

MCSI Inspection of Court Services

*Children and Family Court Advisory
and Support Service (CAFCASS)*

North East Region

Report of a baseline inspection carried out during

December 2002

MCSI Inspection of Court Services

MCSI has a remit to inspect and report to the Lord Chancellor on CAF/CASS. The legal powers and duties covering inspection of CAF/CASS are set out in section 17 of the Criminal Justice and Court Services Act 2000.

In March 2000, Ministers agreed the general approach to be taken by MCSI with regard to inspection of CAF/CASS. The first phase, from June to December 2001, comprised thirteen 'structured visits' to all CAF/CASS Regions across England and Wales and culminated in a published Overview Report 'Setting Up' in March 2002. Given that both CAF/CASS and MCSI's role in inspecting it were new, this initial phase also allowed MCSI to develop and test certain inspection methodologies.

The baseline inspection of the North East Region is the sixth of MCSI's twelve such inspections of CAF/CASS planned for 2002/03 and the term 'baseline' is explained:

"MCSI's baseline inspections of CAF/CASS are its first formal inspections of CAF/CASS as a newly established organisation. As such, they examine selected key functions, collect available information and evidence and reach judgements about overall performance and service delivery. Baseline inspections are reported publicly. MCSI reports include both Inspectorate recommendations and CAF/CASS's actions plans for implementing them."

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Chief Inspector's Foreword

Our inspection of CAF/CASS North East Region focused on five topics:

- **Welfare of Children** (how well CAF/CASS safeguards and promotes the welfare of children who may be the subject of family proceedings or who are in receipt of other CAF/CASS services)
- **Care of Service Users** (the quality of services offered to people who use CAF/CASS – including the way people are treated, the information given to them and what is provided for them at CAF/CASS premises)
- **Strategy and Performance Management** (how well CAF/CASS plans its services for the future and checks that the plans are followed)
- **Management of Human Resources** (how well CAF/CASS, as an employer, carries out its duties and obligations to ensure that the provision and deployment of staff meets the needs of the service)
- **Management of Physical Resources** (how well CAF/CASS manages the deployment of its buildings, including Health and Safety and information technology).

Throughout, we examined issues around **Diversity**, which underpins all MCSI topics.

We make recommendations in five areas, all of which are concerned with the way the CAF/CASS North East Region functions. Our recommendations are designed to assist the Region to deliver improvements in its services in the short term – that is, in the next 12 months or so. They are also intended to be consistent with the priorities set out by CAF/CASS in its Corporate Plan 2002/06, published in March 2002, which in turn have been carried forward in CAF/CASS North East Region's Delivery Plan. These priorities also reflect the Lord Chancellor's six key objectives for the Service.

This report does not cover all the activities undertaken by CAF/CASS North East Region. For example, we have not, on this occasion, examined financial matters in great detail because CAF/CASS has a programme of external audit activities, to which we refer. I believe it would be unhelpful for MCSI to duplicate aspects of this work.

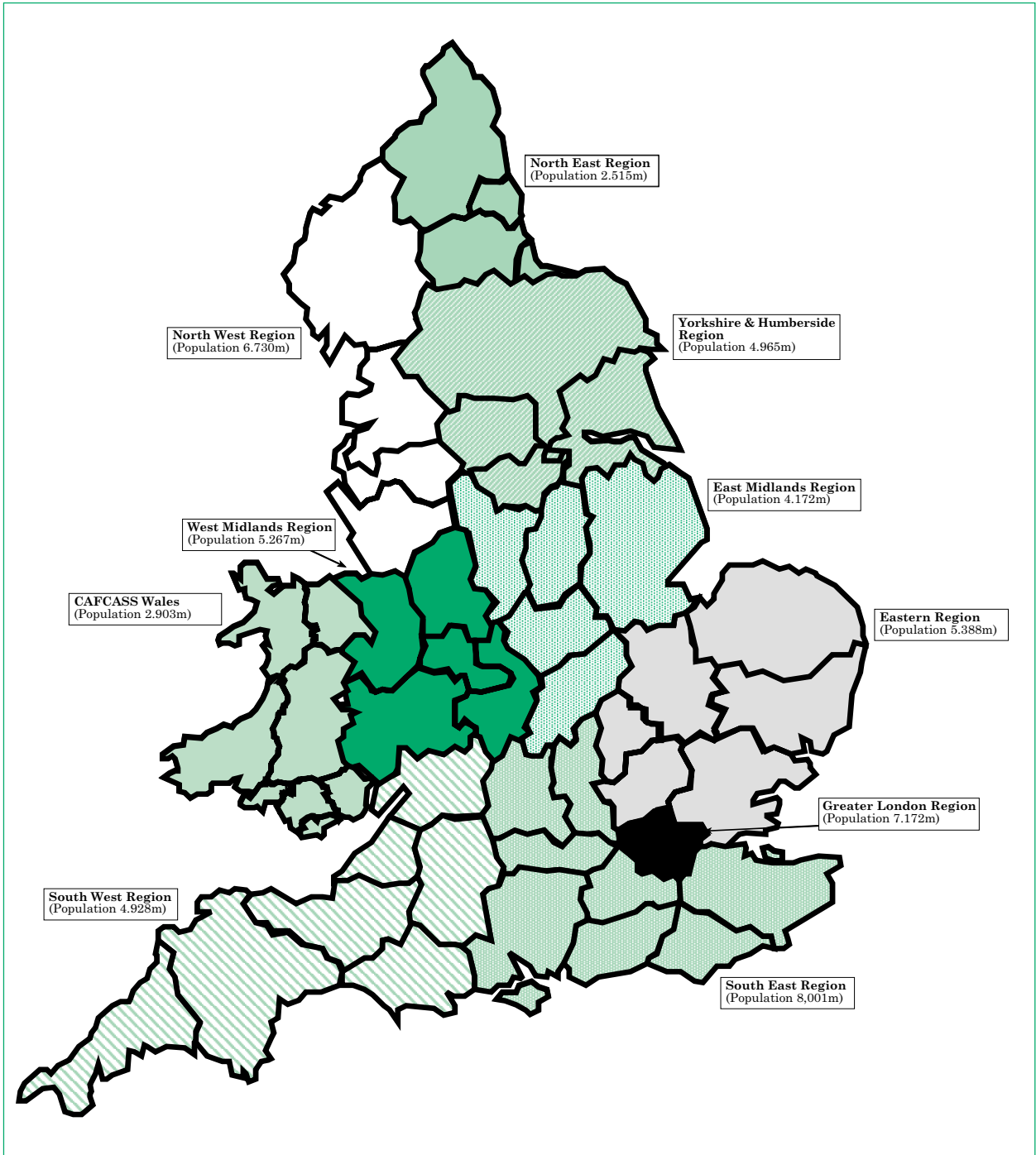
I am grateful to staff in CAF/CASS North East Region and CAF/CASS Headquarters for their co-operation throughout the inspection process. I am also pleased that local authority staff and the judiciary agreed to submit their views to MCSI about the work of CAF/CASS North East Region during an audit period and discuss these with Inspectors. In particular, I would like to thank Stuart Cornwell of CAF/CASS North East Region who acted as the liaison officer and gathered together the briefing material in advance of the inspection as well as arranged on-site activities.



Kit Chivers

HM Chief Inspector
MCSI Inspection of Court Services
April 2003

Figure 1: CAF/CASS Regions across England and Wales



Context

Baseline inspection North East Region

The context of the baseline inspection of CAFCASS North East Region in December 2002 was that:

- fieldwork took place within twenty months of CAFCASS being established as a new organisation
- in March 2002, CAFCASS had published its first *Corporate Plan* and CAFCASS North East Region had developed a Delivery Plan
- CAFCASS North East Region was still in the process of setting itself up and, as such, the general picture was very similar to that reported by MCSI in its first report on CAFCASS - *'Setting Up'* (March 2002)
- Business planning in CAFCASS North East was determined by the priority actions as defined in the Region's Delivery Plan and *Recovery Plan*.

The 'Setting Up' Report

A brief summary of the *'Setting Up'* report is included in this report since it, and the conclusions arising from it, continue to have relevance to the inspection of CAFCASS North East Region.

Since the thirteen initial visits undertaken by MCSI in the period June to December 2001 were not full inspections, it was not appropriate for Inspectors to make formal recommendations. Instead, 23 *suggested actions* were listed. These are set out in Annex D. The background to establishing CAFCASS is summarised at Annex E.

CAFCASS's main functions

The principal functions of CAFCASS are set out at section 12 of the Criminal Justice and Court Services Act 2000. These are, in respect of family proceedings in which the welfare of children is or may be in question, to:

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

Key objectives for CAFCASS

Within the framework of the Criminal Justice and Court Services Act 2000 and the Public Service Agreement, the Lord Chancellor approved the following six key objectives for CAFCASS:

- to represent, safeguard and promote the welfare of children involved in Family Court Proceedings
- to improve the services offered to the Family Courts
- to improve the efficiency and effectiveness of the services offered through increased value-for-money (VFM)
- to improve the services offered to families and other key stakeholders
- to develop the skills of staff
- to play a full role in delivering the wider Government agenda of improvements in service.

The relevant key objective is set out in full at the beginning of each main section of this report.

Inspection Findings 1: Welfare of Children

This section assesses the degree to which CAFCASS North East Region ensures co-ordination of professional practice, policies and strategies and demonstrates that these elements are all aimed at safeguarding and promoting the welfare of children who may be the subject of family proceedings or who are in receipt of other CAFCASS services.

In order to fulfil this key function MCSI expects a CAFCASS Region to:

- ❑ demonstrate that it is a child focused organisation
- ❑ be proactive about preventing exclusion from services for whatever reason, including gender, race, religion and disability
- ❑ have clear policies and procedures that safeguard and promote children’s welfare
- ❑ promote a culture within the organisation that ensures that children are respected at all times and their welfare is promoted
- ❑ ensure full compliance with the range of statutory powers and duties when its officers are appointed in family proceedings
- ❑ ensure that systems are established to help achieve better outcomes for children who are in receipt of its services
- ❑ have national standards, performance targets, data collections and monitoring regimes that help ensure continuous improvement in the delivery of high quality and consistent child focused services.

Public Service Agreement

Key objectives for CAFCASS are:

- ❑ to represent, safeguard and promote the welfare of children involved in Family Court Proceedings. It will aim to deliver demonstrable improvements in the outcome of the child’s experience of the CAFCASS intervention and develop, in consultation with the Lord Chancellor’s Department (LCD), effective measures to monitor and demonstrate this
- ❑ to improve services offered to the family courts. There should be demonstrable improvements in the timeliness and quality of advice and support given to the courts. CAFCASS should develop and agree with the LCD ways for this to be monitored and addressed, including a proxy of quality.

