) \[2013\] EWCA Civ 1227](#)

care proceedings durations that were, on average, 6.3 weeks shorter than the comparator cases. However delays within the court process highlighted the importance of a whole system approach to change if shorter timescales are to be achieved. A third Cafcass PLUS pilot site is still ongoing in Liverpool. Cafcass' involvement in pre-proceedings is legitimate because of our involvement in 'potential proceedings' (Criminal Justice and Court Services Act, 2000, Section 12(5)). The local Assistant Director/Head of Service determines the viability of a local pre-proceedings scheme, in conjunction with the local Designated Family Judge.

- 3.6 In Suffolk, Cafcass is supporting the planning of post-proceedings work in which birth parents in care proceedings cases are provided with their own care plan and customised support services, having been assessed for their motivation and capacity to change. This project aims to support parent(s) to improve their parenting to be able to keep subsequent children, rather than those children being at risk of being 'born into care'. The project also helps women to make informed choices about future pregnancies. A number of local service areas are considering this model in conjunction with local authorities.

### **Excessive variation in demand for services**

- 3.7 In public law, local rates for the numbers of children taken into care vary considerably between local authorities. Average case duration also varies significantly between service areas. Whilst some variation is understandable due to local factors and circumstances, excessive variation risks a postcode lottery for the length of care proceedings and the likelihood of the removal of a child from their parent/s. Local issues should be taken up by Assistant Directors/Heads of Service in local meetings with senior local authority managers and with Designated Family Judges, or at LFJB meetings. Although care applications from some local authorities need less scrutiny and quality assurance in general than those from other local authorities, individual cases must always be treated equally and appraised in their own right. Poor practice can be found in the best organisation just as excellent practice can be found in the worst.

## Section 4: Private law cases

### Screening in Private law cases

- 4.1 In accordance with the [Child Arrangements Programme](#) (CAP), our role before the First Hearing Dispute Resolution Appointment (FHDRA) is to identify any safeguarding or serious welfare concerns affecting a child or a vulnerable adult. This is called the Work to First Hearing stage (WTFH). This stage begins with the screening of the C100 (or other) application form in the Cafcass Intake Team (CIT), based in the National Business Centre (NBC) in Coventry. After the C100 is entered onto the Cafcass Electronic Case Management System (ECMS), the local authority and police checks have been sought, and the case papers have been screened for any urgent child protection need, the file is passed to the relevant local early intervention team (EIT) in each service area to undertake risk phone calls to parties and to write a Safeguarding Letter to the court. Whilst a small number of EITs carry out some post-first hearing s7 reports, the majority limit their work to Safeguarding letters and court-based social work at the FHDRA, because of the high volume of work requiring completion in a short period of time. EIT hubs around the country have the capacity to take on Safeguarding letters for another area which, for any reason, lacks the capacity to carry out this work.
- 4.2 Where C100s received by Cafcass are missing important information, it is not the responsibility of Cafcass to seek and obtain that information, beyond the request in the Welcome letter which requests that the parties contact us. In cases where the missing information has prevented Cafcass from completing all WTFH tasks, the Safeguarding Letter should both inform the court of the missing information and report on the outcome of the work that Cafcass has been able to do.

### Work to the first hearing (WTFH)

- 4.3 Please see Cafcass' [Standard Operating Principles and Standards for WTFH](#).
- 4.4 Research such as [Hunt and Macleod's](#) (2008) suggests that about 50% of private law cases feature safeguarding or serious welfare concerns. In the other 50% of cases, though they may be less overtly concerning, a child or children may still be vulnerable following relationship breakdown. Distinguishing between these two main types of case is the basic work to first hearing professional task.
- 4.5 At the WTFH stage, Cafcass' remit is limited to an initial safeguarding and welfare analysis. Reports may be ordered where there are welfare issues or other specific considerations, but the court will first consider alternative ways of working with the parties. If the court requests us to undertake more work after the FHDRA, the matters relating to the welfare of the child to be addressed will be specified in the order.
- 4.6 Local Office Managers and Service Managers need to make contact with their opposite numbers in Her Majesty's Courts and Tribunals Service (HMCTS) to ensure that the court lists cases on dates where an FCA can attend, when checks are back and when Safeguarding letters have been produced. This minimises the need to adjourn the case and reduces the risk of making an unsafe consent order. However, in order to meet deadlines, risk assessment phone calls to parties will often have to be carried out before the checks are back.
- 4.7 Cafcass has a protocol with the Association of Chief Police Officers (ACPO), through which all police forces in England are signed up to the police national computer (PNC) partnership for PNC Level 1 checks. Checks are made by the specialist police unit within the National Business Centre. Enhanced Level 2 checks will continue to be made through local police forces when the circumstances of the case warrant it. Guidance and other useful documents about carrying out checks, including the importance of non-party checks in some cases and checks abroad, can be accessed on the intranet, in the [Police Checks Handbook](#). In reporting to court, past convictions or offending behaviour should be scrutinised for relevance and reported accordingly.

- 4.8 The Safeguarding Letter (which is an initial safeguarding and welfare analysis and not a mini s7 report) plus any direct work in court carried out at the FHDRA, must collectively ensure that the court is informed if there are, or may be, safeguarding or serious welfare concerns.
- 4.9 The telephone script for risk identification phone calls can be found by clicking [here](#).
- 4.10 Diversity, as it relates to each child, will need to be considered fully in a WTFH piece of work, and in a Safeguarding Letter, if relevant to an initial safeguarding or welfare concern. Apply the relevance and vulnerability test.
- 4.11 An example of what can be said in a case with no apparent welfare issues is as follows:  
*‘Through the risk screening process and telephone calls to the adult parties, no child welfare concerns have been identified. The parties disagree about a change of schools. This is a specific issue application. Cafcass suggests they have no further role as there are no identified welfare issues and they cannot usefully assist the court further in making its decision/s’*
- 4.12 Safeguarding letters must be completed using the current judicially approved framework, which is:
- A summary of Cafcass’ screening actions and outcomes
  - A summary of any risk identification contacts made by Cafcass
  - Issues arising from screening or risk identification
- 4.13 Advice to court should be made once the information received has been analysed, up to the limits of the professional judgment possible (on limited information).
- 4.14 The Safeguarding Letter format provides a standard form of words for letting the court know if we have given the parties a copy of the letter. Though this should be our general practice, letters should not be shared with other parties where to do so would put either of the parties or the child(ren) at risk or, without data subject consent, reveal sensitive personal information about one of the parties to the other party. Where it is not appropriate to share the letter, the court’s directions about disclosure should be sought. [Rule 12.73 of the 2010 Court Rules](#) sets out the list of those to whom information can be generally disclosed. However, if the sensitive aspects of the letter are relevant, the court may order disclosure, so that the parties can make representations about the information. All letters sent to solicitors should be sent in a manner that is compliant with the Cafcass [Information Assurance Policy](#).
- 4.15 Disclosure of information to outside bodies such as Multi Agency Risk Assessment Conferences (MARACs) may also need the agreement of the court, unless a child is in imminent danger when [Working Together](#) principles justify the release of relevant information. Referring a child to another agency for help requires parental consent, but is an important part of our work, so that children in private law cases and their parents receive help from appropriate local support services (UNCRC, Article 18). The court should be advised when such referrals are made. All teams should maintain an up to date local resource directory for this purpose.
- 4.16 The Safeguarding Letter, combined with attendance at the first hearing, completes the work to first hearing phase of private law work. Depending on the nature and level of concerns that are identified, it may be necessary to make a child protection referral to the relevant local authority, in which case the court should be informed.

## Work at the first court hearing

### 4.17 The court will consider:

- Risk identification followed by active case management including risk assessment and compliance with the [Practice Direction 12J: Child arrangements and contact orders: domestic violence and harm](#).

- Whether the Applicant has complied with the requirement to attend a MIAM and, if not, whether proceedings should be adjourned to enable the Applicant to attend a MIAM, with or without the respondent.
- Whether, and the extent to which, the parties can safely resolve some or all of the issues with the assistance of the FCA and any available mediator.
- The avoidance of delay through the early identification of issues and timetabling, subject to the Allocation Order.
- The appropriateness of any consent order agreed by the parties.
- If agreement is not reached, whether it is appropriate to order a contact activity, particularly a [Separated Parent Information Programme](#) (SPIP), in cases where safe and beneficial contact is an achievable objective.
- In cases where a Cafcass report is required the court will direct, in the order, which specific matters relating to the welfare of the child are to be addressed. General requests for a report on an application should be avoided. In many ways, this is similar to a letter of instruction.

#### 4.18 What Cafcass is expected to do:

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

## Work after the first hearing (WAFH)

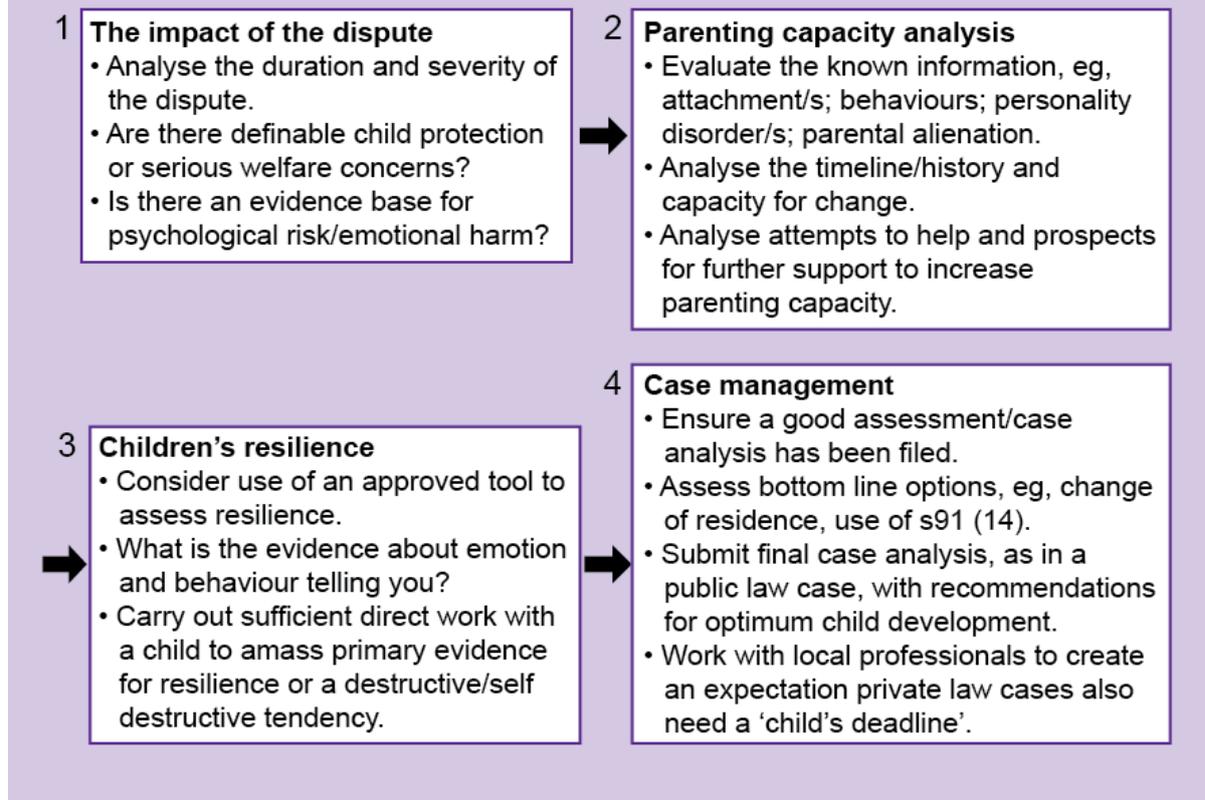
4.19 An increasing number of private law cases have similar features to public law cases e.g. child neglect; domestic abuse; substance misuse; mental health issues; post-separation threats or remote control by one ex-partner over the other; or excessive negative stereotyping and/or implacable hostility by an ex-partner and the consequential 'alienation' of a child from one parent. Such behaviour can be so severe it becomes emotionally harmful or abusive to an individual child. 'Implacable hostility' cases are particularly difficult to assess and resolve. A combination of the above factors should normally result in a firm recommendation for a s7 report, or a Rule 16.4 appointment. An agreed filing time should be set with the court. The court will specify which matters relating to the welfare of the child are to be addressed within the report, setting a timescale proportionate to the issues in the individual case.

### **BRIAN CANTWELL: TYPOLOGY OF PARENTS IN CONFLICT**

- Temporarily dysfunctional – history of good parenting; collaboration; some awareness of impact of conflict on children; some willingness to accept help
- Significantly conflicted – quite volatile; history of poor communication; genuinely wish resolution but find it difficult to achieve; need tight clear contracts/written agreements
- Stuck in conflict – unconscious interest in keeping the conflict going; great difficulty in putting children's needs first; usually needs firm court and social work control

4.20 Cafcass policy is to continuously reduce court filing times. Local areas use different strategies to achieve this. A pilot in A8 is looking to carry on work as soon as possible after the first hearing, to shorten filing times still further. The potential time created in the case can also be used by the allocated practitioner to organise any other work that needs to be carried out e.g. obtaining a school report or an expert's report. Business support staff can also support case progression in these circumstances.

## The framework for a case analysis in a private law case



### 4.21 When working on a private law case, practitioners should:

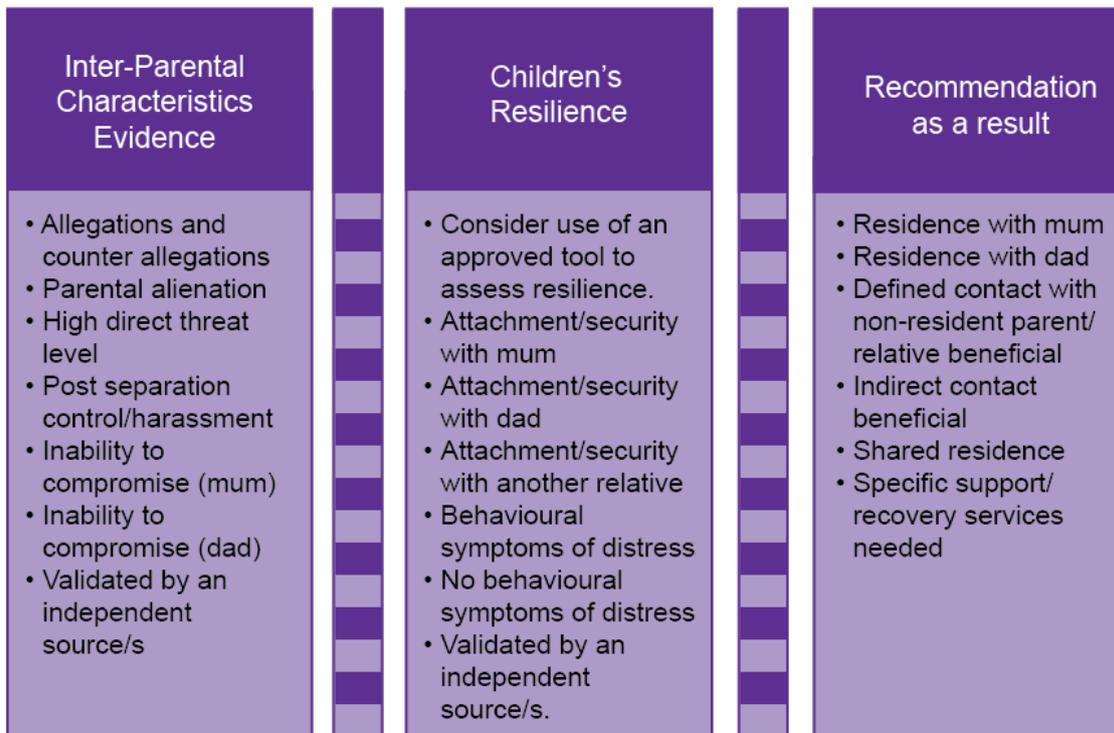
- Decide on the need for wider safeguarding checks with relevant agencies other than the police and local authority (e.g. schools, health visitors, probation). The prior consent of the subject of the wider check should be obtained and, if refused, a court direction sought. If the wider check relates to a child who is not of sufficient age or level of understanding to give informed consent, the practitioner should obtain the consent of a person with parental responsibility for the child and, if this is refused, should seek a court direction.
- Think in terms of a root cause analysis of the nature and trend line of the dispute, reading all relevant past court papers, to be able to project the most likely scenarios in the future e.g. non-molestation orders; injunctions; and earlier Cafcass, local authority or child care agency records of involvement.
- Explore with individual parties the results from checks and what they mean for the child now, e.g. analyse the current relevance and impact of historic convictions.
- Make clear to the court which factual issues are disputed or unclear and their potential relevance to the case. The emphasis is always on relevance and vulnerability. It is for the court to determine whether or not to convene a fact finding hearing.
- Focus on what advice/recommendations can and should be given to the court in order to keep the child safe and promote her/his welfare, and what action has been taken if necessary to protect the child from short or long-term damage to wellbeing that may result from actions or omissions by specific adults. Use the Framework for a case analysis in a private law case (see the diagram below).
- Focus enquiries on the impact on the individual child of family breakdown. Children do not always reveal the scars of relationship breakdown, though they may show emotional and/or behavioural disturbance. Some children are more resilient than others.

- Consider that the impact on children may include an impact on schooling. Information from the school about any change in behaviour or disruption of learning as a result of relationship breakdown is important. Health professionals who know the child or family may be consulted.
- Where appropriate, recommend available support services that could make a difference in the particular case. Before recommending a [family assistance order](#), practitioners should always consider whether there are other services outside Cafcass such as a therapeutic intervention or an addiction service which would be of more assistance to the family. Services to be considered include a [Parenting Information Programme](#) (SPIP), mediation, (if a mediator is likely to be available locally), Child Contact Services, and Alcohol Counselling Services (see the CAP for more information on alternative support).
- Keep in mind that private law cases can sometimes be politicised by a party against the other party, Cafcass, or the family justice system. However, the politicisation of a case invariably distracts attention from the specific issues within a specific family for the child in question.

4.22 Tools to support work in private law cases, and a matrix for how and when to use them, is available on [the intranet](#).

4.23 In private law cases, it is rarely possible to resolve all the emotional issues children are experiencing and may go on experiencing even if the quality of our work and the court process is as effective as it can be. Recommendations to court should follow the evidence base in the case, taking into account inter-parental characteristics and children’s resilience (or not) (see below). The above framework sets out the most important issues to consider in a private law case analysis. Where possible, a benchmark case analysis should be written, either a s7 report by the agreed filing date or an early case analysis in a longer-running case.

4.24 Cafcass will support strong judicial case management of intractable private law cases, so that cases do not drift with all the uncertainty and insecurity that can bring to children.



## Dispute Resolution Appointments (DRA)

4.25 The court can, where this is in the interests of the child, list a Dispute Resolution Appointment (DRA) to follow the filing of the s7 report or SPIP completion. At this hearing the court will resolve or narrow the issues and consider whether the DRA can be used as a final hearing; where this is not possible the court will identify matters to be resolved at the final hearing. The s7 author will only attend a hearing if directed to do so.

