



15th September 2006

DfES/HM Treasury Joint Policy Review on Children and Young People

Thank you for the invitation to contribute to this call for evidence.

We have organised our response under the four headings within the call for evidence. We have approached the questions from the perspective of our work in the family courts and although we have not specifically addressed each of the questions, we have drawn attention to the key issues as we see them affecting our work.

CAFCASS safeguards and promotes the interests of children involved in family proceedings, advising the family courts on what it considers to be in the best interests of individual children. CAF/CASS professionally qualified social work staff, called Family Court Advisors, (FCA) work only in the family courts. Examples of matters that may be decided by family courts are:

- *when children are subject to an application for care or supervision proceedings by social services (public law); in these instances our FCA's act as Children's Guardians;*
- *an adoption application (public law); in these instances our Family Court Advisors act as Reporting Officers and Children's Guardians in different aspects of the same case;*
- *when parents who are separating or divorcing can't agree on arrangements for their children (private law); in these instances our FCA's act as Child and Family Reporters or as Guardians ad Litem, if separate representation of the rights and interests of the child is required (Rule 9.5 cases) .*

If you would like further information about any of the evidence we have submitted, please do not hesitate to contact me,

Yours sincerely

Sherry Malik
Corporate Director, Strategy & Performance

Annex A – Covering Template for Responses

Please complete the attached cover sheet when sending evidence, indicating the set of questions to which a response is being provided and contact details of the person for any follow-up queries.

Contact details for respondent	
Name	
Job title	Corporate Director, Strategy & Performance
Do you represent an organisation? (if so, name of organisation and type: e.g. voluntary, public body, private company).	CAFCASS Children and Family Court Advisory and support Service
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	Which area of the review are you responding to? (please mark X)
Prevention strand	X
Review of disabled children	X
Strategy for youth services	X
Review of high cost, high harm families	X

Annex B1: Terms of reference for the Children and Young People's Review (prevention strand of review)

CAFCASS response:

1. There is ample evidence and research on the benefits of early intervention through joined up support services to parents where children are at risk of becoming looked after. Government policy has been following that through in recent initiatives ie, in the Looked After Children Green Paper.

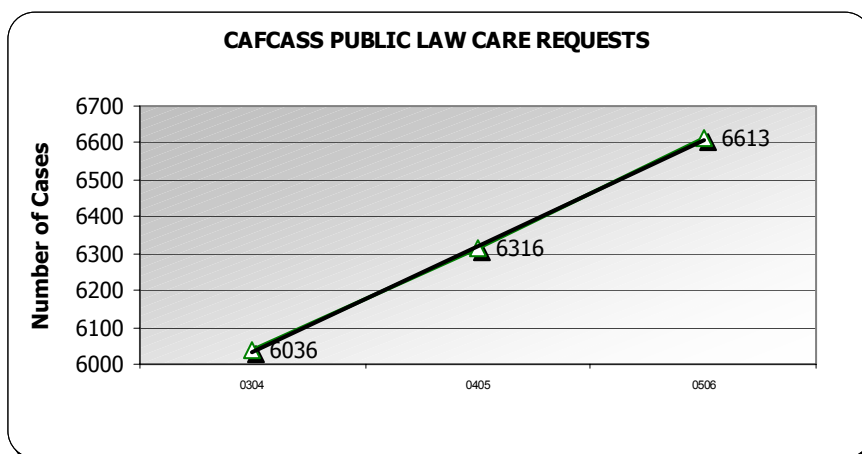
2. However, CAFCASS strongly believes that there should be better investment in those working with children generally and more specifically in the social work profession, through better training, in improving the profession's image, and better salaries. This is vital if children are to have better outcomes. Whilst social work recruitment and retention have improved marginally in the last year, we do not believe that improvement is sustainable in the longer-term without a stronger set of pay and training packages. We have been contributing to the work led by CWDC and DCLoG on this issue.