Overall Findings

- In almost all cases, children who were the subject of proceedings were seen by CAFCASS practitioners in North East Region.
- Some key elements to safeguard children were in place.
- The courts and local authorities surveyed generally held CAFCASS services in high regard.
- The Region had taken steps that were aimed at improving its services to children and had been proactive in addressing them.
- There was a need for greater consistency in practice e.g. in quality assurance and supervision of practitioners, including compliance with statutory duties.
- Further work was needed by CAFCASS North East Region to raise awareness among staff of race and Diversity issues.
- There was a wide range in the volume of work completed by private law practitioners.
- The profile of children and families (including religion, age, gender, race, ethnicity and disability) using the CAFCASS service was not known in this Region.
- Delay was systemic within the Family Justice System across the Region and key agencies had established a working party to address it.
- The demand for a CAFCASS service was not related to the Region's current capacity to meet that demand.
- Directly linked to the lack of resources, and compounded by the national dispute about children's guardians' self employment contracts (now resolved), waiting lists had built up in several areas of the Region in both public and private law. This had an adverse impact on a vulnerable group of children. The Region and Headquarters had instituted urgent remedial actions that had a good chance of significantly improving the position.

Inspection sources

- 1.1 The primary sources of information about MCSI's key function for the welfare of children were:
- background documents provided by CAFCASS
 - interviews with CAFCASS staff
 - audits of judicial and local authority views
 - reading public and private law court reports
 - case discussion in relation to national standards.

Child focus and improving services to children

- 1.2 Until recently, the lack of resources had a major impact on the ability of CAFCASS North East Region to deliver its services to children. This was due to a number of factors, some historic and some external. The inherited practitioner capacity in parts of the Region was insufficient to meet the increased demand for services. This was further compounded by the impact of the dispute between CAFCASS and self-employed guardians in 2001 that had resulted in Judicial Review proceedings. In addition, CAFCASS, the courts and local authorities acknowledged that delay was systemic within the Family Justice System across the Region. The three bodies were working together to seek to reduce delay in Children Act 1989 cases.¹ In several parts of the Region, a backlog of unallocated cases had built up over several months in both public and private work. In the short term, this adversely affected the Region's relationships with stakeholders – particularly the courts – and it could not be said that the Region was delivering a consistent service to children at the time of this inspection in December 2002.
- 1.3 To address these issues a *Recovery Plan* was introduced in June 2002 and the Regional Management Team had shown tenacity in obtaining the necessary resources to deliver it. The waiting list was being reduced and had been eliminated in some parts of the Region.
- 1.4 There was no protocol with all the courts about case management. However, one Judge in the Region had produced an example of guidelines in the summer of 2002 which had the potential to assist. It appeared that, at the time of the inspection, the demand for a CAFCASS service was not related to the Region's ability to meet those demands in the short term. Inspectors took the view that those arrangements were not sustainable and so have recommended a short-term protocol with courts in the Region.

“as soon as we can deliver, the courts ask for more”

- 1.5 Inspectors were told that case allocation was determined by individual managers and that no consistent system of prioritising cases had been agreed across the Region. Reports were not differentiated by the nature of their particular needs, concerns or urgency.
- 1.6 Throughout CAFCASS, at both a national and regional level, there were no agreed indicators with which to define and add meaning to its strap line *‘Putting Children First’*.
- 1.7 Following instructions from CAFCASS Headquarters in 2001, staff within CAFCASS North East Region were expected to work within the national standards inherited from the former Family Court Welfare Services (FCWS) and Guardian panels that made up CAFCASS North East Region, pending the publication of new standards by CAFCASS. Similarly, many policies and practices remained largely as inherited from the former services, although CAFCASS North East Region had developed and introduced a range of interim policies and procedures.
- 1.8 In all but a few cases, children who were the subject of proceedings were seen by CAFCASS practitioners in North East Region.

¹ In 2000 the Lord Chancellor commissioned a scoping study to identify the causes of delay in Children Act 1989 cases throughout England and Wales. *A Scoping Study on Delay* was published in March 2002. The Government's response *Reducing Delays in Family Proceedings Courts* was published in September 2002.

- 1.9 In private law, there was a lack of clarity in the Region as to what ‘child focus’ meant in practice. There was evidence that some aspects of legacy beliefs prevailed about ‘protecting children from proceedings’. This meant that ‘child focus’ was achieved through the emphasis on ‘agreement seeking’ with parents. Inspectors appreciated that, in principle, this practice accorded with both the promotion of ‘parental responsibility’ and ‘minimum intervention’ which are underpinning features of the Children Act 1989. However, given the pressure to complete the volume of private law reports each year² the focus on adults and on ‘agreement seeking’ could dominate to the extent that child focus became secondary. That might have accounted for some of the comments arising from the Report analysis mentioned below.
- 1.10 There was no consistently agreed practice guidance on working with children or record keeping during proceedings. MCSI expected CAF/CASS North East Region to develop consistent practice around seeing children and recording their views.
- 1.11 Against that background, CAF/CASS North East Region had identified areas for further development aimed at improving its services to children, and had been proactive in addressing them, not least in the significant success in recruiting new practitioners. Among other steps that had been taken were the appointment of a Practice Development Manager and holding practice seminars in each office. MCSI expected the Region to take steps to ensure that those devising and delivering seminars were given a clear and agreed remit about professional practice.

“the priority is to recruit and train”

Preventing exclusion from services and race equality

- 1.12 Some of the basic elements had been approached to delivering services that were sensitive to Diversity issues. A Diversity booklet produced by a local police force had been issued to all staff. An Interpreters list was available. Workshops on Diversity issues had been held at each of the three regional conferences arranged since April 2001. Practitioners were using the CAF/CASS intranet message board as a means of learning about Diversity issues. The Region was beginning to make contact with groups that support asylum seekers.
- 1.13 All practice offices were compliant with the Disability Discrimination Act (DDA) 2000; the Regional Headquarters was not, but children and families were not usually seen there.

² The range reported by staff in the *practitioner’s questionnaire* was between 55 and 80 reports per full time, established practitioner. Management figures in the *Service Review December 2002* give an *effective target* figure of 60 per practitioner.

- 1.14 However, the Region acknowledged that Diversity was not yet a top priority and it was waiting for a lead from CAFCASS Headquarters on key Diversity issues. CAFCASS had committed to:

“ensure that its services are accessible and acceptable to all children and families from all communities”³

- 1.15 There was little knowledge of the CAFCASS Race Equality Scheme or the Race Relations (Amendment) Act 2000 among staff. CAFCASS North East Region might wish to explore training opportunities that may arise from the implementation of the Act by other local public bodies in the Region, and seek to make use of them wherever possible.

“To have an equality policy without ethnic monitoring is like aiming for good financial management without keeping financial records”
Commission for Racial Equality⁴

- 1.16 There was no evidence that the Region knew the gender, age, religion, race, disability or cultural profile of its service users on a systematic basis, although the former Guardian panels had set out to collect some of that data routinely since the early 1990s. Such collections ceased when CAFCASS was established. As of late 2002, the Region was not fully informed as to whether the service it provided matched the needs of the people who used it. Managers within the Region did not plan to begin monitoring until the relevant service standards were issued by CAFCASS Headquarters. However, the Region had not awaited a Headquarters’ lead in other areas of policy and practice. Regional initiatives on policy and practice have been noted throughout this report. Whilst MCSI appreciated that the potential risk of duplication should be avoided, Inspectors remained of the view that the Region should begin to collect consistent data about the profile of the children and families using the CAFCASS service and we have made a recommendation to that effect.

- 1.17 Although there was a potential risk of duplication in that area at some future date, this would only arise if and when the Court Service developed national monitoring around Diversity issues. By that time, any CAFCASS initiatives could be adjusted to take account of such developments.

- 1.18 There was no practice guidance on working with diverse communities and Diversity issues were rarely covered in court reports.

“there is a need for a national steer on Diversity.....it’s a weak area that needs some attention”

³ CAFCASS Corporate Plan 2002/06 page 21.

⁴ *Ethnic Monitoring - A guide for public authorities* Commission for Racial Equality 2002 ISBN 1 85443 434 3.

Policies and procedures that safeguard and promote the welfare of children⁵

- 1.19 Some key elements to safeguard children were in place. Copies of the Area Child Protection Committee (ACPC) child protection policy were in each office.
- 1.20 A consultation document on *safe working practices*, written within the Region, had been circulated to staff for comment. This was a commendable document that combined the identification of risk areas with strategies for reducing those risks.
- 1.21 Comprehensive risk assessment procedures operated in parts of the Region, but there were no standard policies and procedures for the assessment of risk, and no systematic means of monitoring compliance with child protection policies. There was some selective use of the seven elements that made up the welfare checklist in reports⁶. In all but a few cases, children were seen. However, the criteria for not seeing children was unclear to practitioners and there was no monitoring of the extent to which children were not seen in the course of report preparation.
- 1.22 CAFCASS had become a core member of ACPCs since April 2001 but, initially, that was not fully accepted by all ACPCs in the Region. This had led to difficulties in obtaining local procedures for safe working practices from some local authorities. Following recent contact by the Region with the Association of Directors of Social Services, steps had been taken to agree protocols between CAFCASS North East Region and Social Services Departments.
- 1.23 Regional managers were working to raise the profile of private law practice with ACPCs and also to gain recognition that children who were the subject of private law proceedings were often *children in need* as defined by the Children Act 1989⁷.

Compliance with statutory powers and duties

- 1.24 The Region had recently appointed a Practice Development Manager. There was an induction programme for new staff including specific training on court rules, and continual professional development was linked with supervision and appraisal (see paragraphs 1.31 to 1.33).
- 1.25 There had been two inter-agency seminars on adoption and the Region had been involved in the delivery of inter-agency training with the Association of Directors of Social Services, a University Child Protection Studies programme and a local Mediation Service.
- 1.26 The Regional Manager prepared briefing notes for team managers on key legal and practice developments.
- 1.27 Managers and some practitioners had a different view of the use of the Court Rules and, although they were posted on the CAFCASS website, some practitioners said they still did not have a copy of the Rules. Inspectors were concerned to find from discussions with

⁵ *Safeguarding Children – A Joint Chief Inspector’s Report on Arrangements to Safeguard Children* was published in October 2002.

⁶ See section 1(3) Children Act 1989.

⁷ See section 17 (10) (11).

practitioners that the extent to which they had incorporated Court Rules into their practice differed substantially. The views expressed in interview indicated a lack of clarity, confidence and acceptance in that core practice area. Inspectors were told that the extent to which the rules and their application were discussed within teams differed among offices, and compliance was not monitored. However, the *survey of practitioners* showed that three-quarters of those responding had a copy of the rules and said that they complied with the duties set out in those rules. Two practitioners (5%) said that they did not comply, but nearly a quarter (23%) did not answer that question.