## Rule 16.4 Appointments

4.26 Rule 16.4 cases typically involve children who have been subject to entrenched and emotionally harmful parental conflict. Cafcass aims to work actively, in a focussed and targeted way, towards safe and positive outcomes for children in these circumstances. Work should remain child, rather than adult, centred. The objectives of reducing harmful delay, reducing the number of hearings, avoiding the excessive use of experts, and avoiding case drift apply to 16.4 cases in the same way as they do in any other type of family proceedings case. A case management framework similar to that operating in public law is increasingly being applied to these cases, with final hearings being set within 26 weeks in some local service areas. Local protocols between Cafcass and the judiciary regarding the appointment of 16.4 guardians and case management can help to assure these objectives are met. Training in respect of 16.4 cases, utilising this guidance, is available by attending the 'sharp end of private law' internal training course.

4.27 An example protocol for Rule 16.4 cases, from Exeter and Plymouth Care Centres, is available on [the private law page](#) of the intranet.

The process to be followed for Rule 16.4 cases is as follows:

### 4.28 Actions for the Service Manager

- [Practice Direction 16A](#) states that the court will “cause preliminary enquiries to be made of Cafcass” before appointing an officer of Cafcass.
- The guidance on circumstances in which appointment of a 16.4 guardian would be appropriate is set out in Practice Direction 16A. Cafcass managers should be aware of its content and refer to it when responding to requests for the appointment of a 16.4 guardian.
- In formulating a verbal or written response to requests for a 16.4 appointment, the Cafcass manager should consider the nature of the identified concerns and whether an achievable outcome can be identified and whether this could equally be achieved through an alternative such as assessment under s.7.
- As an alternative to the appointment of a 16.4 guardian, and if there is a view that the situation may warrant the making of a care or supervision order, the court could be invited to direct the LA to produce a s37 report. If, at the same time, the court makes or is considering making an interim care order, then the proceedings become specified and a children’s guardian would be appointed. However, this would not be a r.16.4 appointment.
- Where the court has decided it is necessary to make a child a party to proceedings, but where social work input from Cafcass is not required, the court can direct that ‘some other person’ be appointed as guardian, under rule 16.24. This has the benefit of joining the child as a party without unnecessarily tying up Cafcass resources. If social work input is required during the proceedings, the court may still order a s7 report from Cafcass to deal with a specific issue, but the FCA can then withdraw, having completed the work.

4.29 The case should be reviewed on receipt of the order and the review should cover:

- The duties of the guardian, set out in Practice Direction 16A
- Reference to the overriding objective
- Considering whether the case could be more appropriately referred to some other person, such as NYAS (please see the [Cafcass-NYAS protocol](#)).
- It is beneficial for the aims of the appointment to be specified in the order.

- The position set out in the [Cafcass/ADCS good practice guidance](#) is that the duplication of agency involvement should be avoided. When there is an allocated social worker and a request for a guardian is made, it may be helpful to refer to the Cafcass/ADCS guidance.

4.30 The management overview of allocation must be recorded on the contact log.

#### 4.31 **Actions for the FCA upon appointment**

- Appoint a solicitor for the child in accordance with [Cafcass guidance](#).
- Update the case plan. This should include reference to the key issues including, but not limited to, what has been ordered and a clear definition of the role of the FCA in the case, and the steps to be undertaken before the next hearing.
- Within the first week of the appointment, consider convening a planning meeting with advocates and parents and/or request an early directions hearing to inform the timetabling and the objectives of the appointment.

#### 4.32 **During the life of the case**

- Case review/case consultation/management oversight should occur at appropriate intervals to ensure the case is on track and not drifting.
- If following initial assessment there is no realistic prospect of change, report on this basis and provide alternative recommendations, being clear in the report there is no further role for Cafcass.
- Use the case analysis template to report to court.
- At case closure reflect upon and record the added value provided through your input, consider obtaining feedback from service users.

### **Addendum or sequential reports and adjournments**

4.33 Addendum reports should be rare and only requested or commissioned if a case needs a short piece of follow-up work. Recommendations for adjournments and reviews should also be short-term and for a specific purpose where a short piece of work can resolve the issues in the case without the need for a specific order. The use of an adjournment with liberty to restore is a positive alternative to a review hearing.

### **Extensions to filing times**

4.34 An extension to an agreed filing time for a s7 report should only be requested, with the agreement of a Service Manager, where one or both of the following criteria are met:

- The need for additional enquiries, either because of a late change in circumstances, the absence of co-operation from one or more of the parties or because relevant information becomes available at a late stage.
- Last minute unavoidable factors.

4.35 Early communication with the court by the practitioner or business support staff is essential. If agreement to an extension is not granted and communicated to parties, the report should be filed based on the information available at the time, noting gaps where there has been a lack of co-operation or where further information is awaited.

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

4.37 Where a lack of communication on the part of Cafcass with courts and/or parties leads to a hearing not being able to take place or being ineffective, a wasted costs order may be made against

Cafcass, for example where we have not communicated in advance that we cannot do the work, or we do not attend court when directed to do so. Wasted costs must not be incurred as they divert funds away from frontline services where they are most needed. Staff must take the steps outlined in the note – [Costs Orders: How to avoid them and what to do about them](#).

## Working with litigants in person (LIP)

4.38 Whilst we must support litigants in person, also known as litigants without lawyers, as much as we can, we must not give legal advice, nor should we ever provide a legal or paralegal service e.g. we must not help a LIP write a statement, nor complete a Scott schedule etc. LIPs must be referred to any available local advice or support service or for the relevant web-based support. In the event that the judge has concerns about the capacity of a LIP, the judge will consider guidance issued by the [Family Justice Council](#) in relation to assessing the capacity of litigants.

## Guidance on activity directions and conditions and the monitoring of child arrangements orders

### Making and Monitoring of Activity Directions and Conditions (sections 11E and 11G)

- 4.39 Section 11E Children Act 1989 enables the court to ask a Cafcass officer ('an officer of the Service'), when considering making an activity direction (AD) or imposing an activity condition (AC) to provide the court with information about:
- Whether the activity appears to be appropriate;
  - Whether the proposed provider of the activity is suitable;
  - Whether the person who is to be subject to the direction or condition can reasonably be expected to travel to where it will be provided;
  - The individual and the likely effect of the direction/condition on him/her.
- 4.40 An AC can only be made when a court makes or varies a section 8 child arrangements order. Section 11G enables the court to ask the Cafcass officer to monitor or report on compliance with any AD or AC. An AD can be made at any time when the court is considering making, varying or discharging a section 8 child arrangements order.
- 4.41 Currently, there are two types of activity:
- Separated parents information programmes (SPIPs) (the providers of which are commissioned by Cafcass on behalf of the Ministry of Justice). These comprise two two-hour group work sessions and are free of charge to attendees. The sessions are mixed, in that they involve parties who are either applicants or respondents, though parties in the same individual case attend different groups.
  - Domestic violence perpetrator programmes (DVPPs) (the providers of which are also commissioned by Cafcass on behalf of the Ministry of Justice). These provide an intensive programme of group work and other interventions and are also free of charge to attendees.
- 4.42 Before making an AD or AC, the court must satisfy itself about the appropriateness of making a direction/imposing a condition. The court must consider:
- The local availability of activities (information about approved providers may be found on the intranet);
  - The accessibility of the location of the activity;

- The suitability of the party to participate in the activity (taking account of religious beliefs and work/education commitments), and;
  - The likely effect of undertaking the activity.
- 4.43 While the court must also consider the suitability of the provider, this issue has been addressed by ensuring that all providers are commissioned by Cafcass. The child's welfare is the court's paramount consideration.
- 4.44 In practice, the Cafcass officer is very likely to have suggested to the court, usually at the FHRA, that participation in a SPIP might be appropriate in individual cases, though such a view may also be expressed in a s7 report or orally at a subsequent hearing. If the court is minded to act on such advice, it might ask the Cafcass officer to provide information about the issues listed above.
- 4.45 In practice, the attitude of the party towards undertaking the activity will be a key element of whether or not they are suitable. This will be an important factor to address in any oral or written report to the court, so that the court can be given the best possible information about the party's suitability and the likely impact of the programme. DVPPs are focused on the one party who has conceded, or where it has been found through a finding of fact, that they are responsible.
- 4.46 In accordance with section 11G, the court may decide to ask the Cafcass officer to monitor whether the party (or, more usually, the parties) attends the activity. Cafcass is under a duty to provide this information to the court. In addition, the court may also ask Cafcass to provide information about the impact, beneficial or otherwise, of attendance, in terms of helping to address the issues in the case. Both elements will require there to be liaison with the provider, information from which should be reported to the court, together with any additional Cafcass analysis and recommendations.

#### **Requirement to monitor contact and shared residence (section 11H)**

- 4.47 When the court makes or varies a section 8 child arrangements order (including an order providing for a child to live with different persons at different times) it may ask a Cafcass officer, who is under a duty to comply with the request, to monitor whether a specific individual complies with the order. The individual named in the order can be someone who is required to allow contact, someone with whom the court expects the child to have contact, or someone who is subject to conditions under section 11(7)(b). The Cafcass officer may be asked to report to the court on matters which the court should specify relating to compliance.
- 4.48 The period of monitoring may not exceed 12 months.
- 4.49 The s11H provision should be focused on those cases where the arrangements for the child(ren) have remained in dispute throughout the proceedings, resulting in the judicial determination of the arrangements for the child(ren). The provision would not be used in cases in which consent orders have been made. However, where there is a strong feeling of dissatisfaction on the part of one or both parties, and there is evidence of past non-compliance, the court may consider that the imposition of a monitoring requirement is appropriate. The consent of the parties is not needed.
- 4.50 If the court makes a request under s11H it should (unless the Cafcass officer is present) inform Cafcass as soon as possible and provide Cafcass with a copy of the child arrangements order or the variation of the child arrangements order made.

- 4.51 The Cafcass officer who has provided the court with a report under s7 may recommend that the court make a request under s11H, as part of the “stepping up” of advice to the court about future arrangements, or the court may make the request of its own volition.
- 4.52 When making a monitoring request the court can, under s11H(8), make directions that the individual specified in the order provides information to enable the Cafcass officer to comply with the request for monitoring. This may include providing contact details/telephone numbers, responding to telephone calls or voicemail messages from Cafcass, or providing reports to Cafcass following contact.
- 4.53 The focus of the monitoring should be on the issue of whether there is compliance with the terms of the order. There is no expectation on the Cafcass officer to undertake work to re-establish the arrangement where there is non-compliance. The act of monitoring is neither a punitive nor a welfare intervention. The level of frequency of the monitoring is likely to vary between cases and across time, according to the specific circumstances of the individual case.
- 4.54 The monitoring carried out by Cafcass will usually take the form of telephone contact with the parties during which the Cafcass officer will attempt to identify whether the order has been complied with and, if not, why not. Information about compliance with an order can be provided by one or both the parties. The Cafcass officer will not, unless directed by the court, usually see the child.
- 4.55 The monitoring provision should not be imposed by the court as a way of reviewing the progression of contact e.g. from visiting to staying contact, as the Cafcass officer in their advice to the court should have addressed how any progress should be managed. It should be an order made in cases where there have been problems with compliance in the past.
- 4.56 The court may request that it be notified in writing about the outcome of the monitoring, either at the end of the monitoring period if compliance has been adequate, or at an earlier stage if the Cafcass officer forms the view that compliance is inadequate. Non-compliance may take the form of an absolute refusal by the parent to permit a child to spend time with the person named in the order. Alternatively, non-compliance may take the form of a chronic series of more minor failures to observe the terms of the child arrangements order. In both situations, the court (and those subject to the order’s provisions) should be informed in a timely way about the non-compliance identified by Cafcass.
- 4.57 If the court has requested a report, and the proceedings have not concluded, the Cafcass officer can notify the court of any non-compliance in advance of any future hearing. If the court has made a final order it will be for the party who is not the subject of the monitoring to make an application for enforcement.
- 4.58 The s16A duty continues to exist throughout the period of the monitoring.

## Section 5: Adoption and surrogacy cases

5.1 The [Cafcass Adoption and Surrogacy Handbook](#) contains a full range of practice guidance and other documents relating to adoption. The Handbook covers the following areas:

- Adoption – which form do I use?
- Guidance for Placement proceedings
- Guidance for Witnessing Consent to the Making of an Adoption Order (in Partner and other Non-Agency Adoptions)
- Guidance for Adoption Proceedings and Section 84 Proceedings
- Good Practice Guidance for Adoption Agencies and Cafcass: Children Relinquished for Adoption
- Inter-country Adoption Guidance
- Guidance for Parental Order Reporters
- Guidance on Donor Assisted Conception

### Adoption

5.2 In public law care cases, adoption is an important permanence option to consider for children who cannot return home. It is generally the permanence option of choice for very young children who have no viable extended family member available to care for them. The main permanence options in care cases for children who cannot return home are kinship care, long-term fostering, special guardianship or adoption (UNCRC, Article 20). The case analysis should evaluate the pros and cons of viable alternative permanence options.

5.3 Adoption can be adoption from care, partner adoption, adoption by a relative in a private law case, inter-country adoption, or adoption of a baby relinquished by her or his mother. The role of Cafcass is to act as Children's Guardian or Reporting Officer. Possible applications are:

- An Adoption Order application
- A Placement Order application
- An application for Contact after placement/adoption. NB: there may be no application for a Contact Order but the court must still consider the contact plan/s
- An application for parental responsibility for a child brought into the country for the purpose of adoption

5.4 The role of Cafcass in adoption can include pre-proceedings consent (for children who are to be relinquished for adoption before any application is made), or obtaining the consent of a parent to adoption and/or placement.

5.5 The main tasks of the practitioner are to:

- Keep in mind the overriding responsibilities to safeguard the interests of the child and to avoid delay
- Scrutinise the key documents, e.g. assessments, Adoption Panel minutes or the minutes of pivotal meetings considered by the Adoption Decision Maker (ADM)
- In care cases, to read the care plan/s made at the time of the Care Order and Placement Order. If substantial changes have been made, and especially if these appear to be contrary to the wishes of the child or parents, these should be discussed with the IRO and the court alerted to these changes
- Identify if a particular child needs a permanence placement and if adoption is the placement of choice
- Consider the timetable for the child, and avoid unnecessary delay
- Make sure adequate information is provided by the court and, if appropriate, the local authority or adoption agency, so that cases can be dealt with without delay
- Write to the relevant individuals in the application. The letter should set out the nature of the practitioner's appointment, what enquiries the practitioner intends to make, the proposed

arrangements to meet and the practitioner's contact details. If writing to birth parents, letters should be marked private and confidential and sent securely

- Ensure work is undertaken within the timetable for the child (where relevant, as set by the court)
  - Take account of the Welfare Checklist set out in section 1 of the [Adoption and Children Act 2002](#), which includes consideration of the effect on the child of becoming an adopted person and ceasing to be a member of the original family. The consequences for well-being and personal identity are crucial factors to consider, including the potential value of continuing contact with a member of the birth family and, if so, whether such contact will be facilitated by an order for contact made at the time of the placement order, or, in exceptional circumstances, an order for contact to be made at the time of the Adoption Order.
- 5.6 Successful adoption hinges upon successful relationships so the quality of the adoptive parents' relationship with each other and their own significant others, as well as the quality of any parenting she/he/they may have already undertaken, are key areas of the adoption agency's work to quality assure.
- 5.7 The public law screening framework applies in those cases where Cafcass is scrutinising the social work of an adoption agency, so that cases can be progressed without delay.

## Surrogacy

- 5.8 Arrangements for surrogacy in the UK are governed by the Human Fertilisation and Embryology Act 2008 and the Human Fertilisation and Embryology (Parental Orders) Regulations 2010. Commercial payments or brokering of surrogacy arrangements are illegal in the UK and surrogacy contracts drawn up in advance are not enforceable. However, couples who have entered into surrogacy arrangements are able to apply to the court for a Parental Order, which, if granted, confers onto them the status of legal parents.
- 5.9 The role of the Cafcass practitioner in such cases is to act as the Parental Order reporter. Their duties are as follows:
- Identify what information needs to be available for the court to make a decision about the application
  - Ensure that all criteria for making a Parental Order are met;
  - Applying the adapted 2002 Welfare Checklist to establish if there is any reason why the Court should not make a Parental Order;
  - Demonstrate the child's best interests both in what needs to happen now and what needs to happen to meet predictable future needs, such as issues addressing the child's sense of identity and belonging (including where there is a genetic or ethnic difference) and any contact arrangements with the surrogate (and her partner and children if applicable).
- 5.10 Surrogacy cases can involve complex legal issues about legal parenthood and parental responsibility. Guidance on these cases is available in the [Adoption and Surrogacy Handbook](#). The Handbook also contains information on donor assisted conception. A [key messages from research document](#) is also available.

## Cases with an International Element

- 5.11 In some adoption and surrogacy cases there may be an international element. For example, this can be where adopters apply to adopt a child from overseas or where a couple enter into an arrangement with a surrogate overseas.
- 5.12 Cafcass' role in inter-country adoptions differs depending on whether the child is from a Hague Convention Country; whether the adoption order (made in the country where the child is from) is or is not recognised in the UK. The Cafcass Guidance on Inter-country Adoption, contained within the Adoption and Surrogacy Handbook, includes information and advice for practitioners on Cafcass' role in these cases.

- 5.13 In surrogacy cases, the Parental Order Reporter will need to make enquiries into the circumstances of the child's birth. Where there is uncertainty about the implications of surrogacy arrangements made overseas, the practitioner should consult Cafcass Legal.
- 5.14 Practitioners should carry out casework abroad only where it is required to carry out the work ordered by the court and where there is no viable alternative way of making the necessary enquiries. In any case where the possibility of casework abroad arises, practitioners and Service Managers should consult the Casework Abroad Policy which sets out:
- the process practitioners should follow in considering whether travel abroad is required in order to carry out what has been ordered by the court;
  - alternative ways that the necessary enquiries could be made without the practitioner travelling abroad;
  - how Cafcass can support the court to make appropriate directions in cases which could involve practitioners carrying out casework abroad; and
  - what practical steps should be taken by the practitioner, Service Manager (SM) and, where necessary, the Assistant Director/Head of Service (HoS) to help promote the safety of the practitioner during enquiries abroad.
- 5.15 Other international cases may be covered by the Hague Conventions of 1980 and 1996 on Child Abduction and/or Brussels II revised, generally referred to as BIIR (known as Brussels 2R). BIIR is an EU Regulation that came into force on 1 March 2001. It is concerned with jurisdiction and includes the recognition and enforcement of orders relating to parental responsibility for children within the 26 Member States of the EU (excluding Denmark). Article 55 of BIIR enables central authorities of Member States, either directly or through public authorities or other bodies, to collect and exchange information about children to facilitate co-operation between Member States.