3. Our involvement with children and families in the family courts starts at the point where preventative services have been fully explored and formal court proceedings have started. Our task is to ensure that every child involved in such proceedings has the same life chances as all other children. CAFCASS believes that even at this acute stage, much can be done to reduce conflict and to reduce the length of time it takes to resolve matters in court, both in public law and private law matters.

4. The family justice system is overburdened in many courts, particularly in London, and the length of time it takes to resolve care proceedings can often be too long for that child, who is living with uncertainty. The judicial protocol of completing care cases in family courts within 40 weeks sets out to prevent delay from the start of the court process and CAFCASS sets targets to ensure that we play our part in meeting targets, including piloting radical new initiatives in line with the recent DfES/DCA review of care proceedings. We are also supporting the overall goals set out in the Green Paper on Looked After Children.

5. However, CAFCASS data notes a rise of 4.6% in 2004-05 and of 4.7% of care cases nationally in 2005/06. We are currently projecting around a 6.5% increase in 2006-07. The impact of such year on year increase needs to be recognised in financial terms if progress made on delays and improved outcomes for children involved in care proceedings is to be sustained. (PSA 4: By 2009-10, to increase the proportion of care cases being completed in the courts within 40 weeks.)¹

¹ PSA Target: Care Centres (CC) = 48%, Magistrates Courts(MC) = 56%, Interim targets 2005/6 CCs = from 40% to 48% MCs = from 52% to 60% . 70% long term aim.



6. Separation and divorce is a common social phenomenon and needs additional public investment in understanding its impact on family life and the outcomes for children in these families. Recognition of these children as children in need is important. Few of the 385,300 children in need in England were recorded purely because of parental separation². Recent research demonstrates the impact of long-term, continued conflict between parents as having significant impact on the mental health of children³. CAFCASS wants more recognition of this in public policy and related services.

7. CAFCASS does not believe that the current incentives and levers within our adversarial family justice system work to deliver speedy and less conflicted resolutions for children and families. We welcome in particular Lord Carter's review of Legal Aid procurement, which clearly sets out to reward early settlement. CAFCASS has worked with the courts and the judiciary to introduce alternative dispute resolution in family courts throughout the country in an effort to avoid contested hearings. We want to invest the time in working directly with families to reach agreement and reduce conflict, rather than writing lengthy reports for court. In 2005-06, our practitioners participated in 32,537 dispute resolution meetings spending 43,322 hours on these cases and we anticipate that over the next 3 years, our dispute resolution work will rise. CAFCASS believes that its dispute resolution work, where successful, will reduce claims for Legal Aid funding and wants the redistribution of funding from lengthy, adversarially conducted cases, into earlier intervention services and approaches in working with such families.

8. Family life is increasingly complex, with family breakdown, stepfamilies and dual culture families on the rise. Managing conflicts and relationships and parenting skills are essential life skills, which every young person needs in order to function better as adults and as parents. Although such services are in place for adults, through Relate and other adult counseling services, their take up isn't universal. A BBC survey found that 75% of couples with children had at some point experienced serious problems with their relationship; of these only 8% had sought counseling. Their success rate is mixed too: Relate report a 58% success

² Children in Need in England, Office of National statistics, 2005

³ D Iwaniec, E Larkin, S Higgins, "Risk and resilience in case of emotional abuse, Child and Family Social Work, Vol 11, Issue 1, pp73-82, 2006.

rate while US studies put the success of couple counseling at around 11-18%. Many of our staff in CAFCASS strongly believe that as a sound preventative investment, managing relationships, handling conflict and learning parenting skills should form part of the schools curriculum.

7. The involvement and participation of service users in the planning, design and implementation of services is vital, but this needs to be genuine and honest. An impact assessment on how policies affect different communities and disadvantaged groups should form part of all public policy if it is to prevent disadvantage from the start.