- 1.28 CAFCASS North East Region will want to ensure that all practitioners understand and operate within their statutory powers and duties. MCSI expected that Managers should take steps to agree and implement consistent best practice in respect of practitioners' statutory powers and duties and to ensure compliance with them.

Systems to achieve better outcomes for children are ensured; national standards, and other performance monitoring, help to ensure continuous improvement

- 1.29 There had been some specific multi-disciplinary training in the use of the Assessment Framework⁸ and new Family Court Advisers demonstrated knowledge and use of it in their work. However, whilst private law practitioners saw the Assessment Framework as a useful approach, they were not using it for their own work. Inspectors took the view that parts of the Framework Document might need to be 'customised' for use in private law proceedings and an element of training for some practitioners would be necessary to connect up with current thinking on *children in need*. Nevertheless, some of the standardised assessment tools in the Framework Document were readily transferable and could be used independently of other Framework elements.
- 1.30 Formats agreed for private law reports were not followed consistently and there was no systematic monitoring to ensure that standards were maintained. In most offices, private law reports were read and reviewed by colleagues before they were dispatched under what was known as a 'gatekeeping system'. From discussions with practitioners and with managers, it was unclear what quality assurance those gatekeeping procedures provided, and to whom. Information gained during gatekeeping was not collated nor monitored. No similar internal review applied to public law reports. The practice there was that the child's solicitor read a draft of the report. MCSI considered that procedure was not in itself a satisfactory alternative to internal quality assurance by CAFCASS.

"my private law work is reviewed by colleagues via the gatekeeping process but my public law work is not reviewed at all by CAFCASS"

⁸ *The Framework for the Assessment of Children in Need and their Families*: Department of Health, Department for Education and Employment, Home Office 2000.

1.31 Supervision of some practitioners and support staff was carried out but other support staff told Inspectors that they were not formally supervised. In discussion with staff, and from the *practitioner's questionnaire*, there was an indication of an inconsistent approach to supervision and appraisal across the Region.

- Of the 43 responses, 40 practitioners (93%) replied to this question. 15 (34%) said that supervision was monthly, seven (16%) said three monthly and seven (16%) said that they had not been supervised within the last six months.
- There were 31 (72%) responses to the question that asked for the date of their last appraisal. Eight (19%) said they had been appraised within the last twelve months, two (5%) in the last two years and two (5%) had not worked for CAFCASS long enough to have had an appraisal. Nineteen (44%) said they had not been appraised since CAFCASS began in April 2001. One practitioner said that they were last appraised in 1999 and another in 1997. Twenty per cent did not answer that question. No support staff had yet been appraised.

1.32 Eight self-employed guardians emphasised the distinction between 'consultation' and 'supervision', with one saying that "*guardians are independent, they are not supervised*". Inspectors recognised that this legacy view from the former guardian services had to be fitted within the new contractual arrangements dating from April 2002. Whilst practitioners should provide an independent view to the court, clarity around accountability within CAFCASS was still necessary.

"guardians are independent, they are not supervised"

1.33 The Region needs to conduct an audit of supervision and appraisal as a matter of urgency.

1.34 Given the necessary demands to maintain service delivery under difficult circumstances, there was not yet any emphasis on performance management as an accepted culture in the Region. Again, guidance from Headquarters was awaited. Nevertheless, existing monitoring systems were not being used effectively to establish whether, for example, national standards were being complied with. The appraisal system did not set specific targets.

1.35 Some practitioners expressed confusion between 'maintaining practice standards' and 'practice becoming standardised'. They feared that their own practice preferences would become subsumed within a prescribed system and that within that process their creativity and experience would be compromised.

Court report reading

1.36 During the inspection, practitioners, managers and Inspectors read a total of 55 private law reports and 50 public law reports. The private law reports dealt mainly with contested contact and residence applications and were analysed against both factual and qualitative criteria, many of which were derived from *National Standards for Probation Service Family Court Welfare Work* (1994). The public law reports dealt mainly with care cases and were similarly analysed against criteria derived from the *National Standards for Guardians ad Litem and Reporting Officer Service* (1995). CAFCASS required that the inherited standards should be followed, pending the publication of new standards that were expected in early 2003.

1.37 In addition, a number of practitioners had reviewed one of their case files with peers and discussed the outcomes of those reviews with Inspectors. All involved in the process found it to be most informative. The discussions showed a good level of professional skill and commitment in frontline practice, as well as sensitivity to some of the typical inherent tensions and dilemmas underpinning that kind of work. Inspectors were grateful to those practitioners who took part for giving their time, and for the open manner in which they approached the whole process.

“This was a report where I felt that I really knew the children and the difficulties they faced”

1.38 The main points that arose from the court report reading applied to both public and private law reports. They were that:

- the majority of reports were rated satisfactory or better
- most of the reports did not give the race of either the applicant, the respondent or the child
- there was a wide-ranging pattern of contacts between CAFCASS, family members and other agencies including, for example, children seen at the mother’s home, at the father’s home, at a CAFCASS office and in other settings
- checks with local authority Child Protection Registers, as required by national standards, were not always undertaken. This was the case in seven of the 55 private law reports read (13%)
- most reports were evaluated as being child-focused
- almost half of the reports gave little or no attention to the Children Act ‘no order’ principle and over half gave no reason why it was better to make an order in the case
- many reports made little or no reference to issues of gender, ethnicity, disability, religion, sexuality or race
- most reports included an assessment of the child’s understanding
- there was some selective use of the seven elements that made up the welfare checklist in reports
- over a fifth of reports were judged to contain unnecessary material.

Evaluative comments by practitioners about practice arising from the report reading included:

Observation

- *“it was good practice seeing the child with each parent, marking the difference in his views and corroborating with the school. There were messages for the parents within the text. The report read logically and flowed – no wince factors!”*
- *“the parent was dismissed as too emotional and the impact of this on the children was taken into account”*

- *“No specific attention was paid to the issue of bonding (or not) between parent and daughter. Was any significant attempt made to organise an observed contact between them? We know the child was probably resistant to this but the report does not indicate the level to which the possibility was explored. After all, there has been a lot of previous contact between the parent and child”*
- *“There was no discussion of whether an order was needed, no parity in the venue of interviews for parents, little discussion of the child’s developmental stage and implications (or not) for contact. There was no comment about how the poor parental relationship can be addressed for the future. More time was requested but there was no explanation why”*
- *“visits to both parental homes is good practice but there was insufficient attention to cultural issues and to child development at this age (eight years)”*

Child-focus

- *“there was a firm focus upon the child’s wishes but perhaps more information than was needed”*
- *“there was no real sense of the investigative work of the practitioner and no sense of the child as a person”*
- *“there was an excellent discussion about the impact of the child’s relationship with significant others”*
- *“the report brought out an understanding of the children and their needs”*
- *“the interests of the child remained paramount”*
- *“lovely section describing the child, I really felt I knew him!”*
- *“helpful, sensitive, concise and very child focused”*
- *“the child was not talked to and therefore wishes and feelings were not reported. Those reported at a previous hearing appeared to have been ignored. There was no mention of Diversity issues and no risk assessment of the childcare arrangements”*
- *“this was a report where I felt that I really knew the children and the difficulties they faced”.*

Interviewing

- *“a five-year old was considered ‘too young’ to be spoken to about their wishes and feeling and that is not good practice”*
- *“an easy to follow report but I think the writer could/should have checked the wishes and feelings of the two younger children harder than he did”*
- *“it was poor practice to interview one set of grandparents and not the other”*
- *“good practice was shown in the time taken to get to know the child and allowing significant people, neutral family members, to be present”.*

Reporting

- *“the detail of the history of the relationship was wearisome and of peripheral relevance”*
- *“a very good report, sensitive to parents, good evaluation and good evidence to support the recommendation”*
- *“relevant information was provided without going into unnecessary detail the recommendation is ‘fuzzy’, not confident and is more like ‘wait and see”*
- *“this was a good report, well balanced, covers the issues, addresses subtle financial issues without exacerbating conflict”*

- *“I think this report highlighted the strengths of the parents and their desire to do what is best for the children”*
- *“there was an excellent discussion about the impact on the child’s relationship with significant others”*
- *“there was no mention of the wider family”*
- *“the report brought out an understanding of the children and their needs”*
- *“erratic presentation and little analysis”*
- *“very lengthy and hard going”*
- *“unspecific in recommendation as to how the court could effect any action”*
- *“the conclusion seemed to be based on optimism rather than realism”*
- *“the report contains the statement that it “has been prepared with the principles of the welfare checklist in mind” and then clearly wasn’t!”*
- *“the report says no more than it needs to do, is sensitive and based on common sense”*
- *“the report was concise and clear but the issue of how the child’s life would be enhanced by extended /overnight contact with the parent was not addressed”*
- *“the standard format was not used so the report was difficult to follow”*
- *“fourteen months from appointment date to final hearing”*
- *“some parts of the report were excellent, concise and clear but options were not discussed and the recommendations were not professionally presented”.*

“most of the reports were ‘child focused’ but those that described the work with the child really brought them to life”

Audit of judicial and local authority views

1.39 Audits of judicial and local authority views on CAF/CASS North East Region were sought in a three-week period from 21 October to 8 November 2002. Views related to current proceedings before the courts. The findings were based on two Care Centres and one Family Proceedings Court. Audits were also conducted among two local authorities. Within local authorities, opinions were obtained from legal staff, frontline social workers and team leaders. A key point to note was that the courts and local authorities in total found the overall contribution (‘added value’) of CAF/CASS to the proceedings was satisfactory or better in 54% of cases. Details of the information obtained are set out in Annex C.

Recommendation 1: that CAFCASS North East Region should:

- *with CAFCASS Headquarters, begin a dialogue with local courts about establishing agreed protocols for caseload management and in particular dealing with delay*
- *take steps to ensure that those devising and delivering seminars are given a clear and agreed remit about professional practice*
- *develop and use monitoring instruments to assure quality (both factual and evaluative)*
- *ensure that all staff are appraised annually and that priority attention is paid to staff who were not appraised in 2002*
- *develop a strategy to address the lack of staff awareness and attention to Diversity issues*
- *begin to collect consistent data about the profile of the children and families using the CAFCASS service in the Region, aligning it as necessary when HQ guidance is issued.*

Inspection Findings 2: Care of Service Users

This section assesses within CAFCASS North East Region, the provision of a courteous, helpful and appropriate Service to all CAFCASS users.