# Section 6: Professional development and regulation

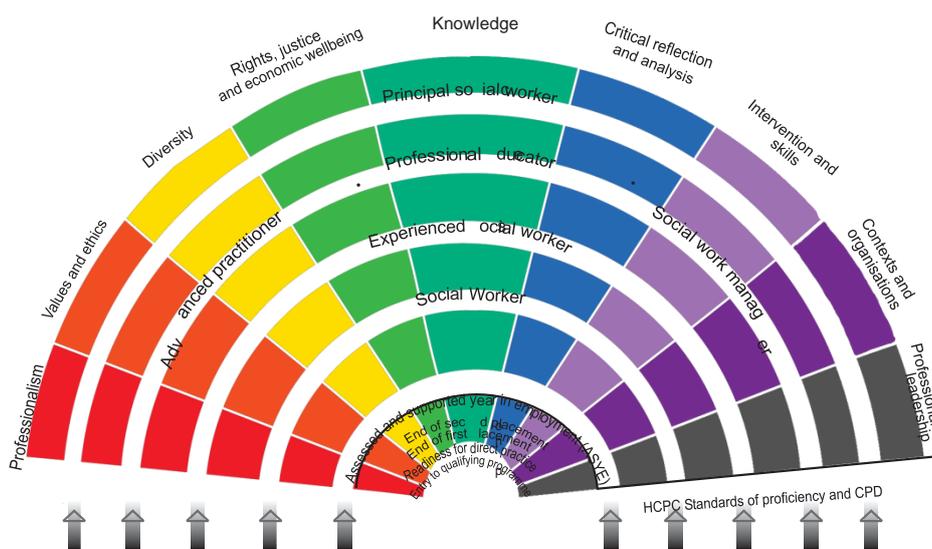
## External Regulation

- 6.1 Cafcass Family Court Advisers and Operational Managers at every level must maintain their registration with the Health and Care Professions Council (HCPC) as a condition of employment.
- 6.2 Cafcass is inspected by our inspectorate, Ofsted. From time to time, we can be audited and inspected by the National Audit Office (NAO), the Health and Safety Executive (HSE), and other inspectors and regulators. Our sponsoring Government Department, the Ministry of Justice, also assesses our performance on a regular basis and the Chair and Chief Executive of Cafcass meet the responsible Government Minister quarterly for this purpose.

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

- 6.3 We are working with the College of Social Work, with whom we are a corporate member, to make our continuing professional development programmes compatible with the social work profession's Professional Capabilities Framework (PCF), which features five clearly demarcated stages of professional development and nine professional capabilities (see the rainbow/fan diagram below).
- 6.4 The framework absorbs existing post-qualification levels and is based upon four progressions via pathways through five stages of professional development:
  - From the first post-qualifying Assessed and Supported Year in Employment (ASYE), which replaces the NQSW framework – to Social Worker
  - From Social Worker to Experienced Social Worker/Practice Educator
  - From Experienced Social Worker to Advanced Practitioner/Professional Educator
  - From Advanced Practitioner to Principal Social Worker.
- 6.5 Cafcass will use a combination of self-regulation, performance management and quarterly performance and learning reviews to support staff progress through these stages and to maximise the number of practice, performance and professional educators in the workforce.

Professional Capabilities Framework for Social Workers



## Internal regulation

### Performance Management

- 6.6 Cafcass operates a respectful performance management system which emphasises personal accountability and learning, and support from the organisation to raise standards. The emphasis is on learning, not grading. Whilst grades of 'good', 'met' and 'not met' are used as benchmarks, feedback on performance is provided directly to staff in the form of learning points. Where work is assessed as 'not met', staff should be given clear guidance as to what they need to do to ensure that it is 'met' or 'good' in the future, and what learning and development resources are available to support this improvement.
- 6.7 Individual staff with performance gaps will be supported through a time-limited development plan. This plan will be drawn up and reviewed in supervision, though more formal procedures such as Practice Improvement Notices (PINs) or formal performance capability measures. Our first consideration is that if something goes wrong, the main demonstration of our accountability is to make sure it does not happen again by instantly applying the learning. This is an action-learning model.
- 6.8 All Family Court Advisers are assessed annually in their safeguarding practice, through an analysis of a sample of files undertaken by their line manager.

### Expectations of the agency

- 6.9 In order to be able to achieve a consistently 'good' performance, staff must first understand what is required of them (see below for examples).

#### Expectations of the Agency During Casework

##### Enquiries and Actions that will always be undertaken

- Seeing the child in every active public law case and all private law cases beyond the first hearing. Where this does not happen, the professional judgment for why this did not happen will be recorded on the case file.
- Taking the minimum steps necessary to understand the situation a child faces and either how that can be improved, or to identify for the court the least detrimental alternative.

##### Enquiries and Actions that are a matter of professional judgment

- Interviews with professionals and family members
- Who to interview
- How to gather relevant information
- The content of a case analysis and/or recommendation/s to Court (unless work is being scrutinised under a development plan)

##### Enquiries and Actions which need the prior approval of the service manager

- Attending meetings / conferences / court hearings where it is neither a pivotal meeting / hearing nor is the case at a defining stage.
- Making recommendations which commit Cafcass resources, including further work by the FCA beyond the next hearing.

# Self-regulation

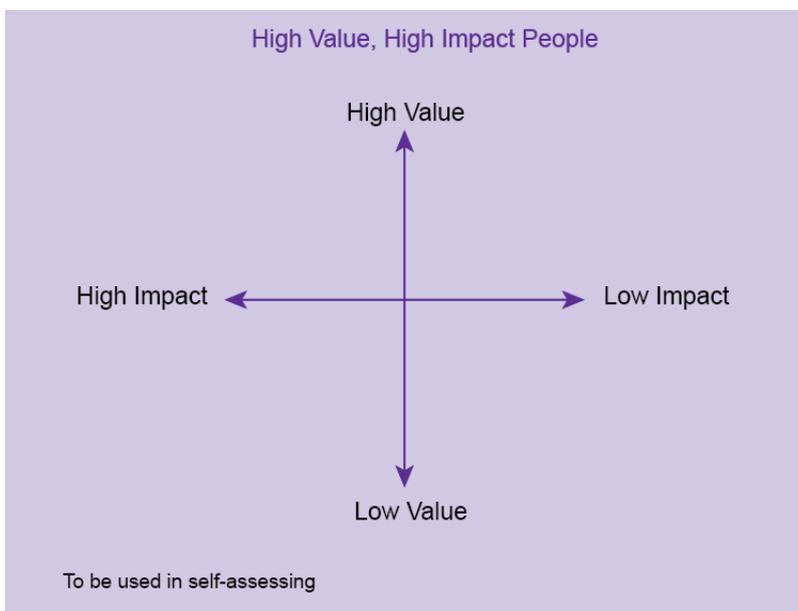
## Definition of self-regulation

- 6.10 The Cafcass Operating Framework is a strengths-based framework, emphasising self-efficacy and self-directed learning. Self-efficacy is professional confidence about being able to do a job effectively despite an often high or acute level of technical or operational difficulty. People with high self-efficacy skills are more likely to view difficult tasks as challenges to be overcome rather than obstacles to be avoided. The challenge Cafcass faces is to do more with less and to do it to a higher standard.
- 6.11 Staff will self-assess their own work as part of reflective practice (all grades and roles) in line with agency policies and procedures.

**Self-regulation in Cafcass**

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

- 6.12 Self-regulation is also dependent upon the understanding and internalisation of agency requirements. Cafcass is a disciplined organisation, so staff who self-regulate must be 100% compliant with the organisation’s detailed requirements.
- 6.13 Social work in the family courts has to be based on authoritative practice and has to be carried out confidently. It cannot become defensive practice based on risk-averse decision-making. Establishing a culture of stronger self-regulation helps to build higher levels of confidence and trust internally and externally, and to create the highest possible positive impact in our work, particularly ‘acting on the system’ as a change agent, on behalf of the child.



6.14 Self-regulation also extends to the use of Cafcass property and equipment with all staff being responsible for the sensible and safe use of equipment. This includes ensuring that equipment is only used by the designated user: that passwords are not shared, and that laptops and mobile phones are stored securely, with any losses immediately reported to the Office Manager so that the account can be suspended. Another example is that Cafcass must be reimbursed for any personal calls made on a work phone (for further information, see the [IT Security](#) and [Mobile Phone](#) policies).

## Support

### The rights and responsibilities framework

6.15 Cafcass aims for a strengths-based and high trust psychological contract between employee and employer.

6.16 These expectations are underpinned by the rights and responsibilities framework set out below. By support, we mean:

1. Managers at all levels have a responsibility to articulate and establish a supportive operational culture based upon risk-sharing in complex cases – no member of staff should be left alone with a case.
2. Managers must be accessible to their staff at all times for day-to-day support with their work – immediate advice, consultation and situational supervision.
3. Staff carrying out emotionally draining work will be supported emotionally and psychologically to become as resilient as possible, and, as set out in 1 above, will be supported by the organisation so they do not feel they are bearing risks or burdens alone. Risk sharing between practitioners and managers is a fundamental principle in Cafcass.
4. All national teams and managers must be accessible to frontline teams and staff at all times to support their work.
5. Cafcass nationally will put in place as much additional support as possible for those teams that need it.

Rights	Responsibilities/Accountabilities
the right to be treated with respect	respecting others
managers foster a culture of collaboration	supporting colleagues, attending team meetings
job satisfaction (professional pride; a sense of fulfilment)	readily adapting a personalised way of working to new circumstances
the right to management support	being able to self-regulate by ensuring work meets standards and is compliant with policy
the right to be engaged in all decisions taken about my job, my workplace, and the way I am required to work	to influence proposed change/s as best I can, suggesting realistic alternatives and solutions
the right to be seen for my strengths as well as my weaknesses, in balance and in proportion	to respond positively and quickly to anything I need to change
to have a reasonable workload	to respond to the needs of the organisation
that Cafcass will take active steps to make my job manageable	to be as efficient and effective as possible, recognising the limitation of resources, including time
the right to a transparent allocation process	to close cases promptly, and to be available and positive about taking on new work

the right to be fully involved in the work of my team or service area	to contribute to the best possible consensus and/or solution to any identified team or service area problem
the right to work flexibly	the responsibility to ensure that flexible working is compatible with the operational needs of the service

## Promoting an anti-fraud culture

6.17 Cafcass has historically encountered low levels of fraud but no organisation is immune from this risk. We believe this low incidence comes from employing people who can be trusted as well as operating a reliable and robust system of internal controls. We ask everyone to be vigilant to the risks of fraud. If you suspect there may be any actual or potential instances of this, you must talk to your manager or use the [Whistle Blowing Procedure](#).

## Supervision

6.18 Supervision means ensuring that good advice and support is available to all staff, whatever their role, at the point of need. Such 'situational supervision' includes case consultation, problem solving and personal support. More regular performance, productivity and allocation discussions will also need to be held, given the complexity of our professional task. Reflective supervision and performance coaching will be given to every member of staff in quarterly performance and learning review meetings (PLRs), based around how learning has been applied and embedded in work from one quarter to the next. Flexibility about the frequency of supervision is important. For example, it may need to be more intense for new staff and for staff in performance measures or those who have additional needs.

## Quarterly Performance and Learning Review (PLR)

6.19 Supervision is a core task for line managers. Operational aspects, such as situational case consultation, feedback from the quality assurance process, and coaching, may be delegated to Enhanced Practitioners. Line managers personally feedback the results of practice audits, so that learning takes place through an established working relationship. Increasingly, Service Managers are taking on a practice education and professional education role for their staff. Learning and Development programmes are also becoming more team-based (see below).

6.20 The supervision of complex cases is a top Service Manager and Enhanced Practitioner priority, particularly in relation to the quality of our work and its added value. Enhanced Practitioners carry out case consultation and will often work with a small number of practitioners on specific areas for practice improvement. Performance and Learning Reviews (PLRs) are always carried out by Service Managers, but with the Enhanced Practitioner present and inputting into the PLR if he or she has been working directly with the practitioner.

6.21 Supervision can be organised as follows:

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

6.22 An agreed note or record of the supervision process should be retained on iTrent. Advice provided on cases by supervisors is a crucial aspect of appropriate management oversight and should be promptly recorded in the contact log. This is based on trigger points for the management overview.

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

#### KEY POINTS IN THE SUPERVISION POLICY

- Emphasises personal learning
- Proportionate to the needs of the case and the skill set of the member of staff
- Based on support at the point of need and quarterly performance and learning reviews
- Action plans become development plans, based on the changes to working practices to be learned and applied
- Development plans make clear the learning points for an individual or a team, and how improvement will be understood and measured

### Leadership and management

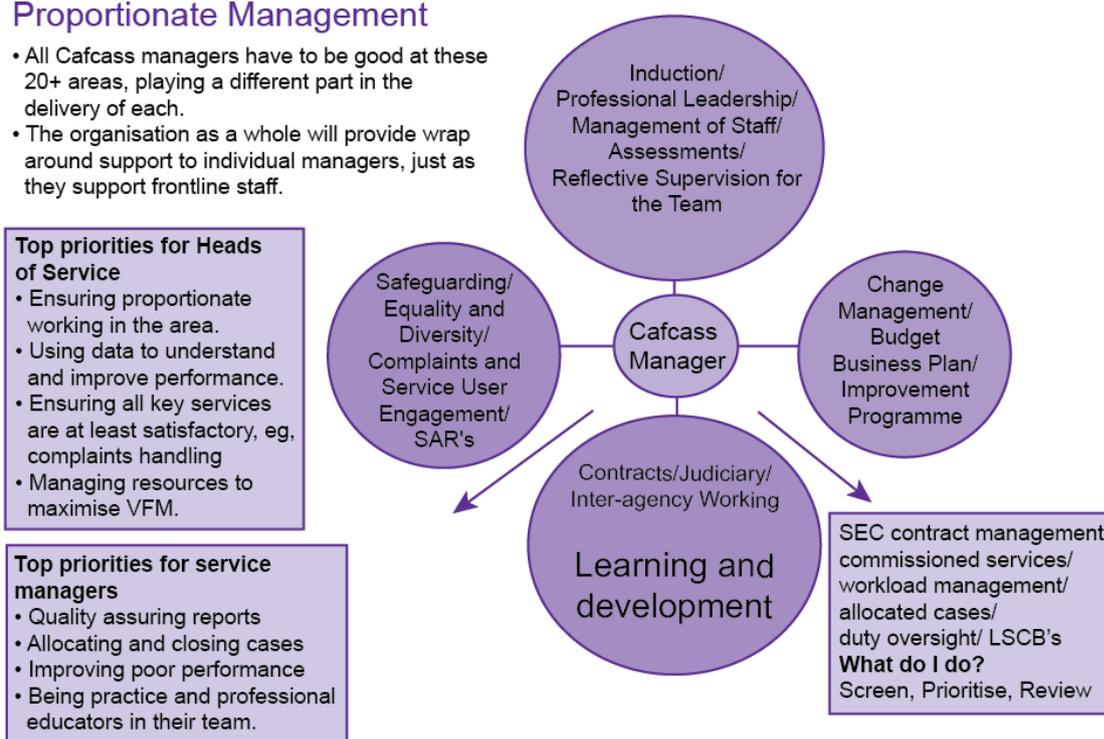
6.24 Effective leadership and management is a vital source of support to staff carrying out a complex professional task with limited professional time. Clarifying the professional task and teaching staff how to make best use of scarce professional time underpins the delivery of this Operating Framework.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

6.25 The Cafcass model of leadership and management is a model of simple management for complex work. Leadership and management in Cafcass is front-line facing, aiming to make every decision and strategy a supportive one for service users and front line staff. Our commitment to effective Day 1 interventions, for service users or a member of staff, is an illustration of this. Leadership is distributed in Cafcass – every member of staff is a leader in their sphere of work.

6.26 The diagram below illustrates the range of demands and requirements on Service Managers, Heads of Service/Assistant Directors, which individual managers need to prioritise according to the context in which they work.

### Proportionate Management

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



- 6.27 Learning and Development needs are identified for individual staff in quarterly performance and learning reviews. They can also be identified through file audits, self-auditing, learning from complaints and compliments, and many other sources of feedback.
- 6.28 The [Learning and Development Strategy](#) is linked directly to the [Workforce Strategy in Cafcass](#).
- 6.29 At the strategic level, enabling continuous learning and development (L&D) remains one of the highest organisational priorities. The aim is to provide all staff with the opportunity for personal and professional development in order to improve their performance and therefore outcomes for children and families, to engage and retain our best staff, and to encourage career pathways and 'stretch' within current roles. Managing talent at all levels is critical in moving Cafcass forward, as emphasised in the [Talent Management Strategy](#). At the individual level, the PLR discussion is the primary way of establishing learning needs and agreeing personal solutions. Discussions between managers and HR or NIS colleagues provide the mechanism for identifying learning requirements at team and national levels.
- 6.30 This model of continuous learning and development is premised upon the development of effective managers and leaders throughout Cafcass. In 2014-15 all of our managers will take part in a new Leadership Development Programme, aimed at supporting leadership development, innovation and creativity as well as ensuring that all of our leaders understand and adapt to the changing context in which we work.
- 6.31 The Learning and Development Strategy and the National Training plan remain the key vehicles for developing and improving practice.
- 6.32 Increasingly, Cafcass will modernise its approach to learning, encouraging self-directed learning and the use of 'resources' rather than courses. This can involve bite size/creative solutions delivered at the point of need using new technology, rather than always requiring face-to-face events. The MySkills platform is increasingly hosting a range of e-learning, video material, Powerpoints and other resources for staff to use independently or in team events.

## **Induction**

- 6.33 All new staff must be inducted in line with Cafcass policy so they become familiar with their role and requirements as soon as possible. Managers are responsible for ensuring their staff are properly inducted within the first few weeks of their start date. This is mandatory for all staff, including agency staff, as all staff will be expected to be fully functioning as soon as possible. Assistant Directors and Heads of Service monitor all inductions to ensure they take place and are effective.
- 6.34 All new staff must complete the mandatory online induction training accessible from the 'New Starters' page on MySkills.

## **Mentoring**

- 6.35 Cafcass offers a Mentoring Programme designed to provide confidential support outside of the line management relationship. Mentoring is different to supervision, and should be used as a support arrangement between an individual and another member of staff who can pass on knowledge and experience directly. Mentoring is important for new staff in their first three months in post. Responsibility for identifying and arranging a mentor sits with the line manager.

## **Workplace culture**

- 6.36 Cafcass requires each of its workplaces to be positive learning environments. This is a responsibility of all culture setters. Local managers have a particular responsibility for culture setting. The national organisation has a responsibility to ensure that all Cafcass cultures are healthy and that they are neither negative nor toxic.

- 6.37 Cafcass policies make it clear there is no place in the organisation for bullying or harassment of any kind. This is dealt with through the relevant internal procedure, depending on the situation and its context. There is a place for rigorous, supportive and challenging performance management.
- 6.38 A workplace culture support programme is in place to support greater individual and team strength and resilience. Cafcass policy is that all staff work in open plan together, whatever their role. It is not permissible for managers to separate themselves from their staff group in a 'manager's room'. Whilst most workplaces remain happy and healthy enough, the risk of a workplace becoming tense, hostile or even toxic has to be permanently guarded against. Cafcass has run a small number of 'Truth and Reconciliation' programmes during our history, in which local staff have been given access to an independent HR professional to discuss concerns that were not possible to express at the time of a workplace culture problem.

#### **THE WORKPLACE CULTURE STANDARD**

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

#### **Peer support and advice**

- 6.39 Peer support and advice is crucial in operational services. Peer support is maximised in high performing teams who use a strengths-based approach, with open channels of communication and with a local management team who are visibly supportive of strong peer relationships. The strongest teams see fellow team members as Improvement Partners.