Summary of key points raised by CAFCASS:

- Better investment in the status, pay, recruitment and retention of social workers
- Recognition of the impact of increasing numbers of children in care on budgets and progress on delays in family proceedings
- Recognition of the impact of family breakdown on children's mental well being.
- Recognition that our dispute resolution work, where successful, will reduce claims for Legal Aid funding and that such funding should be redistributed from lengthy, adversarially conducted cases, into earlier intervention services and approaches in working with such families.
- Recognition that managing conflict and learning to be a good parent is an essential life skill, which children and young people should learn early on.
- Genuine participation of service users is needed in the design and delivery of public services, including impact assessments of public policies to avoid unintended discriminatory effects.

Annex B2: Terms of reference for the Review of Disabled Children

CAFCASS response:

1. The changing profile of disabled children, due to increases in complex disability presents a challenge to existing services, both in terms of staff knowledge, learning and development and in terms of funding it.

2, The bringing together of health, education and social services, either in smaller trusts for children with disabilities, or within the larger children's trusts have allowed for pooled resources and joint assessment. This is a great stride forward in the timely and comprehensive response of services to the needs of disabled children and their families. Where these are separate from mainstream children's trusts/social services, this can affect the availability of child protection expertise, leaving the most vulnerable of children less well protected.

3. A major difficulty remains in finding suitable placements for children with disabilities, once it has been decided that they cannot remain with their parents.

4. There is a lack not only of suitable carers, but also of carers with suitable accommodation particularly in urban areas. This can also compound the

difficulties of providing suitable care within a reasonable distance of their family home, leading to serious effects on contact with family members.

5. The same is true of educational accommodation. These children lose the benefits of being near their homes and localities and this can be compounded once they reach the age of transition to adult services. Returning home can mean a loss of friends and previously enjoyed support.

6. Transition to adult services remains a critical area for these children and their families. Frequently the services are less than were available prior to attaining adulthood. Transition plans need to be worked out a year or more in advance to assist young people into appropriate support services in adulthood. CAFCASS strongly believes that a similar emphasis as is given to leaving care services would add greater focus to this issue.

7. The time taken for diagnosis of certain conditions can be particularly problematic. Lack of health visitors in some areas and of the other essential therapists, such as speech therapists, can mean that some situations are not brought to the authorities' attention as quickly as might be beneficial, most of all to the families who can often be emotionally and physically stretched and exhausted before conditions are recognised.

8. There is an inconsistent pattern of care across the country. Clearly, different contexts require different responses but far too often the discrepancies are great and arranging transitions from one part of the country to another can be very difficult, especially if this requires changes in financial responsibility for the child and the family.

9. CAMHS support services are often extremely limited, if available at all, for children with disabilities, with learning difficulties and for those with communication problems. As with other children and families, if involved in family court proceedings, many CAMHS services refuse to have involvement with the children until after the outcome of proceeding is known, leaving these children without treatment, to their detriment. CAFCASS believes there is insufficient join-up between Government Departments in this whole area, and that CAMHS development would benefit from far greater scrutiny during the CSR process this time round. In particular, some variation to the NHS priority criteria based exclusively on clinical need could be considered. Vulnerable children would benefit from a CAMHS service and thus avoid far greater cost to the public purse years down the line.

10. In line with recent research⁴, CAFCASS believes that those working with families who have children with disabilities, should see the child first and the disability second, focusing parental support more on the "parenting" than on the "caring". This in our view will put the focus back on children with disabilities achieving, making a contribution, staying healthy, keeping safe, enjoying leisure, exercising choice and control and managing personal dignity.

⁴ What works in services for families with disabled children? Beresford, Sloper, Baldwin, Newman, 96.

11 Family support services for children with disabilities are patchy and often dependent on the availability of local voluntary or charitable support groups. For example, Contact a Family provides excellent support for families, including short breaks etc, but only in the areas within which they operate. The thresholds for statutory services are often very high due to budgetary considerations. Such support, however, can be critical in enabling children to remain with their families and keeping families together.

12. CAF/CASS believes that the most cost effective interventions in delivering better outcomes for children with disabilities are early intervention, early diagnosis, joint assessments, joint packages of care, good support for families from an early stage and good coordinated transition arrangement when the young person reach adulthood.