In order to fulfil this key function, MCSI expects a CAFCASS Region to:

- treat children, families and professionals using CAFCASS services with courtesy and offer them appropriate help
- follow up complaints and change practices where necessary
- provide CAFCASS users with appropriate and clear information about CAFCASS and court proceedings or advice where to access this
- be proactive in engaging with user groups locally
- ensure that race equality is a central part of its service delivery in accordance with the Race Relations (Amendment) Act 2000.

Public Service Agreement

The key objective for CAFCASS is:

- to improve the services offered to families and other key stakeholders. There should be demonstrable and measurable improvements in the services offered, for example, through improved access to information. Again, effective measures of performance should be developed in consultation with the Department.

Overall Findings

- Children, families and professionals using CAFCASS services were treated with courtesy and were offered appropriate help.
- There were differing views within CAFCASS North East Region as to who was a service user.
- Complaints had been few in number and all were followed up.
- There were information leaflets available but there were inconsistencies in their distribution and use.
- There was a local leaflet for use with children.
- The rural areas of the Region lacked appropriate interviewing facilities.

Inspection sources

- 2.1 The primary sources of information about MCSI's key function for the care of service users were:
- background documents provided by CAFCASS
 - interviews with CAFCASS staff
 - review of complaints procedures
 - audit of service user views
 - interviews with service users.

Customer courtesy and appropriate help

- 2.2 There was a lack of appropriate interview facilities in rural areas. Some service users had financial assistance to attend office meetings; others did not. There was no regional policy on this and legacy arrangements applied.
- 2.3 There was no agreed standard for support staff or practitioners in respect of replying to phone calls or letters.
- 2.4 Inspectors found that, in common with other Regions, there were differing definitions among practitioners and managers as to who was a service user. For the purposes of this report, the term 'service user' applies only to children and families.
- 2.5 Inspectors were of the view that service users differed from other parties such as the courts, and that the relationship between CAFCASS and the various groups should also be different. The judgment in *re: M*,⁹ set out expectations in respect of the relationship between the courts and CAFCASS in cases of private law. In the light of this judgment, Inspectors would encourage CAFCASS North East Region to discuss whether there was a need for it to review its relationships with the various parties.
- 2.6 Prior to the MCSI inspection, adult service users were invited to complete a brief questionnaire about the service they had received from CAFCASS. There were responses from 45 adults, which was about a 20% return on the questionnaires sent out. Of those, 47% (21) were male, 53% (24) female. One was from a minority ethnic group. For reasons of confidentiality, no identifiable family details were sought in the questionnaire. The return rate was relatively small and, therefore, the findings from this limited survey should be treated with caution. The survey sought comments on the following issues:
- how easy was it to contact the CAFCASS practitioner?
 - did the practitioner listen to the service user?
 - did the service user have confidence in the practitioner?
 - was the information received by the service user easy to understand?
 - was the service user informed how to make a complaint?
 - did the service user feel fairly treated?
 - did the service user's children feel comfortable talking to the CAFCASS practitioner?
 - was the service user's family's racial and cultural identity understood and did the practitioner respond appropriately?

⁹ Re: M (Child) Thorpe LJ and Wall J 31 July 2002.

2.7 The main messages were as follows:

- the majority (75%) agreed that the information they received from CAF/CASS was easy to understand; 7% disagreed
- the majority (64%) agreed that the information explained the CAF/CASS service; others (20%) disagreed
- over half (58%) said they had not been told how to make a complaint; a fifth (20%) said they had but many (22%) did not reply to this question
- the majority (58%) agreed that they felt that the CAF/CASS practitioner was easy to contact but many (27%) did not
- the majority (58%) felt that the practitioner had listened to them; a third (33%) did not
- the majority (58%) agreed that they had been treated fairly by CAF/CASS staff of which 34% agreed strongly; 7% disagreed and 24% disagreed strongly
- over half (53%) agreed that CAF/CASS staff knew what they were doing, but about a third (34%) disagreed
- almost half (49%) agreed that their child(ren) felt comfortable talking to the CAF/CASS practitioner; a small number (11%) disagreed
- four respondents felt that their racial or cultural identity was not understood, or worked with appropriately.

User views

“the only problem I find is with the system itself. How can you really find out what is best for a child from a few hours meeting.....my child is not herself around strangers....there is no follow up to see if the decision is working”

Surprises

- *“Issues in interview bore no resemblance to the final report”*

Following things through

- *“My kids are being mistreated. CAF/CASS could not find this but follow up visits would help”*

Inconsistency

- *“after seeing three practitioners they all have different opinions which is difficult when dealing with the same case”*

Working under pressure

- *“the only problem I find is with the system itself. How can you really find out what is best for a child from a few hours meeting.....my child is not herself around strangers....there is no follow up to see if the decision is working”*
- *“not enough long term history is properly looked at”*
- *“I feel that a brief appointment is not enough for a stranger to decide on the fate of a child”*
- *“clearly they are under pressure, however in such an important issue reporters should be diligently prepared. I felt the report was poorly researched, prepared and presented”*

Positive comments

- *“we were treated very fairly by CAFCASS”*
- *“I highly commend the service”*
- *“the practitioner was helpful in explaining certain areas of the case to my daughter”*
- *“CAFCASS helped by bringing my ex wife to mediation”*
- *“we were treated well”*
- *“the practitioner is excellent at her job”*
- *“the practitioner was very understanding and kind”*
- *it was helpful that “someone outside the family is listening and understanding”*
- *“CAFCASS helped strongly to decide the future of my son and listened very fairly”*
- *“I have received impartial, friendly advice”*
- *“Mediation helped the most”*
- *“I feel I was listened to”*
- *“the practitioner was understanding”*
- *“the children were at ease....the practitioner is a very capable man”*
- *“I thought it was an excellent service. I was listened to with respect and diplomatically advised”*
- *“it helped most by having an impartial observer to assess the situation.....I was very impressed with the practitioner’s manner”*

Negative comments

- *“I now realise how one sided the systems are and only now finding out that there is a complaints system”*
- *“I felt that I was disliked and not listened to. It has left me feeling nothing but despair”*
- *“I feel the system is heavily biased for the mother and against the father”*
- *“they condone domestic abuse”*
- *“my views were ignored”*
- *“CAFCASS force children into situations they don’t wish to be in”*
- *“I am trying to make a complaint but the CAFCASS office is unaware of the procedure”*

2.8 In addition, four people were interviewed in person. All were people who had been involved in private law proceedings. They reported their experience of CAFCASS in a balanced way, weighing up criticism with acknowledgement of good practice, where possible.

2.9 They each expressed a view about the pressure that practitioners were working under to deliver a high volume of reports.

Mr A said that this meant he did not see the report until *“ten minutes before the hearing began”*. He also felt that the report omitted important information that went against him and did not pursue other relevant facts. Mr A had also experienced CAFCASS from his fiancée’s perspective and *“could see that the handling (with her) was different”*. He concluded from this that ‘traditional’ gender expectations of parents were replicated in court decisions.

Mr B said that “CAFCASS need more staff” and although he was very critical of certain aspects of his case he was complimentary about the practitioner’s skills with his child. He was unhappy that both practitioners who interviewed him were women which he experienced as a practice that was not in the spirit of balance and fairness. He also thought that issues that he viewed as opinion were reported as fact and that his child’s voice was insufficiently reflected.

Mr C expressed his overall frustration and said he could “understand why people give up”.

Mrs D was very satisfied with the CAFCASS service in all respects. She described the practitioner as “very wise, someone who listened very well and who had a calming effect”. She particularly remarked that, as grandparents, she and her husband had “been made to feel that we were important” in the case.

Handling of complaints

- 2.10 CAFCASS North East Region operated within the interim complaints procedure that had been issued by Headquarters in May 2001. Inspectors noted that there was no clear definition of what constituted a complaint and that some managers acknowledged that “the energy and priority with which a complaint is dealt with will vary across the Region; there are no common standards”.
- 2.11 In the *questionnaire*, service users indicated that they had difficulty in finding out about the complaints process and there was no pro-activity by the Region to make it known. Only 20% of service users confirmed that they knew how to make a complaint. The national leaflet on complaints, which had been introduced, was not available to service users until after the survey period had ended. Nevertheless, there was no clear system for distributing complaints leaflets to service users, nor were posters displayed in offices. Some service users said that they did not complain for fear of upsetting the system and that their solicitors had advised them not to challenge reports.
- 2.12 At the time of the inspection, responsibility for administering complaints had been delegated to a member of the support staff at regional headquarters. Those complaints that reached stage two (full inquiry) within the procedure were investigated by an independent consultant. Unfortunately, the consultant was not able to meet with Inspectors during the inspection week but was interviewed later by telephone instead. Inspectors had planned to see records relating to complaints, whether completed or otherwise, during the interview with the consultant, but that was not possible over the telephone.
- 2.13 The findings from the consultant’s investigation of complaints fell into three categories of ‘upheld’, ‘partially upheld’ and ‘not upheld’. Inspectors were pleased to note that, even where a complaint was not upheld, the consultant might still offer advice to the Region about the operation of systems.

- 2.14 In discussion, one practitioner said that they had felt unsupported when they had been the subject of complaint. This was not a commonly held view, although other practitioners voiced similar feelings. Within the Region, it was generally accepted that Team Managers should provide support to practitioners but that managers might need help to understand what support meant in this context. It might also help if practitioners were given advance information as to what to expect in the interview with the consultant.
- 2.15 The interim complaints procedure did not apply to organisations such as local authorities. It was made clear to Inspectors that local authority staff would welcome the opportunity to discuss issues around professional practice with their counterparts in CAFCASS North East Region, including concerns as they arise. Such arrangements might complement ongoing work between CAFCASS North East Region and the Association of Directors of Social Services in the development of a service protocol.

Access to appropriate and clear information

- 2.16 CAFCASS leaflets were in place and, in the absence of national provision, the Region had been proactive in designing its own leaflet for children.
- 2.17 Where information was displayed in offices, there was no evidence of it being displayed in languages other than English. A variety of information was available in offices but regional management needs to ensure there is an agreed standard pack of information that is sent to children and families.
- 2.18 There was no standard practice about informing service users about their rights and responsibilities, although some practitioners gave examples of good practice that should be shared with the Region, via the Practice Development Manager.
- 2.19 In the *questionnaire*, 20% of service users reported that they did not find that the CAFCASS information explained the service. Again, National Leaflets had not been issued during the survey period and the Region had not issued their own leaflets in the interim period, except for children.

Race equality

- 2.20 The extent to which CAFCASS North East Region addressed race equality issues in its provisions to service users was covered in the section *Preventing exclusion from services and race equality*.
- 2.21 The issue of race equality and related topics were both complex and sensitive and, in discussion, it was an area where there was little practice confidence or common view. The CAFCASS Race Equality Scheme was published in May 2002 but very few staff were aware of it, nor of the duties imposed by the Race Relations (Amendment) Act 2000 and its significance in the development of race equality issues.
- 2.22 Inspectors considered that there was much more to be done to raise awareness of Diversity issues within CAFCASS North East Region and expected the Region to take urgent steps to begin addressing the race equality agenda.