#### **Business support input to local services**

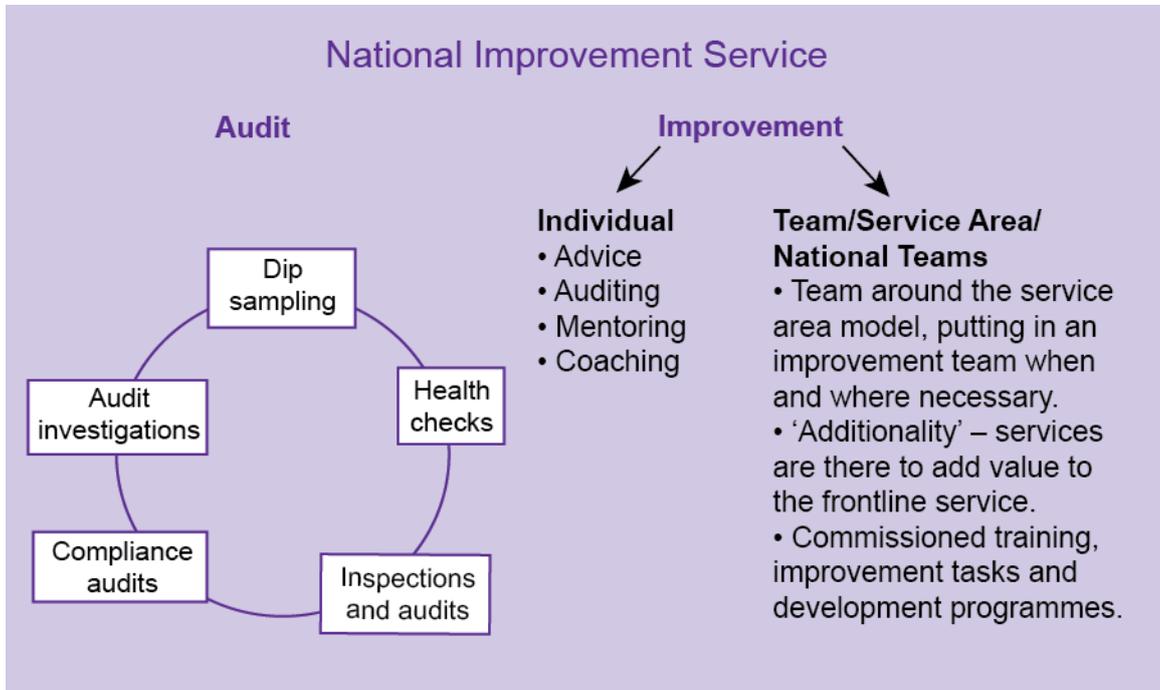
- 6.40 With the establishment of the National Business Centre in Coventry, and the centralisation of suitable transactional functions, the local business support role is to help service users and practitioners deliver the following priorities:
- Technical accuracy and support, e.g. data inputting, such as immediately inputting Court Orders; data extraction to support performance enquiries; and support/challenge to keep ECMS up to date.
  - Customer care, e.g. keeping service users informed of the status of their case and key developments/dates.
  - Progressing cases, e.g. through liaison with HMCTS about the timescale for making a hearing effective.
  - Providing direct support to practitioners, Service Managers and the Assistant Director/Head of Service, customised according to the needs of individuals, e.g. buddying, IT training, informing practitioners of court lists and upcoming appearances at court.

## The National Improvement Service (NIS)

- 6.41 The National Improvement Service supports practice improvement through a team of Improvement Managers who are commissioned by local managers to provide the services set out in the diagram below. The role of Improvement Managers is to support practice improvement, to disseminate best practice and to provide coaching and training to staff (also supporting Service Managers in their roles as practice and professional educators).
- 6.42 Improvement Managers will also support a range of tasks across the operational area as the need arises, such as carrying out Individual Management Reviews within the Serious Case Review requirement (trained Service Managers will do this less frequently), reviewing some complex complaints, s11 audits, etc.
- 6.43 Service improvement programmes take place in all service areas, as defined by the Assistant Director/Head of Service. Areas with additional needs are subject to an enhanced improvement programme, using a 'team around the service area' model, which can support the area to make the radical changes needed.

### Internal health checks and file audits

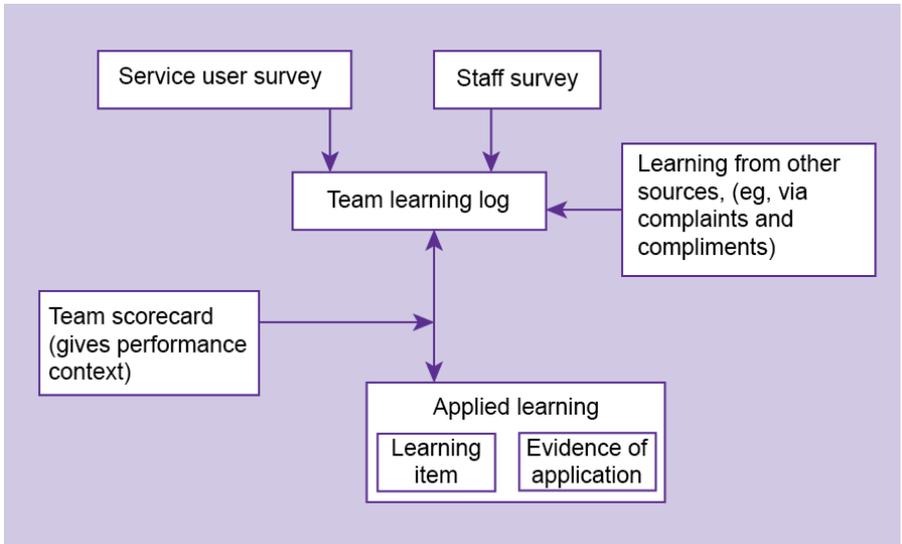
- 6.44 Area Quality Reviews (AQR) and file audits are an important internal assurance measure designed so that, if there is a problem, 'we get there first'. The AQR is an internal audit and challenge model which combines the pre-existing NIS health check with a peer review. The peer review team is led by an Assistant Director or Head of Service, supported by NIS managers, operational managers and, from April 2014, members of the Family Justice Young People's Board. The team makes use of existing performance data to assess strengths and weaknesses, as well as site visits to examine service effectiveness and capacity to improve. A key feature of the model is the involvement of key stakeholders to ensure Cafcass has a clear understanding of how it is viewed by our external partners.
- 6.45 All Cafcass service areas will be subject to an AQR as part of a three year rolling programme. The exception is if the National Service Director and/or Chief Executive require a specific check or internal inspection to be immediate and/or unannounced, or if an Assistant Director or Head of Service commissions an unannounced inspection to test the resilience of a local system without notice.
- 6.46 The methodology used in AQRs is standardised across the country and uses an applied learning framework so that the emphasis is on individual/team/area learning, set out in an action plan or a development plan. Any plans would be based upon the AQR results and disseminated through an AQR feedback workshop.
- 6.47 Benchmarking exercises are a means to achieving countrywide consistency of QA and practice, e.g. in how we write Safeguarding Letters. This has been a useful tool to analyse the rate of progress being made in an area and what needs to happen in the next period of change and improvement.
- 6.48 Moderation days within service areas are a good way of carrying out a benchmarking exercise between local Service Managers to ensure common standards are applied. All Learning and Development themes, collated from NIS activity, inform the development of the national training plan. This completes the cycle of continuous improvement.



## The Learning Process

- 6.49 The [National Training Plan and Strategy 2014-15](#) sets out the Cafcass methodology and programmes for Learning and Development. It sets out the principle that a national training delivery plan is produced annually setting out the key national training priorities for the coming year, how the impact of this training is measured and how training materials are accredited. The strategy also describes the core training modules that all newly appointed FCAs must complete within their first year in post. It establishes how local training needs can be met by commissioning specific inputs from NIS. The commitment to sponsorship of staff on Post Qualifying courses is also specified.
- 6.50 The Assistant Director for Learning and Development collates the practice learning from all sources within Cafcass, and produces the quarterly practice learning log, which is agreed with OMT. The learning log is then cascaded via Service Area Meetings and team meetings. The quarterly practice learning log report is included in the MIS data pack.
- 6.51 Individual and team learning is at the heart of the learning process (see team feedback loop illustration).

## Team Feedback Loop



## Additionality

6.52 Additionality is the value added by the national organisation to frontline work. All staff working outside frontline teams must ensure their work programme supports frontline teams. Local managers will commission in work from other areas or national services as required. Support for local improvement programmes is prioritised. One example is the HR Business Partner model, in which named HR professionals work jointly and closely with local managers on workforce development. Another example is the contribution of IT to frontline services, which is to equip a mobile workforce for a complex professional task, primarily through the provision and maintenance of reliable IT equipment. Follow this link to read The [IT Equipment Allocation](#) policy.

## IT support

- 6.53 IT trainers are able to remotely log-on to people's laptops and desktops, which has made it easier for training and advice to be provided over the phone. This is particularly useful for small or urgent requirements.
- 6.54 Office Communicator instant messenger has been introduced as a quick way of contacting IT trainers, or any other member of staff, if they are online.
- 6.55 A Dragon user forum has been developed where Dragon users can post questions and join discussions, to get help from IT trainers and other Dragon users. All Dragon training is provided by Cafcass' IT trainers, which means they have a better understanding of Cafcass' systems and can tailor the training to meet the specific needs of the individual.
- 6.56 For help with Flex, contact the Flex Helpdesk on 0844 875 0410. There is further IT support [on the intranet](#). For remote access (RAS) problems, consult the [RAS Trouble Shooting Guide](#).

### IT PRIORITIES FOR SUPPORTING THE FRONTLINE

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

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

### Research and case law

- 7.1 Research and case law must be applied in a case specific way. Resources for FCAs to draw upon include the Cafcass Library and corporate subscriptions to membership organisations such as Research in Practice, the National Children's Bureau (NCB) and BAAF. Nearly 500 reading lists can be accessed from the Library pages on the intranet. All of these reading lists have been compiled in response to specific requests from FCAs and are regularly updated. Access via the Library is available to a number of journals including Family Law, the British Journal of Social Work, Child and Family Social Work, Child Abuse Review and the International Journal of Law, Policy and the Family.
- 7.2 News from the Library, Research and Policy (LRP) is shared with staff on the first working day of each month via the LRP Bulletin. The Cafcass website contains up to date policies and practice guidance, organised by subject.
- 7.3 The Legal helpline is available to clarify any point of law on a case, and the Legal team delivers Legal Roadshows to FCAs across the country, responding to contemporary practice issues, or developments in family law.

### Tools for evidence-informed practice

- 7.4 A ['toolkit' is available on the intranet](#) to improve the quality of evidence informed analysis in court reports. Practitioners should use appropriate tools, matched to the identified needs in the case, when assessing the impact of domestic abuse, and when ascertaining children's wishes and feelings. The toolkit matrix provides a guide to which tool can be selected in which circumstance and for what purpose. Training materials are provided.
- 7.5 The Cafcass menu of tools is intended for use primarily, but not exclusively, in private law assessments after the first hearing. However, there may be occasions when the tools can be used by Children's Guardians in public law proceedings.

### Management information

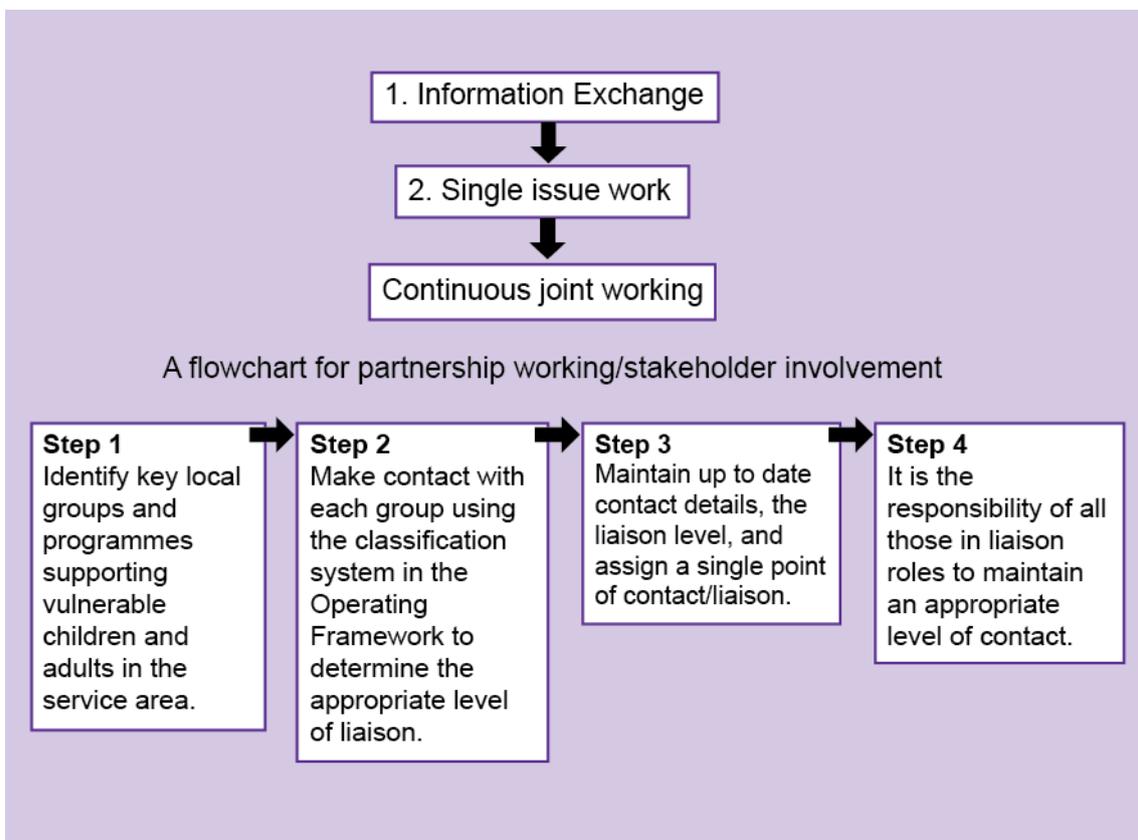
- 7.6 The Cafcass Electronic Case Management System (ECMS) is the Cafcass database for recording all case information (such as service users' personal data, the type of court application, and any reports that have been ordered etc.). ECMS is a nationally networked system enabling staff anywhere in Cafcass to access case details.
- 7.7 ECMS contains a reporting function which allows staff to compile and analyse case data from across the whole country. The reporting function can be tailored to produce in-depth reports on national data right through to service area and team-specific data. Area Performance Summaries are produced on a monthly basis to provide Assistant Directors and Heads of Service with a detailed picture of their Service Area's performance, allowing them to identify strengths and areas for improvement. Training is available for managers on how to make the most effective use of the data available.
- 7.8 Use of datasets to strengthen evidence-based practice and evidence-based management has been extended to giving all staff their own personal dataset, through MyWork, which summarises and displays key aspects of an individual's performance. MyWork is an electronic tool which enables all frontline staff to directly access a range of personal information relating to their casework, training, health and wellbeing and supervision meetings. This information is provided to each individual on a secure and confidential basis, via the Cafcass intranet. Access to MyWork will be available for all other staff early in 2014. Questions regarding MyWork can be sent to a specialist email address ([mywork@cafcass.gsi.gov.uk](mailto:mywork@cafcass.gsi.gov.uk)) or staff can contact their local HR Business Partner or HR Officer.

- 7.9 We have made extensive progress in how we collect data, and how we use it to inform policy and practice. Our monthly publication of public law care statistics is regularly reported in both trade and national publications, and data is regularly used to support our external communications.
- 7.10 Cafcass is committed to publishing at least four internal pieces of research per year (a commitment that is detailed in our Business Plan). ECMS provides data to support this process. The [research governance framework](#) sets out how external researchers can apply for access to Cafcass data, and the process by which a decision to approve the request can be made.
- 7.11 In addition to these basic case details, ECMS is also used to record and monitor other management and organisational information, on:
- Complaints and compliments
  - Enquiries from MPs
  - Enquiries from the Parliamentary and Health Service Ombudsman (PHSO)
  - Freedom of Information Requests
  - Subject Access Requests
- 7.12 [Click here](#) for ECMS guidance and processes. For requests on ECMS reports, please email the ECMS helpdesk.

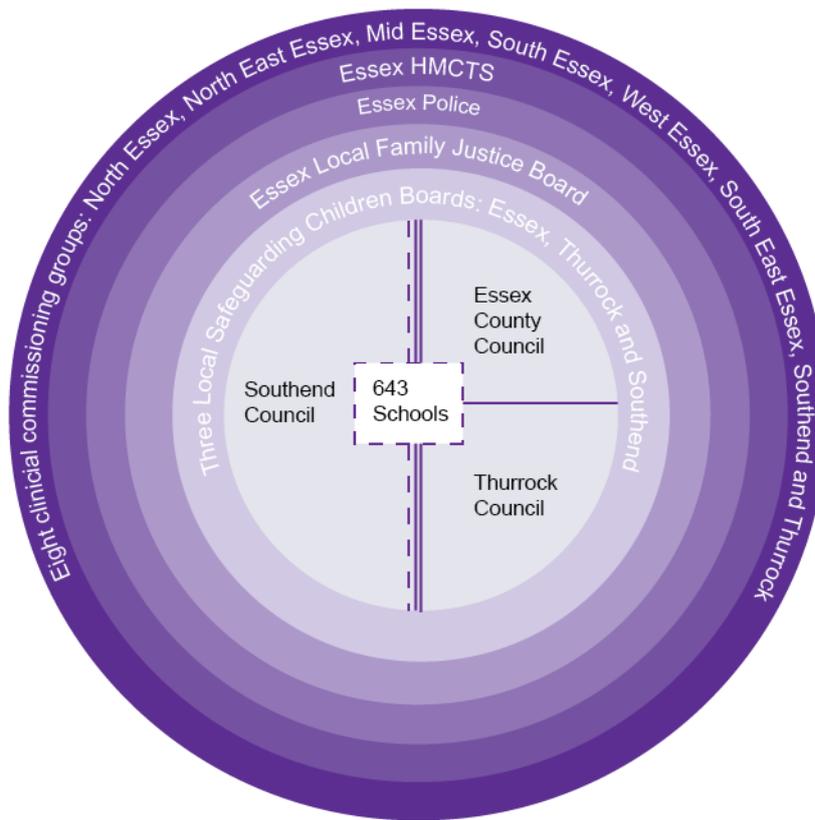
# Section 8: Communicating with service users, stakeholders and staff

## Engagement Principles

- 8.1 In terms of engagement, external means service users and stakeholders; internal means staff.
- 8.2 For external communications, Cafcass has a relationship management system in place, with named individual contacts for the important organisations we work or liaise with. Cafcass is always represented by a named person.
  - 1. Each service area will engage positively and constructively with the three main groups we work with: service users, stakeholders and staff.
  - 2. Engagement levels, internally and externally, are performance managed within Cafcass in the same way as priorities like child protection and service effectiveness.
  - 3. Cafcass aims at all times to be an inclusive organisation, to work transparently and to be held to account. Our work with service users and other stakeholders must be undertaken with respect for the position or perspective of others.
- 8.3 There are three levels of relationship management:



## Partnerships Map: Essex Area (by way of illustration)



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

### GOOD WRITTEN COMMUNICATION STANDARDS: LETTERS AND EMAILS

All letters must be personalised, with a legible signature from the Cafcass worker signing it/them off. Legible electronic signatures can be used.

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

8.4 Cafcass conducts surveys of service user experiences. Surveys are carried out annually with the next one due to take place in 2014.

8.5 The Cafcass customer care standards, on display in every office, set out the principles we work to and state that we are committed to providing a consistently high service to all children and families we work with. We have created our customer care standards to make sure we treat everyone fairly and equally. Our staff have the right to work in a safe environment. Staff should be treated with respect. We will not accept any form of intimidation, harassment or threat of violence.

### CUSTOMER CARE STANDARDS

We will:

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

**An example of a customer care poster displayed in some offices (an example of the important ‘you said, we did’ principle)**

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

### Adults’ and Children’s leaflets

8.6 [Click here](#) for all adults and children’s leaflets. Free, hard copies can be ordered by offices by using the [publications order form](#). There are also [practitioner toolkits](#) for working with children and young people.