Summary of key points raised by CAF/CASS:

- Better integration of services for children with disabilities within children's trusts
- Lack of placements (long term and respite care) for disabled children due to lack of suitable carers and suitable accommodation, including education based accommodation.
- Better transition services, with similar focus as that for looked after children.
- Speedier diagnosis needed as without this, access to support and therapy is often limited
- Revisiting NHS clinical criteria around CAMHS to allow better support for vulnerable children and their families.
- Greater focus on 'parenting' rather than 'caring' for children with disabilities.
- Better network of support services across the country, which is currently patchy

Annex B3: Terms of reference for the Strategy for Youth Services

CAF/CASS response

1. CAF/CASS welcomes and supports the Government's response 'Youth Matters: Next Steps' published in March 2006.
2. CAF/CASS believes that the involvement of children and young people in the design and delivery of youth services is crucial. The most effective way to do this is for organisations to listen to young people and take action on what they said. Recent DfES Research⁵ supports this and points out that where organisations had worked to sustain and embed their participation activity, this was more likely to succeed. We believe that more help needs to be given to organisations working with children and young people to involve them in meaningful ways, so that their views are listened to and acted upon. This is particularly true in working with and delivering services for disabled young people. The role of Children's

⁵ Building a culture of participation (DfES) 10 June 2005

Rights Director created 18 months ago within CAFCASS has made a quick impact on changing the culture and putting the voices of children and young people as central to our work.

3. The notion of 'community parenting' needs to be revived. Too often only those with a 'legal' right can intervene to support a parent who is struggling, or reprimand a young person behaving badly on the street. In many Eastern and South East countries, adults can step in without fear of recrimination from the parent. The rights of children need to be balanced with responsibilities and this can only be done through the collective responsibility of community parenting.
4. CAFCASS champions the need for young people who have been looked after by the local authority to have the same life chances as other young people. In particular they need support to ensure that their education is not disrupted and to be encouraged towards higher education in order to improve their life chances as economically independent adults.

Summary of key points raised by CAFCASS:

- Listening to and acting upon children's views is vital and organisations need to be supported to embed their participation activity
- Encourage the notion of 'community parenting'
- Education as a key priority for looked after children, as it is a protective factor for economic independence in adulthood.

Annex B4: Terms of reference for the Review of High Cost, High Harm Families

CAFCASS response:

1. CAFCASS' involvement with high cost, high harm families becomes evident where a number of successive children in the same family become the subject of care proceedings. Equally, in private law proceedings, we note that many of our cases return to court repeatedly due to entrenched and protracted disputes between parents, using a high proportion of the family justice system's time and resources.

2. The Children Act 1989 supports and encourages placement of a child looked after by a local authority with a relative, friend or other person connected with him, unless that would not be reasonably practicable or consistent with the child's welfare [23 (S6) (b)]. Since 1994 there has been a gradual increase in family and friends foster care, both as a proportion of all foster care placements and overall. As at 31 March 2005 12% (7,500) of the total of 60,900 children looked after are in family and friends foster care (National Statistics/Dfes, 2006)⁶.

⁶ Statistics of Education: Children looked after by Local Authorities Year Ending 31 March 2005 Volume 1: National Tables)

3. Kinship care makes a major contribution in securing placement stability⁷. Along with greater user (i.e. child) satisfaction, compared with their previous placements, 'contributing to placement stability' appears to be one of the strongest and recurring themes in the research to date. Kinship care also makes a strong contribution to sustaining a child's sense of identity. The number of children living in kinship care is significant and increasing. Yet kinship care is largely invisible at key national policy and funding levels.

4. Against a background of widely varying local authority practice in this area more needs to be done to fund and guide local authorities, benefit offices and the voluntary sector to safeguard children and improve support services for kinship carers. A much greater recognition is needed at the beginning of placement deliberations of the importance of the child's view about whether a kinship care option should be explored.