Engagement with user groups and gaining user views

- 2.23 The Government's expectations were that public services should become more responsive to service users; in the CAFCASS context, that first meant making a concerted effort to seek out those views.
- 2.24 The Region had been proactive in establishing links with some user groups locally. There were links with parenting courses, local schools and a *safer family project*. The Region had assisted in producing child protection information for a local church and children's groups. Managers were not aware of any local groups that were active in national user group organisations.
- 2.25 Legacy systems in public law were used to gain feedback from children, families, solicitors and courts in some parts of the Region. Similar arrangements were not applied to private law cases and Inspectors anticipated that the Region would seek to remedy that disparity.

Recommendation 2: that CAFCASS North East Region should:

- ***develop a strategy for engaging with users, including the routine provision of information, surveying user views and learning from complaints***
- ***ensure that there are clear procedures for issuing information leaflets and also ensure that these are followed by staff.***

Inspection Findings 3: Strategy and Performance Management

This section assesses the degree to which CAFCASS North East Region has established a pertinent direction for CAFCASS, complemented by a staged plan of action and mechanisms for implementation and review, and systematic management of performance.

In order to fulfil this key function, MCSI expects a CAFCASS Region to:

- show leadership in determining and communicating its strategic direction
- have in place an effective organisational structure to deliver its regional strategy
- have identified key strategic issues and determined effective plans of action
- set standards of performance and arrangements for monitoring these.

Overall Findings

- The Senior Management Team in CAFCASS North East Region had shown leadership in determining and communicating strategic direction.
- The Region had identified the changes necessary to achieve an effective organisational structure and these were now almost complete.
- Key strategic issues had been identified and effective plans of action determined, including the *Recovery Plan*.
- The Region had made some progress towards convergence.
- The Region had established performance targets within the Delivery Plan and had shown its ability to respond to areas of poor performance. However, overall its monitoring of quality standards and the implementation of corporate and local policies was incomplete.

Inspection sources

3.1 The primary sources of information about MCSI's key function for strategic and performance management were:

- background documents provided by CAFCASS
- interviews with CAFCASS staff at management levels
- interviews with local authority staff.

Leadership, communication and strategic direction

3.2 There had been continuity in the Regional Management Team which had resulted in a supportive environment into which new members were readily assimilated. The national Corporate Business Plan had been translated into the CAFCASS North East Region Delivery Plan and subsequent *Recovery Plan*, which identified the key strategic issues

that it must address. Regional staff attended the open consultation meetings held by Board members and CAFCASS senior executives earlier in the year. Managers within CAFCASS North East Region were committed to communicating the vision for CAFCASS to staff. Managers reported that a recent national conference for managers helped them both to understand change and to manage the process, whilst balancing it in their own management roles.

“there is a tension in managing the change in our own positions and managing change in our teams, with the move away from the excitement of practice towards strategy and planning”

- 3.3 Managers reflected on the real difficulties that they were still dealing with and expressed criticism of aspects of the service provided by CAFCASS Headquarters. *“CAFCASS Headquarters’ demands have not been balanced by sufficient return, we have been left on our own in very difficult circumstances”*. There had been a weakness in the relationship between the Region and the Human Resources Directorate at Headquarters. The appointment of a Human Resources Advisor in November had begun to address this. The Region had been critical of Headquarters performance in relation to urgent recruitment needs and the administration of other Human Resource issues. This had had a detrimental effect on the energy and morale of the Regional Management Team.
- 3.4 Steps had been taken to address staff concerns over effective communication in the Region. Staff reported good contact with senior managers and identified the Regional Manager’s newsletter as an effective means of communication. Minutes of the Regional Management Team’s meetings were circulated to all staff.
- 3.5 The Regional Management Team met each month. Business was managed and monitored by using a matrix that lists required actions with deadlines and completion dates required by the person responsible. The *Recovery Plan* had been driving the Region’s activity.
- 3.6 Business planning processes in 2001/02 had been undertaken within a national template. This work had been taken forward in Spring 2002 in the form of the Region’s plans to deliver (the *Delivery Plan*) the key issues identified in CAFCASS’s first *Corporate Plan*. Elements of that *Delivery Plan* were then determined by the *Recovery Plan* and then further updated by the *Service Review* required by Headquarters of all Regions in December 2002.

Recovery Plan

- 3.7 This report has already set out the background to the *Recovery Plan*. Lack of resources had had a major impact on the ability of CAFCASS North East Region to deliver its services to children. The inherited practitioner capacity in parts of the Region was insufficient to meet the increased demand for services. This had been further compounded by the impact of the dispute between CAFCASS and self-employed guardians in 2001 that had resulted in Judicial Review proceedings.

- 3.8 The key elements of the *Recovery Plan* that had begun to be implemented were:
- the recruitment of a significant number of Family Court Advisers (FCAs)
 - the use of sessional staff in private law
 - the use of agency staff
 - the introduction of an additional hours scheme (overtime)
 - the use of resources from a neighbouring CAFCASS Region.
- 3.9 Proposals to ‘fast track’ the use of suitably qualified Children and Family Reporters (CFRs) into public law were delayed pending further discussion with the unions at Headquarters.

Organisational structure, key strategic issues and planning

- 3.10 The necessary staffing structure had been identified and was mostly in place. The need to manage practice development was recognised early on in the Region’s development and the Practice Development Manager was due to take up post in January 2003. The responsibility for self-employed contracts had been rationalised to one manager. A new Human Resources Adviser post had been created in all CAFCASS Regions and the North East Region Adviser had joined the Management Team in late November 2002. Two additional business support staff would be recruited to assist with the management of finance, estates, management information and Health and Safety. Those additional management resources, together with increased practitioner capacity, provided an opportunity for the Regional Management Team to focus its attention more closely on Strategy and Performance Management issues. To date, Managers had been very ‘hands on’ with only limited opportunity to attend to the delegation of a portfolio of responsibilities. As such, the management team had focused on reducing the waiting list through the *Recovery Plan*.
- 3.11 Concern about delay and attention to the *Recovery Plan*, particularly the necessity to recruit so many staff, had meant that other management activity around strategy and performance had taken low priority or been given little or no attention. The Region was of the view that case allocation and the waiting list had been managed effectively. However, it was acknowledged that by the fact of delay in the appointment of a guardian, the Region had not effectively supported those children where appointment had been delayed. Whilst there was a long standing practice of ensuring that the child had a solicitor, this remained an area of concern and was subject to Judicial Review elsewhere in the country. In a case heard early in 2003¹⁰, Mr Justice Charles decided that CAFCASS had no legal obligation to make a children’s guardian immediately available when so requested by a court, but should do so as soon as practicable.
- 3.12 At the time of this inspection, CAFCASS Headquarters was finalising the arrangements that were necessary to fulfil the second key theme required by Government, namely *convergence of the three former services*¹¹. North East Region had already made some progress on the way to convergence in that newly appointed Family Court Advisers were

¹⁰ Re (R and others, Minors v CAFCASS).

¹¹ Corporate Plan 2002/06 page 12.

preparing reports in both public and private law on an 80/20 basis. There was joint management of public and private law practitioners at team leader level and, other than self-employed practitioners, both public and private law practitioners worked in shared offices.

- 3.13 Inspectors were told that there was inconsistency in the way support staff skills were used by managers and practitioners, and in the expectations of them. Support staff did not feel included or consulted about change; and, although a business support meeting had been planned, it was believed that it had had been cancelled because of other priorities. Until recently, those staff were unaware that there was a National Group on support staff issues. Their recollection was that, although the Regional Conference in December 2001 had included an exercise to develop their views, they had not been involved in any consultation about the Region’s *Delivery Plan*, nor had they seen it.
- 3.14 Inspectors accepted that harmonisation of terms and conditions, including job descriptions and agreed expectations for all staff, was part of the process of *convergence*. However, the Region could take some immediate steps to ensure a more consistent approach to issues that concerned support staff, not least the extent to which they felt included at a team and regional level.
- 3.15 The geography and rural nature of parts of CAFCASS North East Region had an impact on strategy and service delivery. Covering rural caseloads and courts was resource hungry and energy demanding. A manager informed MCSI that the three staff responsible for the rural caseload could travel up to 800 miles each month in the course of their business. Rural issues were not taken into account when CAFCASS Headquarters allocated the annual budget to Regions and this is an issue that had a differential impact on and between Regions. The extent to which rural issues placed an additional burden on staff and resources in North East Region should be quantified. The results might be of value to staff across most CAFCASS Regions and to CAFCASS Headquarters.

Monitoring standards of performance

- 3.16 CAFCASS North East Region had established performance targets within the *Delivery Plan* and each target had a delivery date. Each target was reviewed by the Regional Management Team on a quarterly basis. However, overall, the Region’s monitoring of quality standards and the implementation of corporate and local policies was incomplete.
- 3.17 There was an implicit belief in the Region that legacy national standards were still applicable and being used, although there was no system in place for measuring them. Whilst all managers relied on the integrity and experience of staff, there was a debate within the management group about assuring quality:

“there is a risk of resting on our laurels. We need a greater debate about practice issues like the changes to the court rules and monitoring compliance with policy and standards”

whilst recognising that monitoring did not in itself produce the desired action:

“it is sometimes easier to monitor than it is to change”.

- 3.18 There were concerns nationally, which were shared within CAF/CASS North East Region, regarding the quality of the management information through which performance was monitored. The provisions in place measured quantity indicators, for example *input* (the number of reports requested by courts); *output* (the number of reports completed); and *throughput* (the time taken to complete reports). However, those provisions did not assure that quality standards were maintained. In North East Region, there were no demonstrably effective quality assurance systems in place and no systematic arrangements to manage performance.
- 3.19 CAF/CASS North East Region had responded positively to those concerns by establishing a group to write a new *Guide for Quality Systems*. Additionally, the Region’s *Delivery Plan 2002/03* included an objective to amend the gatekeeping form. The Region will want to conduct an audit of the current practice of gatekeeping reports to inform the proposed new Guide.
- 3.20 This report has already questioned whether ‘*gatekeeping*’ should continue in its present form if the information collected was not used to inform regional practice. If, in fact, *gatekeeping activity* was no more than completing a checklist audit of a report’s content, it was unlikely that quality standards were thereby assured. CAF/CASS North East Region mainly relied on legacy practice that involved quality assuring practitioners’ work. However, this was an area that had a direct impact on the quality of the services provided to children and, therefore, consistent good practice needed encouragement.