## Sharing case records

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

## Information Assurance

- 8.8 Cafcass is required by law to manage its information assets effectively. The [Information Assurance \(IA\) document](#) provides the policy framework through which effective management of records can be achieved and reflects the principles set out in the [Case Recording and Retention Policy](#). The IA policy describes what Cafcass does and intends to do with respect to its information and records. Efficiently maintaining our records supports the requirement placed on Cafcass to comply with its legal and regulatory obligations and to contribute to the overall management of the organisation. This can improve:
- The quality of decision-making
  - The quality of business activity
  - Long-term planning
  - Compliance and meeting audit requirements
  - The quality of reports
  - Fast and accurate customer service.
- 8.9 Through the IA policy, Cafcass has set good record keeping standards and practices encapsulating areas such as the management of emails, the security of premises, record retention and classification, secure data transfer and the reporting of data breaches. Information Asset Owners meet quarterly with the Senior Information Risk Owner to discuss IA matters.
- 8.10 The eight principles that Cafcass needs to comply with for processing personal information to be lawful under the [Data Protection Act 1998](#) can be found in the [SAR Policy](#).

## Complaints and Compliments

- 8.11 The Complaints and Compliments Policy sets out how parties to cases can complain. Compliments, comments and complaints can all provide valuable learning points for individuals and the organisation.
- 8.12 Cafcass must be open to concerns that are raised and respond in a way that prioritises the safeguarding and promotion of children's and young people's welfare, including complaints and concerns raised by children and young people themselves.
- 8.13 Compliments also promote learning if best practice is well disseminated. Examples of learning from complaints and compliments in the 2013 calendar year are:

### LEARNING POINTS FROM COMPLIMENTS

- Sensitivity: treating service users as individuals
- Providing clear and helpful responses to service user enquiries, wherever these are received within the organisation.

- Being clear about our role and what is going to happen. This includes communicating our plan, and any changes to it.
- Supporting/effectively challenging parties to focus on their children.
- Parents feeling their children were supported and listened to.

## LEARNING FROM COMPLAINTS

- Reports should provide a balance of information relating to both (or multiple) adult parties, relative to the nature of the issues being assessed.
  - Clearly explaining our remit, and the extent of the FCA role, in private law cases and its basis in law and in the Private Law Programme (now the Child Arrangements Programme)
  - Service users should receive a good level of customer service, whoever they contact within Cafcass. This includes returning phone calls, and clearly communicating the rationale for a lack of involvement/contact to the service user. Concerns must be responded to in a timely way.
  - Maintaining practitioner continuity (all cases) unless a change is unavoidable and communicating this clearly
  - s7 reports should be sent to parties with sufficient time for parties, perhaps litigants in person, to raise factual queries with us and to consider which issues they wish to raise at the hearing.
- 8.14 The following guidance is available:
- Service user factsheet on how service users can raise their concerns.
  - Full procedures setting out the way Cafcass will deal with concerns and complaints.
- 8.15 Under the [Cafcass Complaints and Compliments Policy](#), all complaints are screened upon receipt in the National Business Centre by the specialist national complaints team. Complaints, and Cafcass' response to the party, are routed through to the appropriate court, for the court to consider them along with other representations and information they have before them. Certain representations which allege potential professional misconduct are dealt with in accordance with Cafcass' employee relations policies, such as allegations of a gross failure of customer service.
- 8.16 A quarterly analysis of all complaints from children is conducted by a Head of Service, with any learning being applied through the learning log system.

## Dealing with Unacceptable Behaviour

- 8.17 Some complainants threaten staff or are abusive. Others inundate staff with a multitude of communications. Cafcass has a zero tolerance policy towards this type of behaviour and develops a customised strategy – a team around the incident - to support staff in each situation. Hostile websites and twitter accounts are tracked and where a direct threat is made, Cafcass will involve the police and/or consider taking civil action on behalf of the member of staff. Serious incidents involving a threat of harm, including the perception of a threat of harm, are notifiable incidents, notifiable to HR business partners. A log of such incidents is reported to the Audit and Risk Assurance Committee annually.

## Single Point of Contact

- 8.18 Cafcass uses a 'single point of contact' arrangement, so that communication can be managed effectively without allowing the organisation to be unreasonably bombarded. Use of the 'single point of contact' model ensures that communication is consistent and that a service user who emails a number of staff, sometimes using blind copying, receives a single organisational response. Where a single point of contact is used, the service user will be told that she/he should communicate in writing only. If the service user sends a written communication to anyone other than the single point of contact, the recipient should delete it without reading. The single point of contact principle also applies to everyday communications, so it is always clear where responsibility within Cafcass for any given issue is held.

## Ending communication

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

## With stakeholders

### With judges

8.20 Assistant Directors, Heads of Service and Service Managers must liaise closely with local judges, especially the local Designated Family Judge (DFJ). Most Cafcass service areas have good local arrangements and, where necessary, local protocols for specific issues in place.

### With legal practitioners

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

### With HMCTS

8.22 Assistant Directors, Heads of Service, Service Managers and Office Managers must ensure that local liaison with Her Majesty's Courts and Tribunals Service (HMCTS) is regular and at the right level to make any operational changes that become necessary. This includes liaison over which courts and lists require Cafcass attendance so that attendance can be guaranteed within the resources available, and the electronic transmission of public and private law applications, preferably on the day they are received. Examples of joint work include:

- Joint back office posts.
- Reduction of duplication in information gathering and transmission of C100s.
- Sending public law court bundles electronically, as well as all other documents such as sending s7 reports to court inboxes which are cleared several times per day (through a local agreement).
- Emailing court orders on the day they are made to the local Cafcass office.
- Using data to understand and improve joint performance e.g. joint reviews of cases either subject to excessive delay or of particular local significance.

### With local authorities

8.23 Cafcass has agreed good practice guidance with the Association for Directors of Children's Services (ADCS) in respect of:

- The commitment of both Cafcass and ADCS to work together where appropriate, to share good practice, and to identify ways to improve services jointly. This is set out in our [Good Practice Guidance for Family Court Social Work](#), available on both websites.
- The respective responsibilities of Cafcass and the local authority [in applications to discharge care orders](#).
- The circumstances in which the local authority should be responsible for [preparing s7 reports](#), and those in which Cafcass should be responsible.

### Working with the Police

8.24 Liaison with the police over police checks takes place through the police team based in the National Business Centre, in respect of Level 1 checks. Enhanced police checks ('level 2') are

requested of local police forces by the allocated FCA. Constructive liaison between local Cafcass teams and the National Business Centre police unit or local police forces is crucial on individual cases. Documents containing guidance on police checks can be accessed on the intranet by [clicking here](#).

## **Exchange visits/days**

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

## **Partnership Forums**

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

## **With other partners/agencies/public bodies**

### **Local Safeguarding Children Boards (LSCBs)**

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

### **Local Family Justice Boards (LFJBs)**

8.28 Cafcass prioritises and attends these in order to play our full part in local family justice system improvement programmes. Whilst LFJBs are not a statutory body like LSCBs, the requirement to be an active player in LFJBs – and in the national Family Justice Board – is set out in our annual remit letter from our Secretary of State. Cafcass chairs 11 out of 42 Local Family Justice Boards in England and we co-chair others, and provide the chairs for many Performance Sub Groups. LFJBs are the main forum for all local partners to engage and to solve local problems. We will continue to prioritise our input to LFJBs in the same way we do to LSCBs.

### **The National Family Justice Board (FJB) and Family Justice Council (FJC)**

8.29 Cafcass is represented on the [National Board](#) by the Chief Executive and on the [Family Justice Council](#) by the National Commissioning and Partnerships Manager.

## Multi-Agency Public Protection Arrangements (MAPPAs)

8.30 [MAPPA](#) joins the police, prison and probation service together to assess and manage the risks posed by violent offenders. The degree of Cafcass involvement should be proportionate to the risks involved and the contribution we can make.

## Multi Agency Risk Assessment Conferences (MARACs)

8.31 Cafcass attends MARACs where it is in the interests of children to do so, but the extent to which we are able to disclose information is restricted by statute and by the court rules. For a note on information sharing, MARACs and the Family Procedure Rules 2010, [click here](#).

## Unions

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

## With staff

8.33 An important principle is equal status: each member of staff is equally important, whatever their role.

8.34 See Section 6: Professional development and Regulation. In addition to this, we use online surveys as a quick and easy to use way of gauging staff opinion, of understanding the factors which raise or lower morale, and to seek a range of views about how best to solve specific problems. As well as staff surveys, a number of online tools are becoming available, so that any issues staff have can be brought to the surface, expressed and responded to quickly. Having said that, most issues can be solved through communication, and through managers establishing and sustaining a local workplace culture characterised by high trust, high engagement and positive professional challenge and support.

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

8.36 If they feel poor practice or management is being ignored or covered up, Cafcass staff can invoke the [Whistle Blowing Policy](#).

## Section 9: Corporate Services

### Finance

9.1 Finance within Cafcass is split into the following five main areas:

- National Office Finance
- Operational Area Finance
- Finance services at the National Business Centre
- Finance Basingstoke
- Business Assurance

9.2 Finance teams work closely together to ensure that they assist frontline staff in providing the most effective and efficient service to the children and families that Cafcass serves, whilst still ensuring compliance with Government accounting rules and regulations.

9.3 The [Finance Manual](#) sets out proportionate approaches to accountancy, budgetary control and monitoring.

### Human Resources

9.4 Cafcass' Human Resources (HR) team aims to ensure that all staff reach their potential through a focus on people-driven solutions to Cafcass' critical business priorities.

9.5 The HR Team provides three key services:

- **Organisational Development and Strategy:** responsibility for completing projects designed to enhance health, wellbeing, productivity, staff engagement, leadership and management development, and talent management. Recent developments have included the introduction of a new Health and Wellbeing plan to increase staff engagement and resilience, and the development of the [MyWork tool](#) and the [Cafcass Talent Management Strategy](#).
- **HR Business Partners:** ensure that managers and teams are well supported in their work. They help with strategic workforce planning, local Health & Wellbeing initiatives, and provide support and advice on performance management, absence management, and a wider range of employee relations issues. They also work with the Cafcass Trade Unions to streamline HR policies and have recently launched revised Management of Absence and Expense Reimbursement Policies.
- **HR Transactional & Payroll Services:** iTrent is used to perform a number of critical business functions, including processing new starters and leavers, managing staff entry on to the pension scheme, as well as interfacing with Payroll to ensure staff are paid correctly and on time.

Click here to access the current [HR policies](#).

### Talent Management

In 2013 Cafcass introduced a Talent Management strategy which aims to nurture the potential of all staff. Through *Job Enrichment* all staff will have the opportunity to discuss their future potential and aspirations and plan learning and development which enhances their current performance and helps with their career progression. The *Emerging Talent* programme aims to recognise and develop the talents of our high performing staff, for their own benefit and that of the organisation.

Those individuals assessed as being high performing and with high potential, following an application process (endorsed by their line manager) and selection (by CMT), join the Emerging Talent programme. Using a strengths based approach, staff on *Emerging Talent* will follow a personalised development plan combining universally available Cafcass learning with specific individual activities such as mentoring or project work. Overall responsibility for their development remains with the individual and their line manager, supported by HR.

## Legal Services

9.6 Cafcass Legal is a team of in-house lawyers who:

- Represent children in High Court team cases
- Provide separate legal representation for Children's Guardians across Cafcass where appropriate
- Act as advocates to the Court
- Act as a support for [Independent Reviewing Officers](#) who are experiencing problems with their local authority over a specific case
- Operate the Legal Helpline
- Provide legal updates for practitioners via Legal Alerts that can be accessed on the [intranet](#).
- Offer training for practitioners

Legal Helpline: 0844 353 3392 (Mon – Fri: 9am – 5pm)

9.7 In addition, the lawyers at Cafcass Legal also provide legal advice and representation to Cafcass on all other legal matters, with the exception of employment law, which is provided through the HR service, and land law, which is provided through the Estates service. The legal team also holds responsibility for the governance function.

9.8 The [Legal intranet pages](#) contain a large amount of useful information, including copies of previous legal alerts, handouts for the training run by Cafcass Legal, and information about all aspects of Family Law concerning children.

## IT Services

9.9 The Cafcass IT team commissions IT systems and equipment for the whole organisation and manages a range of outsourced contracts for the provision of technology. Our main IT provider is Fujitsu through the Flex contract. For help with Flex, contact should be made with the Flex Helpdesk on 0844 875 0410 or by email to [servicedesk@flex-r.gsi.gov.uk](mailto:servicedesk@flex-r.gsi.gov.uk). Further advice can be found on the [IT intranet pages](#).

## Procurement

9.10 All new and repeat procurement is coordinated by the national procurement team who can advise staff on the contracts to use and when and how to tender, when necessary.

9.11 The national procurement team also advises on what to do locally when no suitable contract exists for a local team to use, or when the contract available cannot be accessed or cannot provide a good solution in the time-scale needed. The team also support consolidated billing arrangements. Contact the team at [procurement@cafcass.gsi.gov.uk](mailto:procurement@cafcass.gsi.gov.uk).

9.12 Agency staff must be recruited from approved agencies on the Cafcass framework contracts in place at any given time. An email confirming business need must be approved at Assistant Director or Head of Service level (for Family Court Adviser and Business Support posts) or by the National Service Director for Service Manager posts and above. We are not bound by minimum volume terms to any of the agencies used for practice and business support staff. Guidance explaining the business and cost benefits of recruiting agency staff through our preferred suppliers is available on the HR pages of the intranet. If none of the preferred suppliers can supply a suitable agency worker, we can go to other agencies but only using Cafcass hourly rates. The appropriate senior manager must provide prior approval before going outside the framework contract. Recruiting managers should be aware that the [Agency Worker Directive and Regulations 2010](#) applied from 1st October 2011 in respect of all agency staff who work for us for a continuous twelve week period. It is the recruiting manager's responsibility to satisfy themselves that the agency worker is

suitable for work with Cafcass, and they have seen evidence of an enhanced CRB clearance, HCPC registration (if applicable) and suitable references.

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

## Property management

- 9.14 The [National Estates and Health and Safety service](#) supports local Office Managers in the management of our offices to provide safe and secure environments for staff and service users that are compliant with current Health and Safety legislation and regulations.
- 9.15 We are continuing to reduce the number of offices we occupy and focus on the key service areas where we need a presence based upon service user density data. This is in line with our [Secretary of State's 2010/11 remit letter](#) asking us to reduce our property portfolio by 30% between April 2010 and March 2013 and is in keeping with Government Property Controls. The adopted 'core and cluster' approach features touch-down facilities supplementing the smaller number of offices, so that practitioners can use local interviewing facilities when and where needed. Added to this we are providing wireless connectivity in as many courts as possible, given the time practitioners spend there, so that any unavoidable downtime can be used for work. Many offices are hot-desking environments, with space used as flexibly as possible to support the professional task for whoever needs to work in a local office on any given day.
- 9.16 The National Estates Team manages all office refurbishments and relocations, working with locally appointed project managers. They hold national maintenance contracts to call off against. These contracts cover furniture, property consultancy, legal property solicitors, emergency maintenance, signage and Health and Safety estates compliance services; they deal with any lease or service charge queries, or disputes with landlords; and they have access to the relevant property databases when leases are due to expire.
- 9.17 The core documents the team work to are [The Cafcass Health and Safety Policy](#), The Estates and Health and Safety Service: [Service Level Agreement](#) and the [Cafcass office design standards and materials](#). Contact the team at [cafcass.estates@cafcass.gsi.gov.uk](mailto:cafcass.estates@cafcass.gsi.gov.uk).

### OFFICE STANDARDS

1. All offices must operate a clear desk policy with no files or papers left lying around overnight and all sensitive data shredded or safely disposed of.
2. All offices must be managed to a high health and safety standard. Health and safety is everyone's business to notice and to put right, such as the risk of slips, trips and falls.
3. All family rooms and interview rooms must be child-friendly using Cafcass design standards and materials.
4. Hot-desking should be the norm, but with enough relatively quiet space available when needed, including multi-purpose rooms to maximise usage e.g. interviewing children and families or quiet space to write reports when rooms are not being used by service users. The local room booking system must be used and respected.
5. DX or a secure carrier e.g. The Government Car and Despatch Agency, will be used for all internal post between Cafcass offices for compliance with information security standards. Electronic transfer and transmission is encouraged.
6. For maintenance issues, use the national emergency maintenance contract or find the best local deal.

## Commissioning and Partnerships

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

Contact the team [here](#). Please visit the Commissioning and Partnerships intranet page to view [Cafcass' Commissioning Strategy and Intentions 2014-16](#).

## National Policy Team

9.19 The National Policy Team manages the production and coordination of policy content, including version control. It also owns the Cafcass policy review process, which ensures policies are set and cleared at the right level (please see the [Policy and Guidance development process](#)).

9.20 The team develops policy jointly with operational managers who have specific aspects of policy in their portfolio. This is to ensure that policy is always grounded in operations.

Contact the team [here](#), or at [policyteam@cafcass.gsi.gov.uk](mailto:policyteam@cafcass.gsi.gov.uk).

## Communications

9.21 The Cafcass Communications Team works nationally and is based at the National Office. Their main functions are:

- Communicating (internally) must-know information including must-know practice and legal updates, via the intranet, the [Channel C newsletter](#) and one off communications about specific issues.
- Responding to media enquiries and [MPs' letters](#)
- Responding to the national and local press (all press contact must be routed through the Communications Team)
- An in-house publishing and design capability
- Managing Cafcass' presence and responses in social media
- Quality assuring Cafcass material that goes into the public arena, e.g. the Welcome letter, the external newsletter, our contribution to Serious Case Reviews, published contracts.

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

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

Contact the team at [zzcafcasscommsteam@flex-r.gsi.gov.uk](mailto:zzcafcasscommsteam@flex-r.gsi.gov.uk)

## Translating and interpreting services

9.24 Translating services of our publications are organised through the National Communications Team, who use the current contract with BigWord. Interpreting and translation of individual service user documents, such as reports and letters, are organised locally. The BigWord can also provide translation for service users with additional needs, e.g. Braille and Text to Speak (TTS) audio solutions. Further information is [on the intranet](#).

## Section 10: Value for money

### Personal responsibility

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

### Managing the Cafcass budget

10.2 The Cafcass budget is wholly comprised of grant income from the Ministry of Justice.

10.3 The Chief Executive is the Cafcass Accounting Officer and has responsibility for the way in which the annual Cafcass budget is spent. This is also subject to regular oversight and scrutiny by the Cafcass Board.

10.4 Budgeting follows priority-based budgeting principles.

10.5 Each budget holder is given a safe minimum/adequate budget following a formal discussion each year about future needs of the service in question, taking into account efficiency/productivity indicators against relevant benchmark/s.

10.6 Budgets are delegated to managers accompanied by a statement setting out how much budget has been delegated and their responsibilities for its management. In particular, this includes being clear about how much of the budget has been spent and what commitments are planned over the remainder of the year. This is captured in regular budget monitoring returns.

10.7 The Accounting Officer satisfies himself that these arrangements are working properly through the routine monitoring of all budgets by managers and finance staff working together. If enhanced monitoring of any overheating budgets and projects becomes necessary, this is done through an Expenditure Control Group (see Governance structure), the Budget Approval Panel and/or Star Chamber sessions with individual budget holders.