5. Investing in families with children of pre-school age in terms of educational play, support for parents and intensive services where risk factors have been identified is vital to provide a good start to life. We believe that such services will improve outcomes for children in the longer term. There is a business case for investment in early years as it will lead to a reduction in the need for reactive/remedial support in later life and this is supported by ample research.

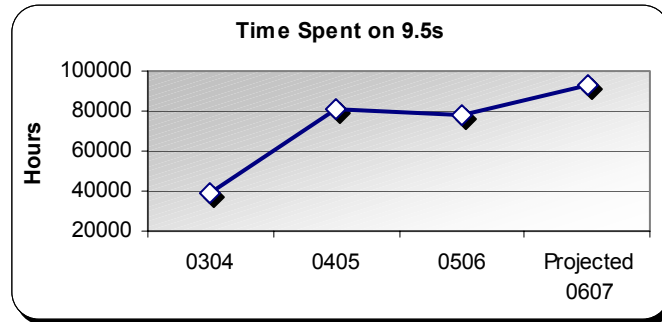
6. However such services need to ensure that they do not exclude children from black and other minority ethnic families, who are more likely to be living in poverty and experiencing disadvantage than white children in Britain. Research shows that they are less likely to be accessing good quality early years services, which can support them in overcoming disadvantage.⁸ Services need to actively reach out and provide appropriate support. This has implications for a diverse workforce which services need to ensure they plan for and provide.

7. There is some clear evidence that Rule 9.5⁹ is an effective measure in resolving disputes and supporting children in some of our most complex private law cases and has successfully prevented divorced and separated parents from repeatedly returning to court. The demand for these cases remained high in 2005/06 -1035, after more than doubling in the two years during 2003-2005 to 1,079. Rule 9.5 applications can take 3 times as long as other private law applications. We have already pointed out the mental health needs of children involved in protracted private law proceedings between parents and the case for properly resourcing such applications remains strong.

⁷ On this point also see Rowe et al (1984) Long term foster care, London: Batsford Academic; Jackson, S and Thomas, N, (1999) What works in creating stability for looked after children, London: Barnados; Berridge, D (1987) Foster care: a research review, The Stationary Office

⁸ Ensuring Equality: black and minority ethnic families views on childcare, National Centre for Social Research, June 2006

⁹ When a child is involved in a particularly complex and/or protracted private law case, he/she can be separately represented by CAFCASS, under Rule 9.5 of the Family Proceedings Rules 1991.



8. Outcomes for children in families where there is a breakdown in parental relationships can often be poor, particularly in educational terms. Support services for these children need to be seen as universal. Currently they are not seen as children in need within the local authority criteria. Early intervention can have an impact on the mental well-being and better outcomes for children within such families in the longer term.

7. Equally, many disabled children are living in poverty and this needs to be recognised in terms of high cost to services in the longer term. The correlation between poverty and disability with regard to worklessness in households is well established. CFCASS believes that many more disabled people can lead economically independent lives if they are given the life chances in childhood.

8. The design and delivery of services need to:

- be evidence based,
- ensure they are not unintentionally excluding certain sections of the community.
- share and have access to better information
- be able to identify risk factors early on to target support appropriately and
- better understand protective factors and built upon them.

Summary of key points raised by CAF/CASS:

- More needs to be done to fund and guide local authorities, benefit offices and the voluntary sector to support kinship care as a positive option
- Greater recognition of the importance of the child's view about whether a kinship care option should be explored.
- Tackle exclusion of children from black and other minority ethnic families, from pre-school play and support services
- Proper resourcing of increasing numbers of Rule 9.5 applications which is an effective measure for resolving protracted family disputes
- Support for Lord Carter's review of Legal Aid Provision in rewarding early settlement.
- Support for children in families where there is a breakdown in parental relationships as children in need, to enable better outcomes for them.
- Better support to disabled children to enable more economically independent lives in adulthood.
- Evidenced based services.