Financial management

- 3.21 This inspection did not examine financial matters in great detail because CAF/CASS had a programme of external audit activities and MCSI believed it would be unhelpful to duplicate aspects of that work.
- 3.22 The Region’s financial projection indicated that it would overspend by approximately £150,000 in the current financial year. The overspend had been approved by CAF/CASS Headquarters and arose from recruitment costs within the *Recovery Plan*.
- 3.23 It appeared that if the costs of the *Recovery Plan* were discounted, the Region was more or less in budget. As with other Regions, finance was driven from CAF/CASS Headquarters and there was not yet an agreed unit to determine cost-effectiveness of service output across and within Regions. Cost comparisons were made in those financial areas that were within the Region’s authority, such as telephone costs or staff ratios within teams. The Region received monthly financial returns from Headquarters and generated an internal monthly report for the Regional Management Team.

- 3.24 There was evidence that funds were allocated in accordance with the identified needs and priorities within the *Recovery Plan*. Other spending plans, such as the reallocation of funding to partnership agencies, was dependent on a policy steer from CAFCASS Headquarters.
- 3.25 It was envisaged that, post-harmonisation, more areas of financial management would be delegated to and within Regions. Given that staff costs accounted for approximately 80% of the overall budget, the ability of managers to affect significantly the extent to which resources were used appropriately was limited. However, delegated financial management was a step that Inspectors welcomed, as it widened the opportunity to establish unit costs and develop a value-for-money approach. The Region should take steps to ensure that the requisite staff are trained to deal with delegated finance.
- 3.26 CAFCASS contributed funds to a number of projects run by voluntary organisations across North East Region. These mainly dealt with mediation and contact issues. A summary list is at Annex B. A team manager was given the task of reviewing the nature and location of these services and their value to children and families. This review was conducted in conjunction with the current national review of partnership funding.

Recommendation 3: that CAFCASS North East Region should:

- ***with Headquarters (Operations), co-ordinate and manage the different demands made on the Region by HQ directorates***
- ***take a broader view of its strategic responsibilities by developing the distinctive roles and responsibilities of the Regional Manager and team managers.***

Inspection Findings 4: Management of Human Resources

This section assesses the extent to which CAF/CASS North East Region provides and deploys staff capable of delivering its objectives cost effectively.

In order to fulfil this key function, MCSI expects a CAF/CASS Region to:

- systematically and continuously plan human resource needs
- have in place a staff structure and numbers to enable work to be carried out cost effectively
- identify, sustain and develop staff capabilities
- continuously review staff performance and development and agree targets
- have an effective dialogue with its staff and foster a climate of improvement
- meet its statutory obligations as an employer and demonstrate good employment practice.

Public Service Agreement

Key objective for CAF/CASS is:

- to develop the skills of staff, CAF/CASS should develop and implement personnel policies and training/development strategies that are fair and allow all officers to fulfil their potential, individually and collectively, to contribute most effectively to the aims of the organisation. The process of harmonisation of skills and terms of the various officers brought together under CAF/CASS should begin by the beginning of Year Two.

Overall Findings

- CAFCASS North East Region had taken appropriate steps to plan its human resource needs and establish its current staffing requirements.
- Recent, large-scale recruitment had been successful.
- The current staff profile and regional employment market required a long term recruitment and retention policy.
- The Region was beginning to take appropriate steps to identify, sustain and develop staff capabilities. However, as yet, the Region lacked a culture of reflecting on and learning about its practice.
- Induction training for new practitioners was seen as very positive but there was a lack of induction training for support staff.
- The Region had taken some steps to review staff performance and development. However, supervision and appraisal was patchy.
- The Region had successfully established an effective dialogue with its staff to foster a climate of involvement.
- Recruitment policies and procedures included measures that sought to ensure the safeguarding of children.
- CAFCASS did not fully meet its Health and Safety obligations as an employer.
- Steps had been taken to provide a guide for staff to protect them from danger and/or risk of violence.

Inspection sources

- 4.1 The primary sources of information about MCSI's key function for the management of human resources were:
- background documents provided by CAFCASS
 - survey of CAFCASS practitioners
 - interviews with CAFCASS staff at all levels.

Planning, staff structures, numbers and cost effectiveness

- 4.2 CAFCASS North East Region had taken appropriate steps to plan its human resource (HR) needs and staffing levels at the time of the inspection were nearing the establishment level needed to deliver services at *current* levels of demand. The workload and the related resources required had been identified in a systematic way. However, most aspects of HR management were dependent on policy and agreements that, at the time of the inspection, were subject to the national negotiations on *harmonisation*. These included negotiations over the harmonisation of pay and conditions, staff mobility and home working.

- 4.3 The Region had been involved in a major recruitment drive over the previous twelve months and this had had a significant impact on the use of management time and activities. Twenty-five new practitioners had been appointed in CAFCASS North East Region since April 2001, which was 29% of the total practitioner establishment. Twenty-three of that total were appointed after January 2002 and, at any one stage, up to 28% of practitioners had been new.
- 4.4 MCSI was aware that Headquarters' HR Directorate was undertaking a national audit of current staff to build up an accurate profile for planning and other related purposes. The recent round of recruitment in the North East Region had confirmed that the local labour market for relevant skills was stretched and, in parts of the Region, very competitive. The age profile of recent recruits was in the 30 to 40 age group. The group of staff who were more established were in the 50 and over age group. As they retire, and the labour market becomes more competitive, it might prove difficult to replace their skills and experience if plans are not made now.
- 4.5 CAFCASS North East Region comprised mainly female staff and this gender imbalance was recognised by the CAFCASS North East Regional Management Team. The recent round of recruitment slightly improved the imbalance and, with Headquarters, the Regional Management Team should consider a clear and creative strategy in its approach to race and gender issues in its recruitment activity.
- 4.6 Given the Region's staff profile and the nature of the local employment market, a longer-term HR strategy was required urgently to sustain and develop service provision.
- 4.7 The cost effectiveness of current service delivery was not monitored in the Region or in CAFCASS generally.

Identify, sustain and develop staff capabilities

- 4.8 The Region had placed an emphasis on practice development in teams. In addition, there had been practice development seminars for new staff in, for example, court skills, family law processes and children's needs.
- 4.9 The Regional Manager had issued 'information updates' for staff on practice issues (for example, *Contact and Domestic Violence*¹²) and legal developments (for example, *re W & B (Children) and re W (Children)*¹³). However, a practice culture of 'keeping up to date' had yet to develop in the Region. In the *Practitioner Questionnaire*, 'keeping up to date' was the most commonly cited training need and that somewhat general expectation needed some further enquiry to understand what it meant to staff. MCSI took the view that the responsibility for practice development and 'keeping up to date' lay with both CAFCASS as an organisation and with individual professional staff. At the time of the inspection, most practice was not informed by up-to-date research, legal developments or service user views. In that respect, the Region mainly operated in relation to its inherited practices. In discussion, practitioners said that the sheer volume of work got in the way of practice development and that time that was set aside for reading tended to "*be moved to the back of the diary*".

¹² *Contact and Domestic Violence – the experts' court report* Dr Claire Sturge with Dr Danya Glaser Family Law September 2000.

¹³ *ReW&B (children) ReW (children)* Thorpe LJ, Sedley LJ and Hale LJ May 2001.

- 4.10 This was a familiar refrain raised in baseline inspections of CAF/CASS to date. There was no doubt that, in some parts of the organisation nationally, caseload levels were high and practice methods and preferences had developed to meet the high volume of demand. MCSI considered that CAF/CASS could not sacrifice the development of child focused, Diversity sensitive and safe service delivery to the ‘grindstone’ of high volume production of reports for court that were not systematically quality assured, nor reliably informed by research or legal and policy developments.
- 4.11 There was an urgent need to make progress on the development of evidence based practice across CAF/CASS as a whole. As reflected earlier in this report, that evidence base needed to include feedback from the children and families who used the service.
- 4.12 Bearing in mind the above comments that required a national approach, Inspectors noted that there were already examples of good progress in the North East Region. There was a range of courses available to staff. The induction training for new practitioner staff was seen as a success by most. Five staff from the Region were undertaking Post Qualifying courses at Masters degree level. The Training Plan was designed to “*maintain the quality of service delivery*” and there were significant expectations that the newly appointed Practice Development Manager would take these issues forward. The Region had high expectations of that post. As such it was essential that, within the list of competing demands on the Practice Development Manager, priorities were identified and realistically managed.

Race equality and safeguarding children is given due regard in recruitment, selection and development of staff

- 4.13 The Region had taken some steps to ensure that its recruitment policies were designed to safeguard children. For example, the Region had used the Department of Health ‘safe recruitment’ guidance and had made local arrangements to overcome the continuing problems with Criminal Records Bureau (CRB) checks nationally. The Northumbria Police conducted local checks for the Region as an interim measure. Qualifications were checked and some follow-up calls were made to referees. In line with CAF/CASS national policy, new recruits were not required to serve a probationary period. Interview questions and case studies included the exploration of issues of safe working practices and there was some attention to Diversity issues in interview questions.
- 4.14 However, there was little evidence of any concerted strategy to increase the diversity of the Region’s workforce. The requirements of the Race Relations (Amendment) Act 2000 should drive the Diversity agenda in the Region, including the development of staff through the Region’s Training Plan.

Reviewing staff performance

- 4.15 The Region was chosen as one of the areas to pilot a new appraisal system for CAF/CASS nationally. The pilot met criticism from the Region because it was not based on agreed competencies against which staff could understand what was expected of them. Also, the Region was concerned that standards of performance could not be identified and targets set. The Region believed that the lessons learned from the appraisal pilot appeared to have been overlooked by Headquarters.

- 4.16 This report has already noted that the Region was continuing to use legacy standards and that those standards were not monitored, except for quantity indicators of reports requested and completed. There was an inconsistent approach to the monitoring of performance across the Region. As indicated earlier, in the *questionnaire*, some practitioners said that they had not had an appraisal since CAFCASS began in April 2001. No individual targets were seen by Inspectors in respect of practitioner performance agreements.
- 4.17 As already reported, supervision practice and appraisal rates varied across the Region. Managers need to agree and implement a policy on staff supervision which should include what is meant by ‘consultation’.

Internal communications

- 4.18 The Region had developed a monthly bulletin as a key communications tool, and this was well regarded by staff. The three regional conferences had been well received and the feedback about them was particularly positive. Staff reported to Inspectors that managers were available to them and communication channels were effective. However, a small minority of self-employed guardians were critical of communication in the Region and said that they felt undervalued.