### Looking after Cafcass assets

10.8 Most of the money Cafcass receives is used to cover staff costs and running costs. Sometimes the money needs to be spent on items of equipment or the repair and maintenance of buildings in Cafcass ownership, or where we have a repairing lease. Because these can be of higher value we all need to take care to maintain both their condition and their security. Items worth more than £2,500 are recorded on a national register so we can track them and show accountability for the use of public funds. Smaller items of £500 and above are recorded on local registers. External auditors check we are doing this every year.

10.9 Small amounts of petty cash are also often kept in local offices to pay for small expenses. Access is restricted to a few named staff and the petty cash box is always kept in a safe.

10.10 Further information on procedures relating to these is found in the [Finance Manual](#).

## Sustainability

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

## Business cases

10.12 Proposals for new financial commitments should be set out in a business case which is duly authorised according to the schedule of delegation held by the Director of Finance. Business cases should show how proof of concept has been established and should follow recognised change control principles.

## Unit cost and productivity data

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

## Impact assessments and risk analyses/registers

10.14 Cafcass holds a [Strategic Plan](#), a national business plan, an equality impact assessment, and a national risk register. Each team or service area includes the main risks and impacts they face in their local service area business plan. All these plans are updated quarterly. Risks are managed individually, and also by strengthening systems, processes and skillsets, which the organisation believes is the best way to reduce the main types of risk Cafcass faces in the future.

## Business continuity

10.15 Business continuity is management activity which creates resilience within our processes and tools (e.g. IT systems) to enable continuity in service delivery during any unexpected disruption to normal working. Every Cafcass site will have in place a continuity plan which will contain immediate actions, escalation contact details as well as plans for recovery of business services. The [Business Assurance](#) intranet pages contain useful information on managing incidents, specific roles and responsibilities. The National Recovery Matrix provides an overview of all critical activity recovery strategies.

## Travel for work

10.16 Travel costs for work purposes are reimbursed in accordance with the [Cafcass Expense Reimbursement Policy](#) (home to work travel costs are not paid). Public transport is generally preferable and we use a booking agent, Redfern, for all our rail travel. If staff use their own car, it must be insured for business use and a set rate per mile is paid. We also have a hire car contract that may give better value. For staff with a high level of business miles, a lease car may be more suitable. The [Travel Abroad Policy](#) covers essential overseas travel.

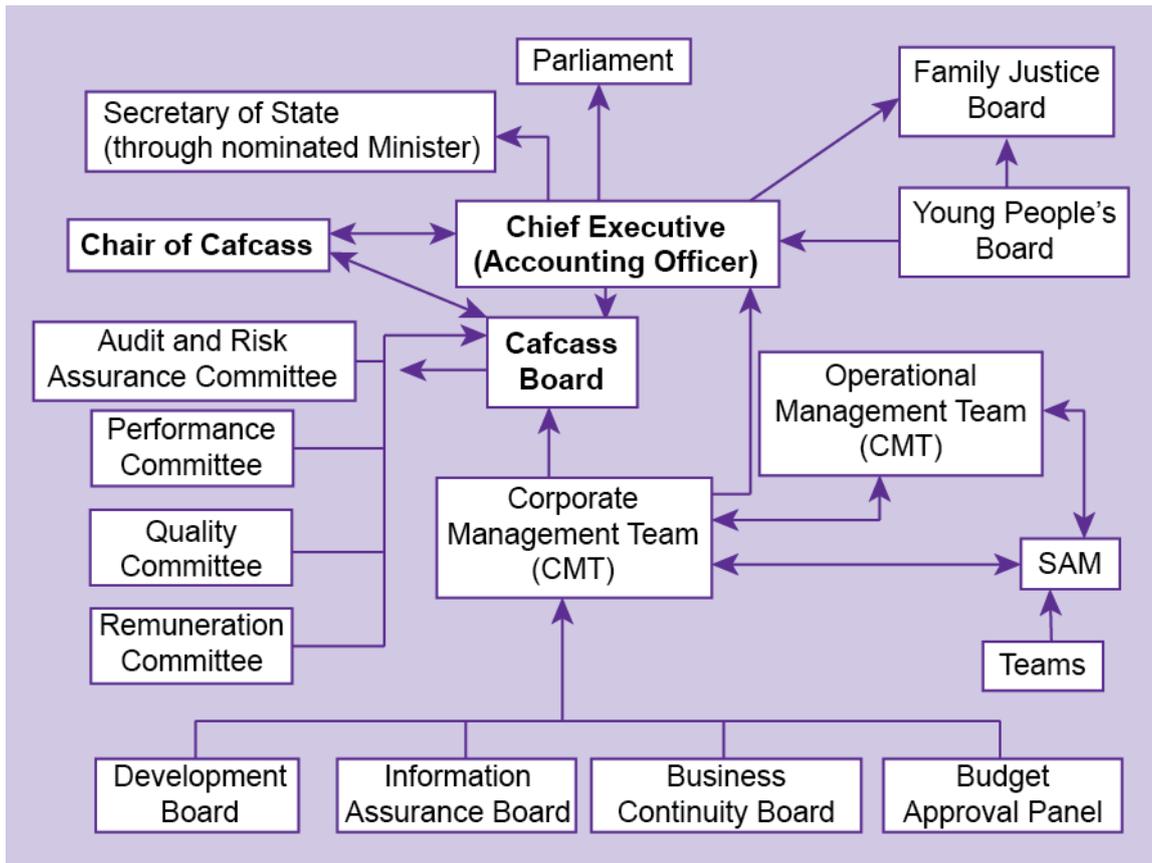
10.17 For overnight accommodation where necessary, we also use Redfern to negotiate good rates and to manage bookings.

10.18 Guidance on how to use the booking agents are contained in the [Finance Manual](#) along with some information on the car lease and hire schemes. Information on mileage and food allowances is contained in the Finance Manual.

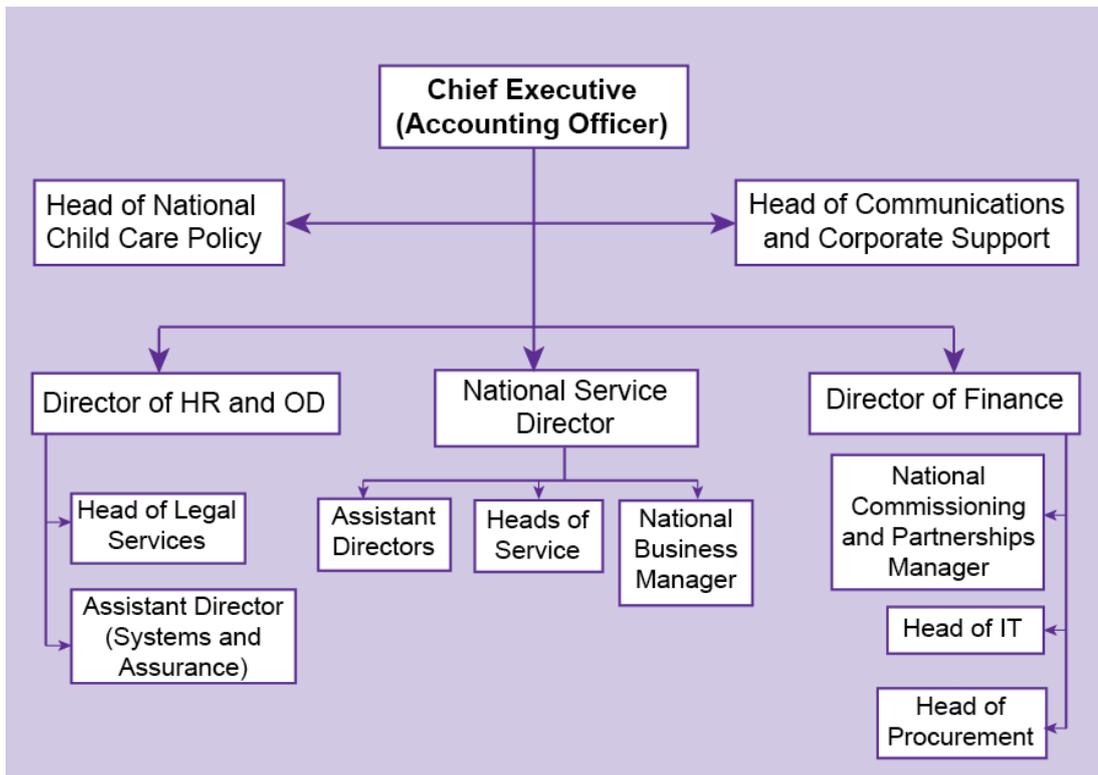
- 10.19 Teleconferencing, Skype and live meeting are easy ways to talk to several people at once and more efficient than travelling with the real cost and opportunity cost involved – the ‘opportunity cost’ is the lost opportunity to do something more important with that time and money.
- 10.20 More than a third of Cafcass offices have video conferencing (VC) facilities, which can be booked through Office Outlook. For guidance on any IT facilities consult the IT department’s [intranet pages](#). Video is also a good medium for contact observation and assessing parent-child interaction, so our facilities can be used for casework too.

# Section 11: Corporate Governance

## Governance Structure Map



## Management Structure Map



## Rationale for the management structure

11.1 A clear line of sight is established between the Corporate Management Team and front line staff, through the Operational Management Team, Service Area Meetings and local team meetings. Over the years, refinements to this model have been made to ensure communications in both directions works well.

## The Ministry of Justice

11.2 As a non-departmental public body, Cafcass is accountable to the Ministry of Justice (MoJ), which is our sponsoring department. We work within the strategic objectives agreed by the MoJ and contribute to wider government objectives relating to children.

## The Cafcass Board

11.3 The role of the Cafcass Board is to establish the overall strategic direction for Cafcass and monitor its delivery within the available resources. [The Board](#) is accountable for the work of Cafcass. It delegates operational responsibility to the Chief Executive and CMT. The Chief Executive is also the Accounting Officer for Cafcass.

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

11.4 The Audit and Risk Assurance Committee is a statutory committee whose members are appointed by the Board. The ARAC advises the Board and Chief Executive on the strategic processes for risk assurance, control and governance, accounting policies, our accounts and the Annual Report for the organisation. It is also responsible for the development and oversight of the annual Cafcass internal audit programme of financial and business systems and processes.

## The Quality Committee

11.5 The Quality Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for quality including the quality of safeguarding practice and general casework. The Committee carries out detailed scrutiny of internal practice audits and of internal and external reviews and inspections.

## The Performance Committee

11.6 The Performance Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for all aspects of Cafcass' performance. It monitors Cafcass' progress against its key performance indicators, as set by Government, and the contribution from Cafcass and our impact on the whole system key performance measures which are set by Government and monitored by the national Family Justice Board. Detailed scrutiny of the internal performance of national teams is also scrutinised in a rolling programme.

## The Family Justice Young People's Board

11.7 The [Family Justice Young People's Board](#) (FJYPB) is made up of around 40 young people who have used Cafcass services during their childhood. The Board was established by Cafcass in 2006 and has since expanded its work from being the board for Cafcass to being the Board for the entire family justice system. They are now the Young People's Board for all the organisations with places on the Family Justice Board. The FJYPB promote child-centred and child-inclusive policy and practice through a detailed work programme which has been endorsed by the Family Justice Board. The services they continue to provide to Cafcass include sitting on recruitment panels, particularly focussing on the ability of a candidate to communicate with children, young people's

inspections of local Cafcass offices for child friendliness and inputting to learning and development events.

## Corporate Management Team (CMT)

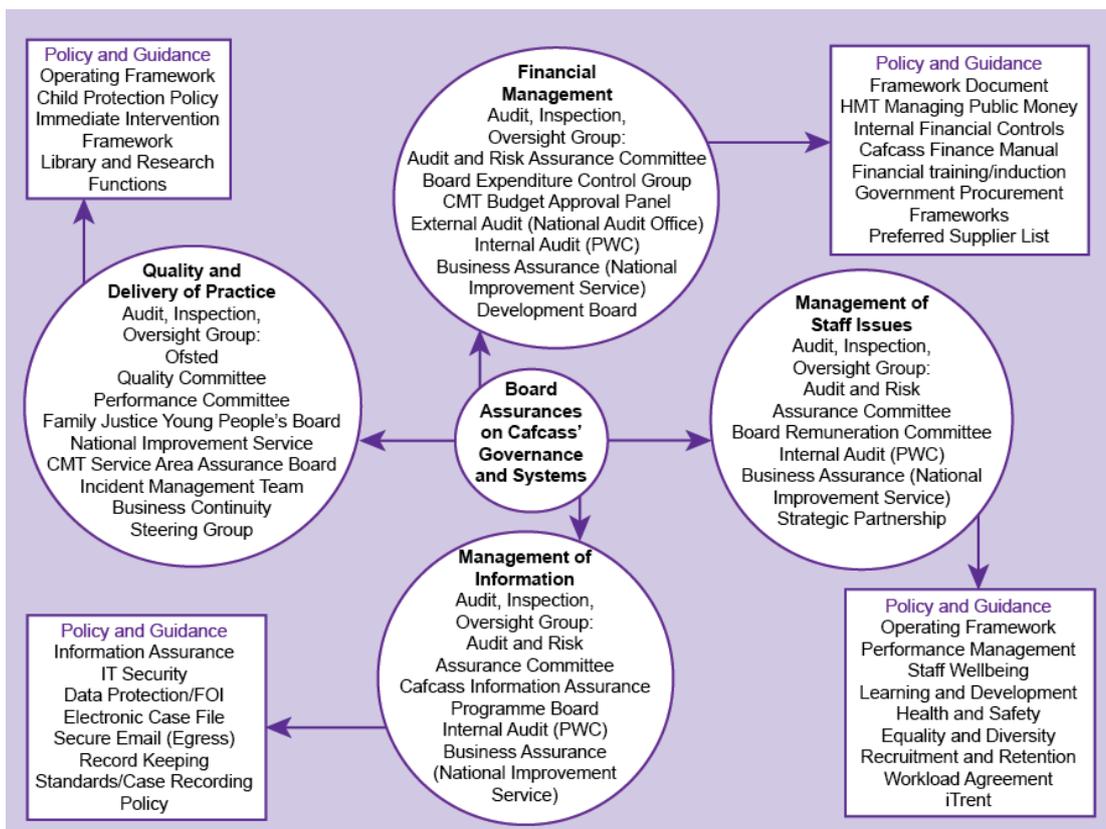
11.8 The Corporate Management Team, led by the Chief Executive, is accountable for the running of the organisation. [Information about CMT members](#) is located on the intranet and website. CMT meets weekly. Its decisions are recorded on a running action log. Each senior manager (CMT, Assistant Directors and Heads of Service) has a portfolio with responsibility for a small number of major projects and cross-cutting programmes as well as their line management accountabilities.

## The area-based structure

11.9 Services are delivered through seventeen local service areas. Operational Area Management Teams meet monthly to manage performance and problem-solve in the operational areas. Service area management teams (SAMs) within the area meet in the following week to translate corporate and operational area strategies into local action. Team meetings are held on a regular basis to complete this sequence.

## The Governance Handbook

11.10 In the spring of 2014, Cafcass updated the [Governance Handbook](#). The Handbook shows clearly the core elements of the Governance Framework and how they interact with one another. The Handbook also brings together Cafcass' key Governance documentation in one easily accessible place. This Governance Map shows the main ways in which assurance is sought and obtained on a regular basis.



# Appendix One

## Glossary of key terms and definitions

### A

#### Acting on the system

The impact of a Cafcass practitioner in their work to influence a local authority in a public law case, or parents in a private law case, or parties to a case in general, through negotiation and persuasion on behalf of the child subject to a court application.

#### Additionality

The added value from the organisation (Cafcass) as a whole to the front line service provided to children.

#### Adoption

An Adoption Order ends all Parental Responsibility of any person or local authority in relation to a child, and places it with the adopters, who then hold full and sole Parental Responsibility for the child.

#### Allocated

Where a case has been assigned, via the Case Management System, to a named Cafcass practitioner, who carries out all necessary work on the case. Changes of practitioner are kept to a necessary minimum.

#### Area Quality Review (AQR)

The AQR is an internal audit and challenge model which combines the pre-existing NIS health check with a peer review.

#### Audit and Risk Assurance Committee

The Audit and Risk Assurance Committee fulfils the statutory functions of an audit committee and its members are appointed by the Cafcass Board. The committee's main function is to ensure that necessary controls such as financial controls are exercised, and that risks to service delivery and the management of resources are appropriately mitigated.

### B

#### Benchmarking

An activity to compare and agree thresholds and standards of quality. Benchmarking is carried out across Cafcass to achieve consistent practice.

#### Budget Approval Panel (BAP)

Consisting of the Directors of HR, Finance, and the Chief Executive, the panel considers requests for expenditure where government spending controls are in operation. The BAP

ensures decisions are taken in accordance with government policy and ensures each spending commitment has a clear audit trail.

#### Business Case

The rationale for a particular use of resources, and its likely impact.

#### Business Continuity

How Cafcass guarantees that its service to children, families and family courts will continue to be delivered in the event of a breakdown in a key internal service or a threatening external event.

### C

#### C100

A HMCTS issued form, used to apply to court for a residence order; contact order; prohibited steps order; specific issue section 8 order or to vary or discharge a section 8 order.

#### The Cafcass Board

The Cafcass Board is made up of individuals appointed by the Secretary of State. The role of the Board is to establish the overall strategic direction for Cafcass and monitor the delivery of approved strategy within the available resources. The Board is accountable for the work of Cafcass and delegates operational responsibility to the Chief Executive.

#### Case Analysis

Cafcass' view about what needs to happen for a child to be, firstly, safeguarded and, secondly, for the child's welfare to be actively promoted.

#### Case Management Hearing

A point in public law proceedings where the court identifies issues and gives full case management directions for the rest of the case.

#### Case plan

Nationally issued tool (template) to be used by practitioners to set out what they intend to do on each case, to achieve the best possible outcome for each child.

#### Cafcass Intake Team

The Cafcass Intake Team carries out the initial screening and processing of C100 applications and is based at the Cafcass National Business Centre.

### Challenge sessions

Organised events either in a local team, service area or more widely, where the current way of working is challenged and positive changes in working practices decided. Also known as 'search conferences'.

### Children's Guardian

Children's Guardians are appointed by the court in nearly all public law care cases, and under rule 16.4 of the Family Procedure Rules 2010 in private law cases of significant difficulty' when the child has been made a party. Guardians represent the interests of children in these types of proceedings.

### Contact Log

The contact log is used by practitioners and business support staff to record important events and information, in particular so that the current status of the case is easily identifiable.

### Corporate Management Team

The Corporate Management Team, led by the Chief Executive, is accountable for the running of the organisation. Information about CMT members is located on the intranet and website. CMT meets monthly, and in between meetings works via CMT online.

## D

### Data Protection

Data protection provision and arrangements ensure that access to data is limited to those who are entitled to have access to it.

### Defined Contributions

Cafcass attends a range of inter-agency meetings, and our contribution to a meeting is defined according to the importance and impact both of each meeting and of our own attendance or participation in it.

### Disguised Compliance

False assurance from a parent or carer, of which practitioners need to be mindful when assessing the safety and well-being of children.

### Diversity

Cafcass uses a threshold of relevance and vulnerability when assessing whether a diversity issue is significant for a child. Local service areas are responsible for identifying and acting on relevant diversity issues affecting groups of children in their service area. As an employer, Cafcass sets out its policies in an Equality and Diversity Strategy.

### Duty mindedness

Standard expected of all Cafcass staff, to be ready to act and respond to any incoming information at any time, quickly, especially as the need to act is often immediate, where the safety of a child is at stake.