Staff are protected from danger and there are effective procedures in respect of allegations against staff

- 4.19 The Region had been proactive in its approach to staff safety. Ahead of any guidance issued by Headquarters the Region had issued its own draft policy on *Safe Working Practice*. This document has already been referred to above.
- 4.20 In respect of allegations against staff, the local authority and ACPC Child Protection Procedures applied, together with CAFCASS disciplinary procedures. Civil or criminal proceedings also applied as necessary.

Health and Safety and other statutory responsibilities

- 4.21 The North East Region had taken some steps to meet its statutory obligations as an employer. For example, a shadow Health and Safety committee had been meeting, fire warden training had taken place and a risk assessment for the one home worker had been undertaken. Staff had been alerted to Health and Safety guidance on the CAFCASS intranet.
- 4.22 Health and Safety checks were undertaken in March 2002 and follow-up action had been taken to address the issues that were identified then. Inspectors were aware that further issues had arisen. For example, hazard risks had been identified in storage at the Hebburn Office but no remedial strategy had been devised. Similarly, fire drills were not effective in all buildings and, specifically, where CAFCASS shared the building with another organisation.

- 4.23 There were other safety concerns. Staff remain unclear about Health and Safety issues such as the maintenance of the incident and accident books, or what to do in the event of aggressive service users. There was a lack of alarms in some family rooms and neither policy nor procedure in respect of responses to panic alarm alerts.
- 4.24 Whilst Inspectors accepted that CAFCASS North East Region was addressing some of the issues identified, MCSI expected the Region to take immediate action on outstanding Health and Safety issues. A recommendation is made to that effect.

Recommendation 4: that CAFCASS North East Region should:

- ***with CAFCASS Headquarters undertake a risk assessment of its longer term Human Resource needs including attention to the duties imposed by the Race Relations (Amendment) Act 2000***
- ***prioritise Diversity within the Training Plan 2003/04***
- ***take specific action to address Health and Safety issues, including those identified in 2002.***

Inspection Findings 5: Management of Physical Resources

This section assesses the extent to which CAFCASS North East Region deploys buildings, information technology and other equipment effectively and efficiently.

In order to fulfil this key function, MCSI expects a CAFCASS Region to:

- balance strategy and plans for accommodation with the needs of users and with cost effective use of resources
- maintain current building stock and equipment in a timely and cost efficient manner
- ensure that all users of CAFCASS services are able to enter and conduct their business within its buildings
- offer facilities for users of CAFCASS premises of adequate comfort that take into account the likely duration of any period of waiting
- ensure that users have access to facilities to conduct their business with appropriate levels of privacy
- ensure CAFCASS premises offer adequate levels of safety and security for users and staff
- have a strategy for developing the use of information technology
- ensure that IT is adequately established in terms of quality, availability and security.

Overall Findings

- Considerable achievements had been made within the *North East Region Accommodation Plan*.
- Accommodation in one office was unsatisfactory for both staff and users. However, the business case for the requisite alterations had been accepted by CAFCASS Headquarters.
- Information technology was adequately established in terms of quantity and availability throughout the Region.
- Steps had been taken to reinforce security in offices where this had proved to be necessary.
- North East Region had an arrangement unique within CAFCASS for e-mail connection with one court.

Inspection sources

- 5.1 The primary sources of information about MCSI's key function for the management of physical resources were:
- background documents provided by CAFCASS
 - interviews with CAFCASS staff
 - interviews with Health and Safety lead managers
 - site tours of buildings in Middlesbrough, Hebburn, Newcastle, Cramlington and Durham.

Accommodation strategy, resources and needs of users

- 5.2 MCSI commends CAFCASS North East Region, together with Headquarters, in the achievement of the Region's accommodation strategy. The accommodation stock had been rationalised and, with the one exception in Middlesbrough, it was appropriately sited with good access to transport links. The Middlesbrough office was situated near to the courts but it posed problems which were of concern to staff and, reportedly, users of CAFCASS services. The business case for the requisite alterations had been accepted by CAFCASS Headquarters and a risk assessment of that building had been completed.
- 5.3 Where there were new locations, those offices had been designed in consultation with staff. Facilities for service users offered adequate comfort and most service users had access to facilities to conduct their business with appropriate levels of privacy. However, more could be done to assist disabled users – such as an accessible register of facilities – and a clear plan of action was needed to assist visitors with a disability.
- 5.4 The deficits in rural provision have been noted earlier.
- 5.5 Again with the one exception in Middlesbrough, all offices provided adequate levels of safety and security for service users and staff. The Region needs to ensure that improvements in Middlesbrough are timely and a recommendation is made to that effect. Inspectors were told that general maintenance of the Region's accommodation stock complied with the LCD's arrangements for buildings and procurements.

Information technology

- 5.6 Information technology (IT) was adequately established in terms of quantity and availability throughout the Region. However, there was tension between the original intention to provide one PC for each individual member of staff and more recent Headquarters guidance which allocated equipment on a ratio formula.
- 5.7 Steps had been taken to reinforce security in offices where this had been assessed as necessary, after repeated burglaries at the Middlesbrough office.
- 5.8 CAFCASS North East Region was following CAFCASS policy on the allocation of IT but, as yet, there were no national guidelines on using IT. In advance of a regional IT strategy, the Business Manager had prepared a position paper that had been issued as a consultation document on *Homeworking and allocation of computers in offices*.

5.9 The full potential of the IT system is yet to be realised and IT training was limited.

5.10 There were no formal IT protocols between CAFCASS and the courts, but MCSI recognised that North East was the first CAFCASS Region to have an e-mail arrangement with one of its local courts. Inspectors recommend that this innovative development should now be evaluated with a view to developing the scheme as a pilot with other courts.

Recommendation 5: that CAFCASS North East Region should:

- *with Headquarters, ensure that the alterations to the Middlesbrough office are prioritised and completed as soon as possible*
- *following an evaluation of the current use of e-mail with one court in the Region, extend the pilot to a group of local courts for electronic transfer of documents.*

Methodology

- The Inspection of CAF/CASS North East Region was conducted by a team of five Inspectors and an Inspection Assistant. CAF/CASS North East Region was given six months' notice of the start of the main fieldwork and of the topics to be inspected and provided the inspection team with documentary evidence together with its own analysis of performance in the five main topic areas.
- Audits of views at selected courts about all proceedings involving CAF/CASS were sought over a three-week period prior to the main fieldwork period. Views of the judiciary at two Care Centres and a Family Proceedings Court were obtained through the completion of detailed questionnaires on individual cases. Parallel audits by questionnaire took place in two local authorities where social services and legal views about current court proceedings where CAF/CASS was involved were obtained. The resulting data is set out in Annex C. Six feedback meetings of the preliminary analysis of the data took place with, respectively, the Judiciary and local authorities.
- The inspection team visited CAF/CASS offices in Newcastle, Hebburn, Durham, Cramlington and Middlesbrough in addition to the Regional Headquarters in Durham. Around 100 recently completed court reports were inspected with the assistance of practitioners and managers. On the same day, sixteen cases were discussed with practitioners about one of their recently completed proceedings.
- The inspection team carried out a series of structured interviews with senior management in CAF/CASS North East Region, team managers, support staff, frontline practitioners and other staff with specialist responsibilities, such as those dealing with complaints and Health and Safety of buildings.
- MCSI posters were displayed in all CAF/CASS office reception areas inviting contact from service users.
- CAF/CASS wrote to approximately 250 people who were adult parties in completed private law and public law care proceedings during August 2002 where CAF/CASS was involved. Each individual was asked to complete a questionnaire about levels of satisfaction with CAF/CASS. Views were sought anonymously. At the same time they were invited, if they so wished, to telephone the Inspectorate direct and/or to come to a meeting with Inspectors.
- MCSI reports do not record the views of identifiable individuals. Instead, Inspectors adopt a convention in respect of management, administrative and practitioner views and responsibilities. This uses the following terms:
 - **Senior management** encompassing the Regional Manager, Business Manager, Public and Private Law Team Managers and the Regional Management Team
 - **Headquarters** management encompassing the HQ management team
 - **The Board** encompassing the Chairman, the Board and, as appropriate, the Task and Finish Groups
 - **Administration** covering all support administrative staff
 - **Practitioners** covering all frontline practitioners
 - **Service users** covering children and families using the CAF/CASS service

- Similarly, views of other individuals interviewed during the inspection, such as the judiciary and local authority staff, are not reproduced in this report in an identifiable form.
- CAFCASS North East Region and Headquarters have seen this report in draft form. Any comments on factual inaccuracies have been taken into account in this final version.

CAFCASS North East Region: Key Facts

The following information was correct at the time of the inspection in December 2002.

- CAFCASS North East Region has a population of approximately 2.6 million and covers 12 local authorities.
CAFCASS North East Region was established in April 2001 from the following former services:
 - three Family Court Welfare Services
 - four Guardian Ad Litem and Reporting Officer Panels

Staffing

CAFCASS North East Region staffing comprises:

- one Regional Manager
- one Business Manager
- one Human Resources Adviser
- eight Public Law and Private Law Managers
- 28 support staff, variously titled and graded
- 82 practitioners – nine family court advisers (combined posts), 38 family court advisers children and family reporters; 25 family court advisers children’s guardians and ten self-employed children’s guardians.

Accommodation

CAFCASS North East Region operates out of seven offices. These are sited at:

Bishop Auckland, Cramlington, Durham (Old Elvet & Saddler Street), Hebburn, Middlesbrough and Newcastle upon Tyne. The Region also has the use of a self-contained office suite in central Sunderland.

Budgets: 2001/02 and 2002/03

CAFCASS's budgets for 2001/02 and 2002/03 were £3.5 million and £3.9 million, respectively. The main elements that made up the budgets are set out in the table below, rounded to the nearest £1000.

Running costs	2001/02	2002/03
Salaries	2,472	2,960
Children's guardians - self employment contract fees and other agency staff	404	340
Accommodation	137	236
Other running costs	371	411
Partnerships	101	108 – includes money for ACPCs

Partnerships

CAFCASS North East Region's partnership funding for 2002/03 covers six organisations. The figures are rounded to the nearest £1000.

Type of partnership	CAFCASS grant
Contact	34
Counselling	0
Mediation	60
Court Duty Scheme	7
ACPC	7
Total	108

Note: Two projects receive money for both contact and mediation. The grant has been split 50/50 for the purpose of this table.

Audits of judicial views about CAFCASS

The following commentary refers to audits undertaken of judicial views about CAFCASS over a three-week period in October/November 2002.