### Domestic Violence Perpetrator Programmes (DVPPs)

DVPP is a group programme for male parties in private law cases with a history of domestic violence, providing a forum in which they can learn about the impact of their violence and change their behaviour to become non-violent. Domestic Violence Perpetrator Programmes (DVPPs) are delivered in private law cases under sections 11A-11G Children Act 1989 as 'Contact Activities'.

## E

### Early Intervention Team (EIT)

Early Intervention Teams carry out work before the First Hearing Dispute Resolution Appointment (FHDRA) in private law cases, and write Letters to Court (Safeguarding Letters) in the form of an initial safeguarding analysis.

### Electronic Case Management System (ECMS)

ECMS is Cafcass' national database recording the details of cases. The 12 part case file provides practitioners with a single, standard means of managing and controlling their case documents.

### Expenditure Control Group

Consisting of the Chief Executive, Director of Finance and two Board members, the group convenes if the Cafcass budget is at risk of being overspent and additional, urgent measures to control the budget become necessary.

## F

### Family Assistance Order (FAO)

This is an order requiring a Cafcass officer or an officer from a local authority to advise, assist (and where appropriate) befriend any person named in the order. If an FAO is made alongside a contact order a Cafcass officer may also be directed to advise and assist on establishing, improving and maintaining contact. Where a FAO is made alongside other types of section 8 orders the court can direct that the Cafcass officer must report to court on specified matters relating to the section 8 order and/or the FAO. A FAO is a voluntary order, in that the court may not make the order without the consent of everyone (other than any child) named in the order.

### Family Court Advisers

These are Cafcass' professionally qualified social work practitioners whose role includes working to safeguard and promote the welfare of children by giving advice to the family courts and providing information, advice and support to children and their families. They may be required to represent the interests of a child in court as a Children's Guardian or, in private law cases, as 'Family Court Reporters'.

### Family Court Reporter

An officer of the service, who reports or provides other assistance to the court under section 7 of Children Act, or in adoption proceedings.

### Family Justice Young People's Board

The Family Justice Young People's Board is a non-statutory board or group with membership largely drawn from those who have direct experience of both Cafcass and the family courts – having either been through divorce or family breakdown, lived in care or been adopted. The role of the board is to give young people a direct say in the way in which the family justice system is run and on the service it provides to children, young people and their families.

### Family Procedure Rules

The Family Procedure Rules 2010 are a single set of rules governing the practice and procedure in family proceedings in the High Court, county courts and magistrates' courts.

### Findings of Fact (hearings)

A fact finding hearing may be ordered by the court to determine allegations whose resolution is likely to affect the decision of the court. The hearing will consider any evidence that the court deems necessary to make a finding in relation to the allegations. The fact finding hearing forms part of the case in question rather than being a separate exercise and its findings should be considered as such.

### Finance Manual

The finance manual is the collective term for Cafcass' finance policies.

### First Hearing Dispute Resolution Appointment (FHDRA)

The First Hearing Dispute Resolution Appointment (FHDRA) is the first hearing held following receipt of the C100 form in private law applications. Family Court Advisers present the completed Safeguarding Letter at the FHDRA, and advise the court of any recommended means for resolving disputes, taking into account

identified safeguarding issues. All Work to First Hearing (WTFH) is completed in preparation for the FHDRA.

### Freedom of information (FOI)

Freedom of Information requests are made under the Freedom of Information Act 2000, which gives a general right of access to non-personal information held by Cafcass.

## H

### Health Check

An in-depth performance analysis of a service area or function, which identifies areas for further development; an internal assurance process consisting of audits of practice, systems and functions.

### Health and Care Professions Council

The Health and Care Professions Council is the regulatory body for social workers.

## I

### Immediate Intervention

The Cafcass model for dealing with issues straightaway, using the smallest number of stages or processes.

### Impact Assessment

Identifying and analysing the impact of any internal or external incident, change, trend or development on the service provided by Cafcass.

### iTrent

iTrent is the HR and Payroll system for Cafcass which brings all HR and Payroll functions online. The functions which are provided by iTrent include: Self Service & People Manager; People Development; Performance Management; Health and Safety; Web Recruitment.

## K

### Key Performance Indicators

Each year, the Secretary of State decides on a set of Key Performance Indicators (KPIs), against which Cafcass performance is then monitored. At the end of the year the results for each KPI are included in the Cafcass Annual Report for accountability to Parliament and for public viewing.

## L

### Learning Log

Quarterly report issued by the National Improvement Service outlining lessons from relevant internal and external feedback, audits and inspections, complaints and compliments, made available to staff through the intranet.

### Local Family Justice Boards (LFJBs)

LFJBs replaced Local Performance Improvement Groups (LPIGs) as the local multi-agency group driving through the family justice reform programme at the local level. Cafcass chairs 11 of the 42 local Boards in England.

### Local Safeguarding Children Boards (LSCBs)

LSCBs bring together all agencies in an area with responsibility for safeguarding children, to co-ordinate what is done by each agency for the purposes of safeguarding and promoting the welfare of children in the area, and to ensure the effectiveness of each agency in their safeguarding work and role.

## M

### Mediation Information and Assessment Meeting (MIAM)

A session held with parties who wish to make an application for family proceedings, to see whether dispute resolution outside the court can be achieved.

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

These arrangements, required under the Criminal Justice Act 2003, are where local criminal justice agencies work together to organise the assessment and management of risks posed by sexual and violent offenders in their local area.

### Multi-Agency Risk Assessment Conferences (MARACs)

Multi-agency risk assessment conferences (MARACs) are a non-statutory grouping, which bring together relevant local public bodies to share information on high risk cases of domestic violence. This enables these agencies to work together to protect and support victims of domestic violence.

### MySkills

MySkills is the e-learning platform through which Cafcass staff can access both internet based courses and book training sessions provided by Cafcass on a variety of topics.

## N

### National Business Centre (NBC)

The National Business Centre houses the Cafcass Intake Team, who carry out the initial screening and processing of C100 applications, amongst other centralised processing and transactional teams, such as the National Customer Services Team and the HR transactional team.

### National Improvement Service (NIS)

The National Improvement Service supports individuals, teams and service areas to identify and make changes required to drive forward the quality of work done throughout Cafcass. The service provides a range of activities including themed audits commissioned by Heads of Service to measure progress, for example, following local training or changes to working practices. NIS also schedules and delivers the annual health check for each local service area.

### National Youth Advocacy Service (NYAS)

NYAS provides advice and legal representation to children, young people and vulnerable adults. NYAS also provides separate representation for children and young people where the court considers it is necessary under rule 16.24 of the Family Procedure Rules 2010 ("FPR 2010"), and in accordance with Practice Direction 16A, para 7.2. Cafcass and NYAS operate through a joint protocol.

## O

### Ofsted

Cafcass' inspectorate is Ofsted, which also has responsibility for inspecting other social care and educational organisations. The aim of inspection is to provide an independent, external evaluation of the effectiveness of the services we provide to children and their families at particularly difficult times in their lives.

## P

Parenting Information Programmes (PIPs or SPIPs) (Separated) Parenting Information Programmes are designed to help parents learn more about the challenges of post-separation parenting, including the effects on children of ongoing post-separation conflict. A SPIP is free where participants' attendance is ordered by a family court. These are delivered in private law cases, under sections 11A-G Children Act 1989

(as amended by the Children and Adoption Act 2006) as 'Contact Activities'.

#### Parliamentary and Health Service Ombudsman (PHSO)

The PHSO considers complaints about Government Departments and agencies in the UK and about the NHS in England. Service users who have been through the Cafcass Complaints and Compliments Policy and remain dissatisfied with the quality of service they have received from Cafcass are able to refer their complaint to the PHSO through a MP.

#### Performance and Learning Reviews

Quarterly reviews of staff performance, or of the performance of a local team or service area

#### Performance Committee

The Performance Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for all aspects of Cafcass' performance. It monitors Cafcass' progress against its key performance indicators, as set by the Department, and the contribution from Cafcass and our impact on the whole system key performance measures which are set by Government and monitored by the national Family Justice Board.

#### Performance Management

Performance management is the process by which the quality of the work done by Cafcass staff is assessed and improved.

#### Police National Computer (PNC)

The PNC is used by all police forces in England and Wales to record convictions, cautions, reprimands and warnings for any offences punishable by imprisonment and any other offence that is specified within regulations.

#### Post-proceedings

The stage after the final hearing in care proceedings when a decision has been made by the court.

#### Pre-proceedings

The stage where a local authority is preparing to make a care application to court.

#### Private Law

Private family law cases deal with issues following the breakdown of family relationships. For Cafcass, this generally involves applications for contact and/or residence. It can also include applications following surrogacy or donor arrangements

#### Professional Capabilities Framework

The framework under which the professional development of social work professionals is assessed. The framework sets out standards which social workers will be expected to meet at each stage of their career.

#### Proportionate Quality Assurance

Service managers provide their staff with feedback on their work setting the appropriate level of quality assurance for each member of staff based on the standard of work they are producing. Those staff that consistently meet standards will be able to self-regulate to an appropriate degree, whereas, those staff that do not may have all of their work quality assured.

#### Public Law

Family proceedings where the state steps in to investigate concerns, protect children, and sometimes make applications to the courts for care, supervision, emergency protection and child assessment orders. For Cafcass, this is generally in relation to care and supervision applications by local authorities and, if a child cannot return home or go to live with a relative, this may require a placement order application, and a subsequent adoption process

#### Public Law Outline

The Public Law Outline is a supporting Practice Direction (12 A Family Procedure Rules) to the Family Procedure Rules 2010, setting out the framework for the handling and resolution of issues in public law cases.

## Q

#### Quality Committee

The Quality Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for quality in relation to safeguarding and promoting children's welfare. It undertakes detailed scrutiny of matters of quality, including the outcomes of internal practice audits and of external reviews and inspections.

## R

#### Risk Assessment

Section 16A of the Children Act 1989 provides that if an officer of the Service who is carrying out a function under section 16A(1) is given cause to suspect that the child concerned is at risk of harm, he must a) make a risk assessment in relation to that child and b) provide the risk

assessment to the court. A risk assessment, in relation to a child who is at risk of suffering harm of a particular sort, is an assessment of the risk of that harm being suffered by the child. Further guidance on carrying out a risk assessment can be found in the Child Protection Policy.

## S

### Safeguarding

The process of protecting children from abuse or neglect that impairs their health and development. The aim of safeguarding practice is to make sure a child is properly and permanently protected and then to ensure that child can recover from any trauma experienced and be supported to develop normally. Cafcass has a statutory duty to safeguard and promote the welfare of children under section 12(1) of the Criminal Justice and Court Services Act 2000.

### Safeguarding Letter

The letter used in private law cases to inform the court of all relevant safeguarding information that Cafcass has obtained during its investigations before the first hearing.

### Screening

The process by which new information received by Cafcass is processed to prioritise the case.

### Section 7 Report (s7 report)

A report ordered by the court from either Cafcass or a local authority, pursuant to section 7 Children Act 1989, to report about "such matters relating to the welfare of the child as are required to be dealt with in the report".

### Section 31 Guardian Report (s31 Report)

The report completed by a Children's Guardian in a care case, as directed by the court under section 31 of the Children Act 1989.

### Section 31A Care Plan

A plan for the future care of a child, prepared by the local authority making a care application in respect of that child.

### Self Closure

Where Family Court Advisers have been delegated permission to close their own cases on CMS, by their supervising Service Manager, in an agreement which has been recorded within the Cafcass Performance Management System.

### Self Employed Contractor (SEC)

Self-employed contractors are experienced social workers who work for Cafcass on a self-employed basis.

### Serious Case Reviews (SCRs)

SCRs are undertaken when a child dies (including death by suspected suicide), and abuse or neglect is known or suspected to be a factor in the death. Additionally, LSCBs may decide to conduct a SCR whenever a child has been seriously harmed and the case gives rise to concerns about the way in which local professionals and services worked together to safeguard and promote the welfare of children (including inter-agency and inter-disciplinary working). The purpose of a SCR is to:

- establish what lessons are to be learned from the case about the way in which local professionals and organisations work individually and together to safeguard and promote the welfare of children
- identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result and
- improve intra- and inter-agency working and better safeguard and promote the welfare of children.

### Service Area Meetings

Monthly reviews of local service area performance

### SharePoint

Microsoft SharePoint is software which provides an infrastructure within which users can share and work collaboratively on documents. The ECMS operates through SharePoint.

### Single Point of Contact

Model where one Cafcass staff member acts as the sole contact for a service user or agency (e.g. local police forces; PHSO); all communication between Cafcass and that service user or agency goes through this contact.

### Situational supervision

Support and advice provided by line managers to staff at the point of need.

### Star Chambers

A meeting between the local management team and Chief Executive and Director of Finance. Its purpose is to consider demand and performance risks in the area in the context of an overspending budget.

### Subject Access Requests (SARs)

The Data Protection Act 1998 gives individuals the right to find out what personal information about themselves is processed by Cafcass. In

order to exercise this right an individual must make a written request for their data called a Subject Access Request.

## T

### Tandem model

The tandem model in public law care cases and in private law Rule 16.4 appointments involves children being represented in court by both a social worker acting as a Children's Guardian and by a solicitor.

### Threshold

Specified level beyond which a particular course of action is necessitated. In care proceedings, before the court can make a final Care or Supervision Order, it must be satisfied that:

- The children are suffering or likely to suffer significant harm; and
- That the harm or likelihood of harm is attributable to:
  - the care given to the child, or likely to be given to him or her if the order were not made, is not what it would be reasonable to expect the parent to give him or her,
  - the child is beyond parental control.

These tests for making the Care Order or Supervision Order are called the Threshold Criteria.

### Touch-down Facilities

Local venues, in addition to Cafcass offices, made available to practitioners to carry out case work e.g. interview rooms, Skype facilities.

### Travel and Subsistence (T&S)

Expenses incurred as a result of work for Cafcass that Cafcass will reimburse as set out in Cafcass T&S policy.

## V

### Viability Assessments

Term used for assessments of whether parenting capacity is sufficient to meet the needs of a particular child.

## W

### Wasted Costs Order

'Wasted costs' are costs which need not have been incurred by a party. If the costs were wasted as a result of any improper, unreasonable or negligent act or omission on the part of another party or a representative, the

court can order the responsible party or representative to pay the wasted costs.

### Watching brief

Describes the status of a case where Cafcass has determined or it has been directed that no active work is currently required of Cafcass, but where the Cafcass practitioner needs to be aware of developments and to maintain a readiness to respond.

### Welfare Checklist Analysis

There are two welfare checklists which specify set criteria against which the welfare of children should be assessed, one is provided in the Children Act 1989 and the other in the Children and Adoption Act 2002. The checklists are used by practitioners to assess the needs of the child and how they might best be met. Practitioners will include analysis of the child's circumstances taking account of the relevant welfare checklist as part of their case analysis for court.

### Whistle Blowing

Reporting malpractice or wrongdoing in the workplace. At Cafcass, whistle blowers are protected from repercussions by the provisions of the Cafcass Whistle Blowing Policy and, in certain conditions, under the Public Interest Disclosure Act 1998 (PIDA).

### Work to First Hearing (WTFH)

The work carried out by Cafcass after receiving an application from the court and before the First Hearing Dispute Resolution Appointment (FHDRA), to ensure that the court is in receipt of sufficient information prior to the first hearing to enable a safe judgement of the case. This includes screening of paperwork, undertaking necessary checks and contacting parties and discussing their issues.

### Work after First Hearing (WAFH)

At the direction of the court, in private law cases, Cafcass practitioners may be required to carry out work after the first hearing. The work might consist of the production of a single issue, multiple issue, risk assessment, or wishes and feelings report or, alternatively, a Children's Guardian may be appointed under rule 16.4 of the Family Procedure Rules 2010.

### Workload Weighting Model

A national system which measures the workload of Cafcass practitioners by assigning a points score to each stage of a case in private and public law. Each practitioner will then have their own aggregate score calculated based on the number, type and stage of cases they have, representing their estimated workload. This

calculation can be used by service managers to allocate cases to those practitioners with the capacity to take them on and by all staff to regulate their own caseload, for instance by maximising the throughput of cases.

# Appendix Two

## The Legal Framework

### The Welfare Principle

Section 1(1) Children Act 1989 – “when a court determines any question with respect to (a) the upbringing of a child

... the child’s welfare shall be the court’s paramount consideration.”

Section 1 Adoption and Children Act 2002 – “whenever a court ... [is] coming to a decision relating to the adoption of a child ... the paramount consideration of the court ... must be the child’s welfare, throughout his life.”

### Cafcass’ Principal Functions

Section 12(1) Criminal Justice and Court Services Act 2000 –

“In respect of family proceedings in which the welfare of children is or may be in question, it is a function of [Cafcass] to:

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

### Risk Assessments

Section 16A Children Act 1989 –

“If, in carrying out any function to which this section applies, an officer of the Service is given cause to suspect that the child concerned is at risk of harm, he must:

- (a) make a risk assessment in relation to the child and
- (b) provide the risk assessment to the court.”

### The No Delay Principle and the Welfare Checklist

Family Proceedings Rules 2010 Rule 16.33(4) –

“The [FCA], when carrying out duties in relation to [the Children Act 1989], must have regard to the [no delay] principle ... and the matters set out in section 1(3)(a) to (f) of [the welfare checklist] as if for the word ‘court’ in that section there were substituted the words [FCA].”

### The Duty to Carry Out Necessary Work

Practice Direction 16A, paragraphs 6.1 & 9.2 –

“The [FCA] must make such investigations as may be necessary [or as are necessary for children’s guardians]... and must, in particular:

- (a) contact or seek to interview such persons as ... appropriate or as the court directs and
- (b) obtain such professional assistance as is available which the children’s guardian thinks appropriate or which the court directs to be obtained.”

## Appendix Three

### Summary the United Nations Convention on the Rights of the Child (UNCRC)

(taken from Unicef.org)

#### Article 1 (Definition of the child):

The Convention defines a 'child' as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger.

#### Article 2 (Non-discrimination):

The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from.

#### Article 3 (Best interests of the child):

The best interests of children must be the primary concern in making decisions that may affect them.

#### Article 4 (Protection of rights):

Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled.

#### Article 5 (Parental guidance):

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

#### Article 6 (Survival and development):

Children have the right to live. Governments should ensure that children survive and develop healthily.

#### Article 7 (Registration, name, nationality, care):

All children have the right to a legally registered name, officially recognised by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

#### Article 8 (Preservation of identity):

Children have the right to an identity – an official record of who they are. Governments should respect children's right to a name, a nationality and family ties.

#### Article 9 (Separation from parents):

Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

#### Article 10 (Family reunification):

Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

#### Article 11 (Kidnapping):

Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions.

#### Article 12 (Respect for the views of the child):

When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

#### Article 13 (Freedom of expression):

Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing or writing.

#### Article 14 (Freedom of thought, conscience and religion):

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights.

#### Article 15 (Freedom of association):

Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights.

#### Article 16 (Right to privacy):

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

#### Article 17 (Access to information; mass media):

Children have the right to get information that is important to their health and well-being.

#### Article 18 (Parental responsibilities; state assistance):

Both parents share responsibility for bringing up their children, and should always consider what is best for each child.

#### Article 19 (Protection from all forms of violence):

Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.

#### Article 20 (Children deprived of family environment):

Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture and language.

#### Article 21 (Adoption):

Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them.

**Article 22 (Refugee children):**

Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

**Article 23 (Children with disabilities):**

Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

**Article 24 (Health and health services):**

Children have the right to good quality health care – the best health care possible – to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

**Article 25 (Review of treatment in care):**

Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate.

**Article 26 (Social security):**

Children – either through their guardians or directly – have the right to help from the government if they are poor or in need.

**Article 27 (Adequate standard of living):**

Children have the right to a standard of living that is good enough to meet their physical and mental needs.

**Article 28: (Right to education):**

All children have the right to a primary education, which should be free. Governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse or neglect.

**Article 29 (Goals of education):**

Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect others, human rights and their own and other cultures.

**Article 30 (Children of minorities/indigenous groups):**

Minority or indigenous children have the right to learn about and practice their own culture, language and religion.

**Article 31 (Leisure, play and culture):**

Children have the right to relax and play, and to join in a wide range of cultural, artistic and other recreational activities.

**Article 32 (Child labour):**

The government should protect children from work that is dangerous or might harm their health or their education.

**Article 33 (Drug abuse):**

Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):**

Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):**

The government should take all measures possible to make sure that children are not abducted, sold or trafficked.

**Article 36 (Other forms of exploitation):**

Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):**

No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly.

**Article 38 (War and armed conflicts):**

Governments must do everything they can to protect and care for children affected by war.

**Article 39 (Rehabilitation of child victims):**

Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reintegrate into society.

**Article 40 (Juvenile justice):**

Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights.

**Article 41 (Respect for superior national standards):** If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

**Article 42 (Knowledge of rights):**

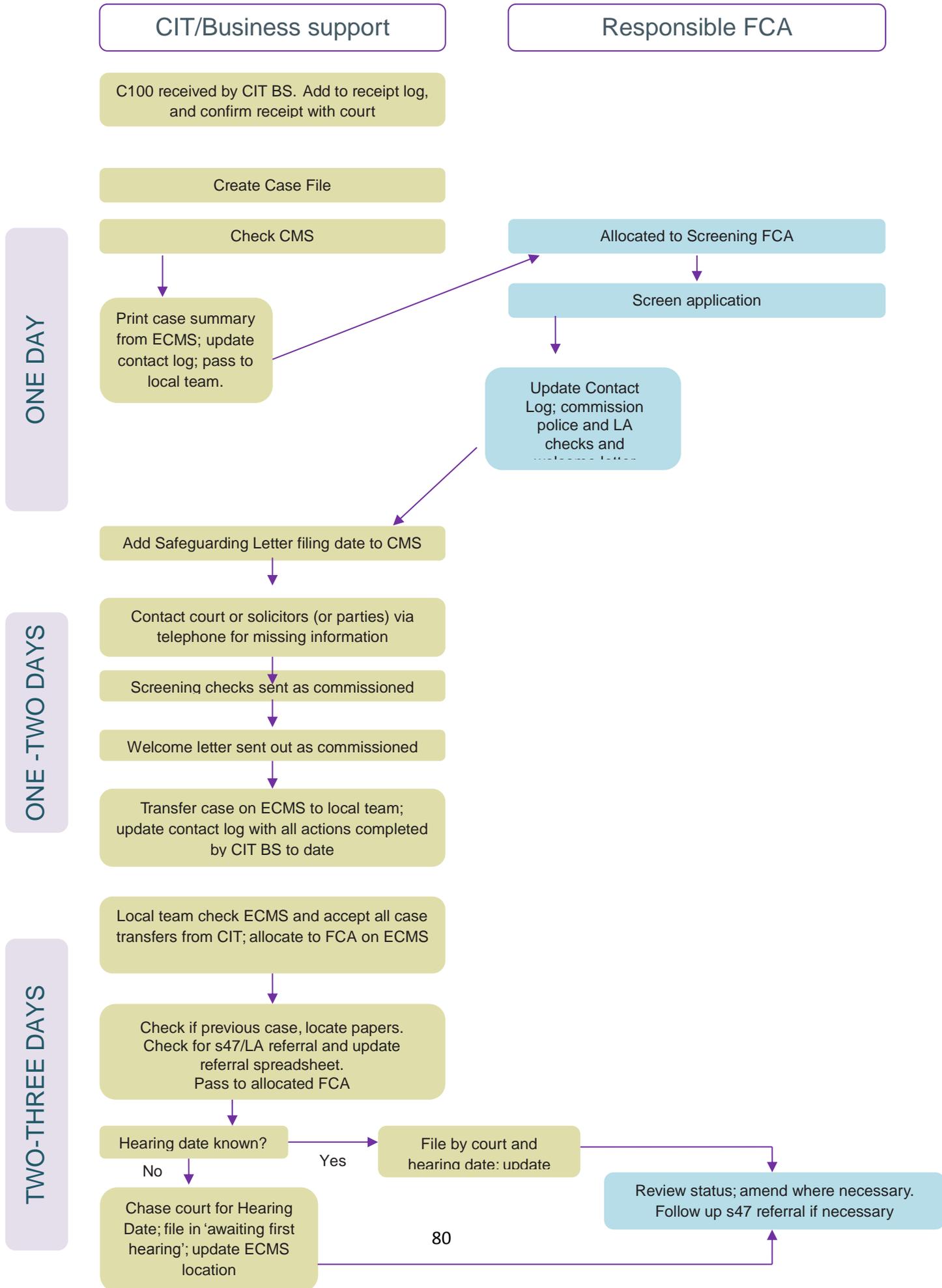
Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

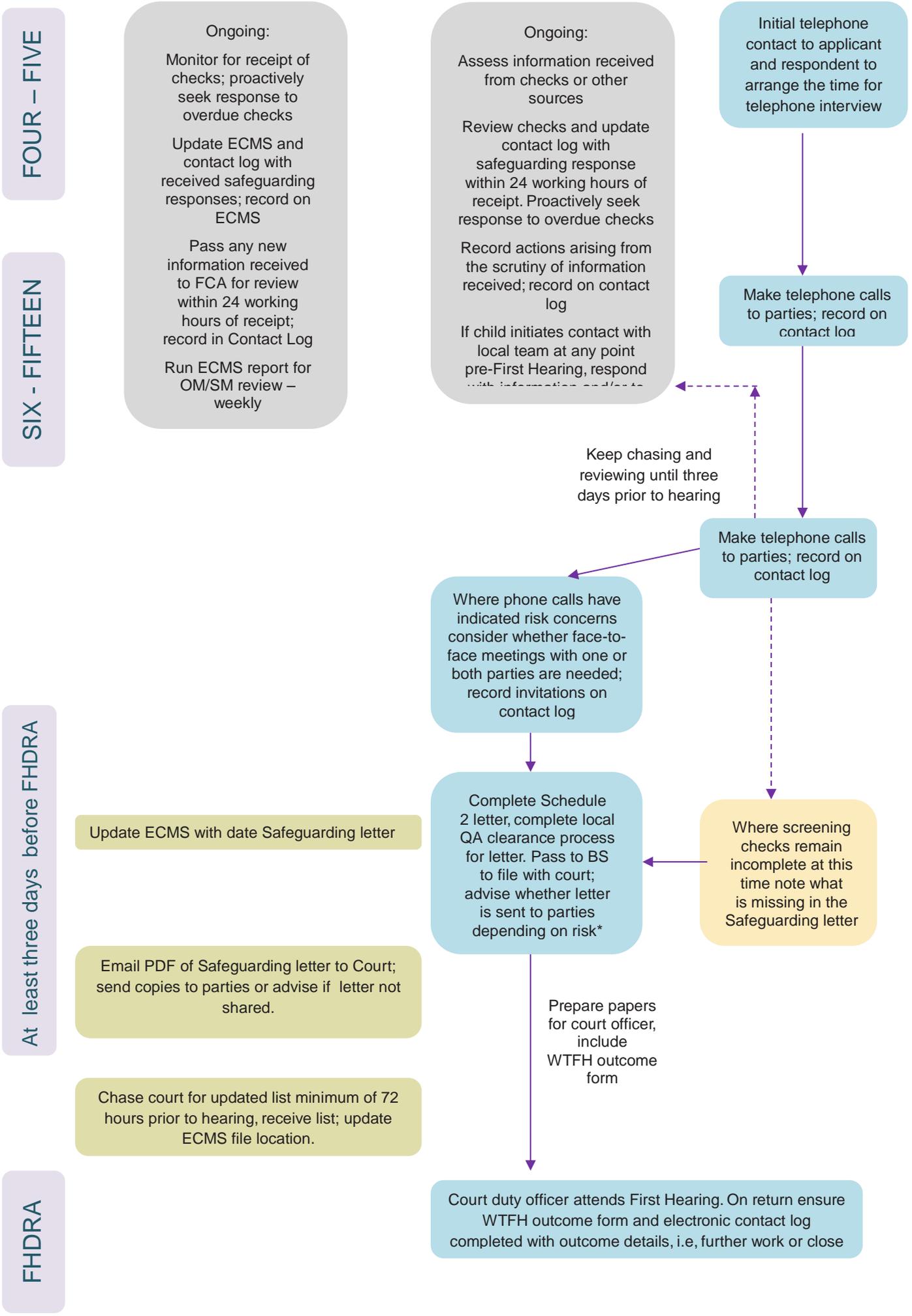
**Articles 43-54 (implementation measures):**

These articles discuss how governments and international organisations like UNICEF should work to ensure children are protected in their rights.

# Appendix Four

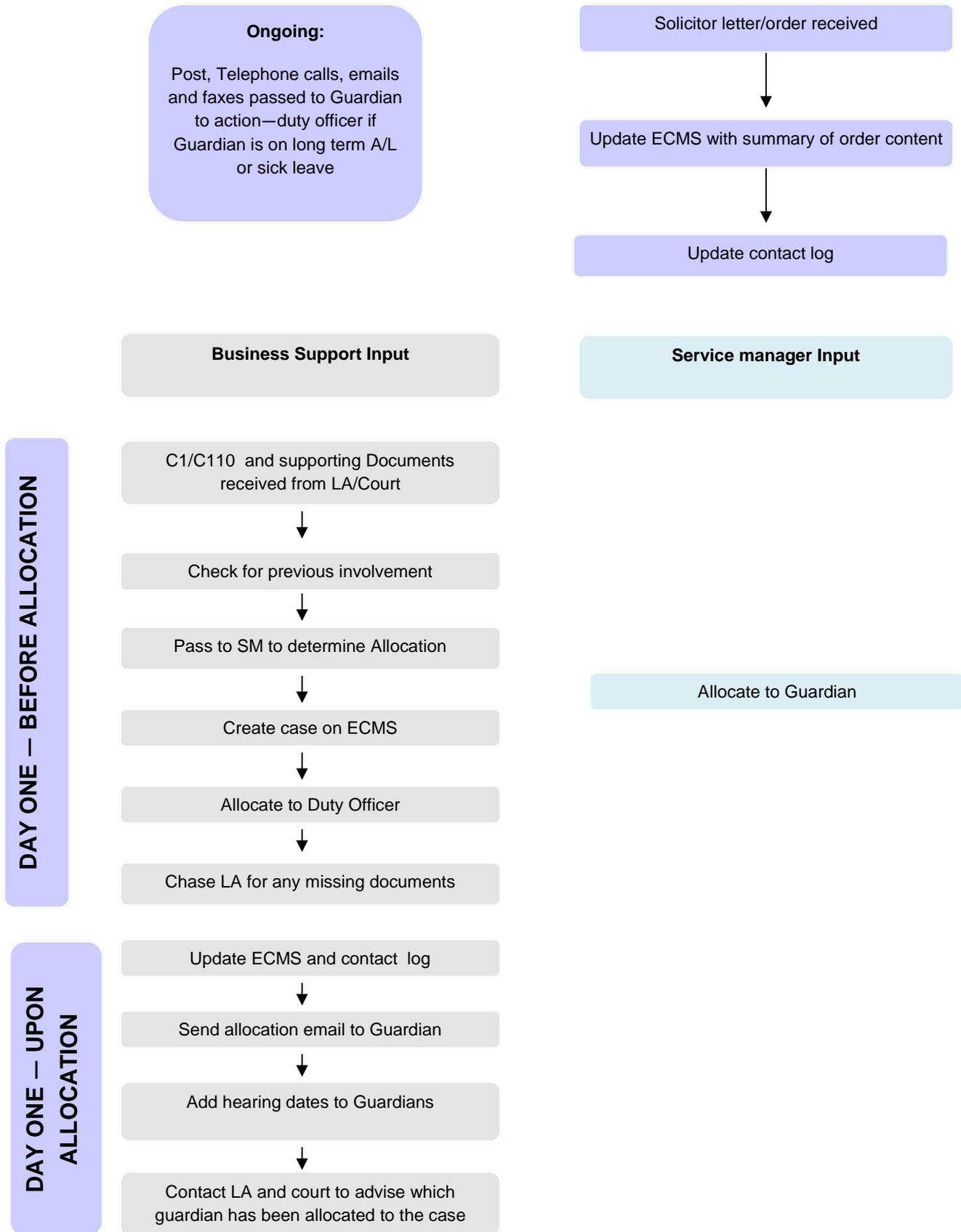
## Private law business process flow chart





# Appendix Five

## Public law business process flow chart



**BEFORE FIRST HEARING**

Received hearing (C6) from Court

Update ECMS, advise Guardian, upload email/order and update Contact Log. Add report to ECMS if one is ordered on C6

Send IRO letter to relevant LA , LA Legal Department and Social Worker

Establish which solicitor has been appointed by Guardian

**DURING THE LIFE OF THE CASE**

Update ECMS with any incoming post and notify Guardian where applicable

**POST FINAL HEARING/OUTPUT**

Add final legal output to ECMS

Ensure all reports are filed on ECMS

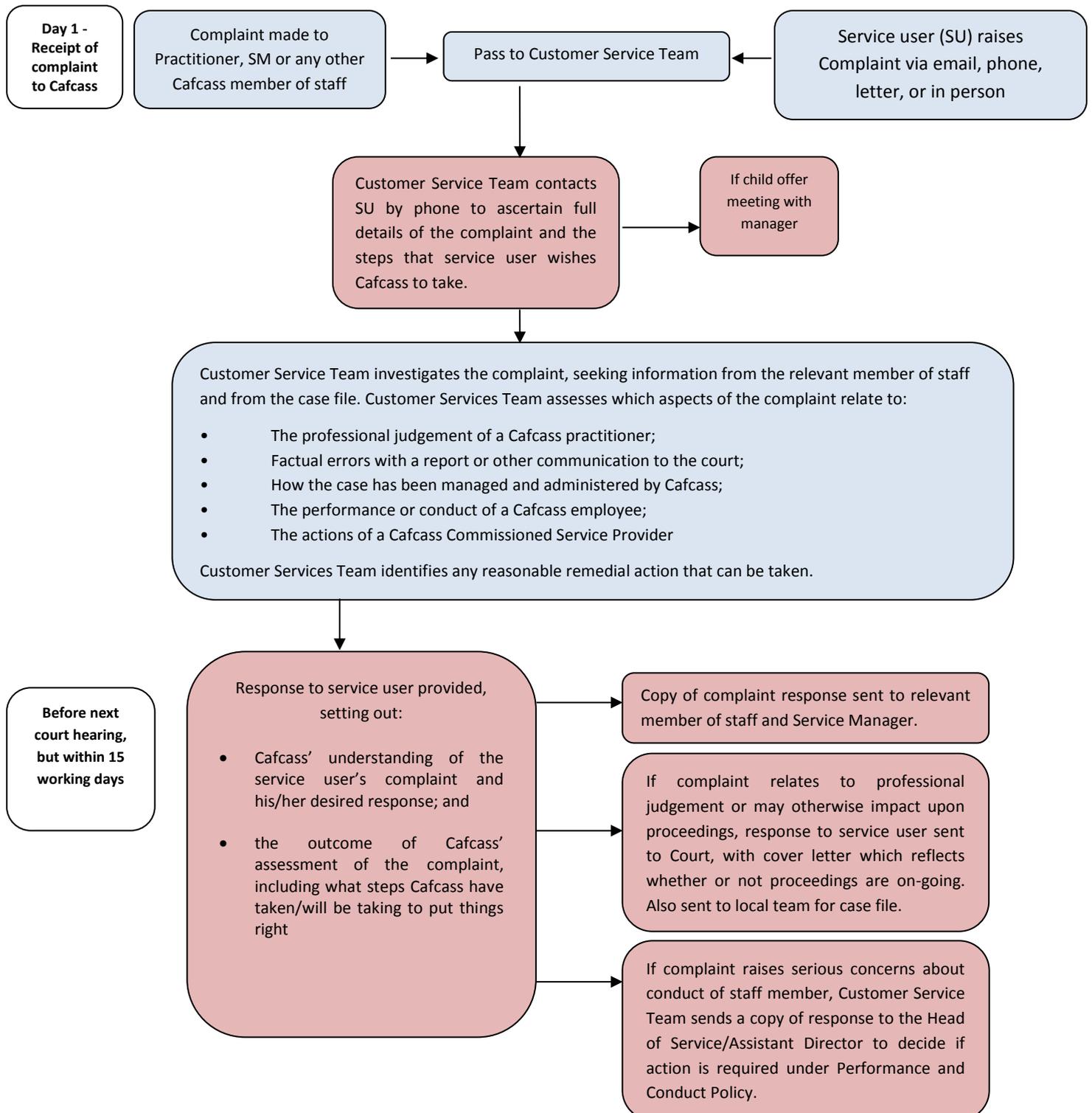
Chase Guardian for case closure (Post 3b stage – 4 weeks)

# Appendix Six

## Cafcass Complaints Procedure Flowchart

Steps to inform service users ahead of making a complaint:

- Information to service users in welcome letter
- Raising concerns at court
- When to complain
- Types of concerns
- Sharing reports with service users in accordance with the court's filing directions



## Appendix Seven

### Key principles for the service set out by the Interdisciplinary Alliance for Children (2010)

These are supported by Cafcass.

#### Practice Principles

##### Principle A – Children’s right and interests: hearing the choice of the child in proceedings

Services should be formulated around the framework of children’s rights and interests as these are set out in domestic law and international conventions including s1 and s41 Children Act 1989, Articles 3,12 and 8 United Nations Convention on the Rights of the Child (UNCRC).

##### Principle B – Professional independence and accountability

All internal management and administrative systems should facilitate and support practitioners in the independent exercise of their professional discretion, taking appropriate account of their statutory duties and their direct accountability to the courts as well as to their employer.

##### Principle C – Independent representation of children – continuity of appointment of a named Guardian

In cases in which the child is a party to the proceedings, the service shall provide the courts with a named guardian working in tandem with the child’s solicitor, who has continuity of appointment throughout the case, thus ensuring that children are not procedurally disadvantaged in relation to the other parties to the proceeding as required by Article 6 European Convention on Human Rights (ECHR) and providing the oversight necessary to keep children safe and at the forefront of decision-making.

#### Priorities in structure and service delivery

##### Principle D – Services formulated around the statutory framework

The structure of welfare services must reflect and support the statutory purposes of the organisation and the underscoring principles.

##### Principle E – The framework of evaluation

The framework of evaluation must reflect the statutory purposes of the organisation.

##### Principle F – Locally delivered services meeting local demand in a timely manner

Court services for children should be geared to local demand and locally deployed in order to provide the courts with a timely and flexible service with a clear organisational emphasis on front line services.

##### Principle G – Effective and cost effective services

The service must be cost effective in providing services that deliver the best possible outcomes for children in a way that provides good value for money and makes the best possible use of all the available resources, both human and financial.

Appendix Eight  
Office Map

Cafcass Office Map



# Appendix Nine

## Service areas with responsible managers

### Head of Service Area Map