The audits are referred to under the following headings:

- Care Centre A
- Care Centre B
- Family Proceedings Court (FPC) C

Care Centre A

- Of the 64 Care Centre cases, the majority (25) were private law, 19 public law (care related), two public law (secure and accommodation) and one adoption/freeing
- The majority of hearings (41) were for directions with seven for final hearing and two for interim (13 non-replies)
- The practitioner was required to attend in 21 of the cases and attended all of them
- Reports had been requested in 31 of the cases 30 had been provided – 26 replies rated the reports as being of satisfactory or good value with two indicating exceptional value to the judge. There were two replies indicating little value
- In nine of the cases, the practitioner addressed the court, three under oath – two replies found the evidence to be of satisfactory value, with seven replies of good value. In three of the cases, the practitioners were asked questions by the parties' legal representative.
- In two of the cases, tasks were indicated to have been undertaken, by the practitioner, at the judge's request. Both cases were either of good or satisfactory value
- In 14 of the cases, a duty officer was at the court when the case was heard. In one case, tasks were undertaken by the duty officer, but not at the request of the Judge. The outcome of the tasks was rated as good value for the Judge
- In these cases, the duty officer addressed the court, but no reply was given as to whether this was under oath or not; the evidence was rated as good value for the judge
- The duty officer was not questioned by a parties' legal representative or a litigant in person in any of the cases
- Of the 64 cases, the following 'Overall Rating for the CAFCASS contribution ('added value') to judicial decision making at this hearing' was given:
 - five rated their contribution as exceptional value
 - 13 as good value
 - five as satisfactory value
 - one as little value
 - two as no value

(there were 38 non-replies).

Care Centre B

- Of the 67 Care Centre cases, the majority (53) were private law, 11 public law (care related) and two adoption/freeing (one non-reply)
- The majority of hearings (46) were for directions, with 14 for final hearing and four for interim. There was also one case for an emergency application (two non-replies)
- The practitioner was required to attend in 26 of the cases and actually attended in 34
- Reports had been requested in 29 of the cases; 26 had been provided – 20 replies rated the reports as being of good value or better, with two indicating exceptional value to the judge. There was one reply indicating no value
- In 23 of the cases, the practitioner addressed the court, none under oath – seven replies found the evidence to be of satisfactory value, with nine replies of good value and four of exceptional value, but there were also four replies of little or no value. In one case, the practitioner was asked questions by the litigant in person and the questioning was found to have been handled well
- In one case, tasks were indicated to have been undertaken, by the practitioner, at the judge's request. This was found to have been satisfactory value
- In 18 of the cases a duty officer was at the court when the case was heard. In 14 cases tasks were undertaken by the duty officer, seven at the request of the Judge. Five rated the outcome of the tasks as good value for the Judge, eight as satisfactory value, one of no value and four not applicable
- In nine cases the duty officer addressed the court, but none under oath; five rated the evidence as good value for the judge and four as satisfactory value
- The duty officer was not questioned by a parties' legal representative or a litigant in person in any of the cases
- Of the 67 cases the following 'Overall Rating for the CAFCASS contribution ('added value') to Judicial decision making at this hearing' was given:
 - two rated their contribution as exceptional value
 - 25 as good value
 - 17 as satisfactory value
 - two as little value
 - ten as no value(there were five not applicable replies and six non-replies)

FPC C

- Of the 54 FPC cases, the majority (27) were for public law (care related), 24 private law (section 37) and three for public law (secure accommodation)
- The majority of hearings (35) were for directions, with ten for interim
- The practitioner was required to attend in 16 of the cases and actually attended in 17
- Reports had been requested in 11 of the cases and all had been provided – the reports were found to be of exceptional value to the court in two of the cases and of good value in seven of the cases. In two of the cases they were found to be of no value
- The practitioner addressed the court in three of the cases, none under oath – two cases found the evidence to be of good or satisfactory value, but one case was found to be of no value. In two cases the practitioner was questioned by a parties' legal representative or a litigant in person; in both cases the questioning was found to have been handled well

- In two cases, tasks were undertaken by the practitioner, at the request of the court; one case was found to be of good value but the other case was found to be of no value
- 14 replies indicated that there was a duty officer in court, when the case was heard. In 13 of the cases tasks were undertaken, 11 at the request of the court. Of these, one was found to have been exceptional value, nine good value and three satisfactory value
- In 11 of the cases, the duty officer addressed the court, but only once under oath. Of these, one was found to have been of exceptional value, four good value, three satisfactory value and one of no value to the court (two not applicable). In two of the cases the practitioner was questioned by a parties' legal representative; only one reply was given for whether the questioning was handled competently and this was adequately
- Of the 54 cases, the following 'Overall Rating for the CAFCASS contribution ('added value') to Judicial decision making at this hearing' was given
 - two rated their contribution as exceptional value
 - 16 as good value
 - nine as satisfactory value
 - ten as no value
 (there was one not applicable reply and 16 non-replies)

Setting Up

Report of a Programme of Visits to the Children and Family Court Advisory and Support Service (March 2002) - Summary of Suggested Actions

Introduction

Given the nature of the six months' programme of MCSI's visits in the early and evolving stages of CAFCASS as a new organisation, the normal rigour applying to inspections was neither feasible, nor appropriate. Therefore, the approach used in this first report is one of MCSI *suggesting actions* to CAFCASS.

The number of suggested actions is restricted in recognition of the current pressures and difficulties around the processes of CAFCASS establishing itself. MCSI acknowledges that some suggested actions reflect thinking that had already been started within CAFCASS and has been developed since Inspectors concluded their visits in December 2001.

The Inspectorate's suggested actions seek to be consistent with the Lord Chancellor's key objectives for CAFCASS.

MCSI has also taken into account, in formulating its suggested actions, the CAFCASS statement in the draft *Corporate Plan* about its first year of operation 2001/02. This has concentrated on setting up the organisation and establishing the service delivery capability from which CAFCASS can, from 2003, build in the future.

Suggested Actions

Welfare of children

- A comprehensive and costed training strategy, incorporating convergence and the principles of continuous professional development, needs urgent development. Following Board approval, it should be implemented concurrently for front-line practitioners, team managers and support staff.
- Further work should be taken forward to develop a system of management information and other statistics. This could also usefully follow up initiatives within the Lord Chancellor's Department (LCD) including key aspects of the June 2001 LCD-organised Family Justice Strategy Conference, around clarifying possible service outcomes for children.

Care of service users

- An initial set of core information leaflets for children and parents about CAFCASS services should be completed as soon as possible.
- The revised complaints procedure should be issued for implementation, without recourse to external consultation and accompanied by training for staff. In monitoring its use, one aim should be to consider if further revision is necessary.
- Current work on information leaflets for service users about how to provide feedback to CAFCASS about its services and, if necessary, make a complaint, should be completed and issued as soon as possible.

Diversity: service delivery and staffing

- CAFCASS should clarify where responsibility is located at Headquarters for diversity issues in general, and the implementation of the Race Relations (Amendment) Act 2000.
- CAFCASS should initiate data collection about race, culture, language and disability of service users.
- Further thought should be given to the way diversity is promoted in the recruitment and retention of staff. This might include options such as secondments and traineeships. The wording of CAFCASS advertisements for staff needs review. The use made of minority press options, as well as local media outlets, should be tested.

Corporate governance

- CAFCASS should reassess the use of Board sub-committees (other than those required statutorily or under LCD guidance). The aim should be to ensure that in their work, the corporate and strategic roles of all Board members are prioritised. Any involvement in operational matters should be scaled down to ensure a clear separation from the management role of the Executive Team.
- There is a need to finalise the staffing structure for Headquarters and ensure that key posts are filled. Where possible, this should be achieved without recourse to short-term contracts.

Strategy and performance management

- The Business Plan and Corporate Plans need finalising. Linked to these documents, all staff need a clear outline timetable of what is expected to be delivered, how and by whom.
- A strategy for management information and other data collection needs agreement and implementation.
- Thought should be given to developing a longer-term project aimed at more clearly defining a set of core performance measures and key indicators for the Service. These should be linked not only to the Lord Chancellor's key objectives for CAFCASS but also to arrangements to monitor compliance with National Standards.
- In the light of cases taken to Appeal in 2001 involving CAFCASS or having implications for it, plans for a written protocol should be finalised with the LCD about handling arrangements. This should aim not only to cover situations where the LCD holds the policy lead but also where CAFCASS should properly act independently of its sponsoring Department. The protocol and its use should be kept under review.

Finance

- Now that greater clarity has been achieved concerning CAFCASS's overall budget for 2002/03, CAFCASS should clarify the key elements of its intended budgetary cycle. This should also set out the expected timetable of information and related requirements to, and from, the Regions.
- A programme of partnership funding evaluation should be established. Amongst its aims should be the objective of clarifying, by November 2003, the likely grant allocations for 2004/05 and, in particular, giving notice by then of any cessation of grant.
- Concern about the flexibility of the external financial services supplier contract in meeting CAFCASS's needs and the overall costs of the contract should be followed up and options put to the Board.

Human resources

- CAFCASS should press on with its current programme of discussions to reach a satisfactory resolution to outstanding issues around contracts and self-employment.
- A timetable outlining the key stages in resolving the complex issues around harmonisation of pay and conditions should be agreed as soon as possible and communicated within CAFCASS.

Accommodation

- Within its expected financial resources, the Board should approve the criteria to be used in prioritising CAFCASS's accommodation needs. This should include Health & Safety and other legal requirements, such as disability access.
- The Board also needs to make key decisions about a home-working policy and how the running of the CAFCASS estate is to be managed in terms of renewals, upgrades, redecoration, repairs and maintenance.

Information technology (IT)

- A comprehensive plan around the development of IT support systems and collection of management information is needed to reflect both the Board's, and the Directorates', requirements. In considering key policy and strategic issues, the Board should aim to ensure that IT is better integrated into corporate planning as well as the wider e-government agenda.
- Within an overall IT strategy, the aims in respect of staff self-sufficiency in IT should be articulated. There should be clear plans around the provision of appropriate IT training for all staff, taking account of the varied levels of skills across CAFCASS.

Background to CAFCASS

Services prior to April 2001

Before CAFCASS was established in April 2001, support services in family proceedings had been provided from entirely separate sources, namely:

- the Family Court Welfare Services as part of the Probation Service
- the Guardian ad litem and Reporting Officer Service as a responsibility of local authorities
- the Children's Division of the Official Solicitor's Department as an Associated Office of the LCD.

Preliminary steps leading to CAFCASS

In July 1999, the Government announced its intention to establish a unified Service across England and Wales as a Non-Departmental Public Body under the responsibility of the Lord Chancellor. In March 2000, the Criminal Justice and Court Services Bill was published and received Royal Assent at the end of November 2000.

There was a short period of a few months for further preparation before CAFCASS was established as a legal entity on 1 April 2001. This work was undertaken by a Project Team under the auspices of the LCD. Responsibility for those Services designated to move to CAFCASS remained unchanged until the 31 March 2001 date of transfer.

Setting up a new organisation is a complex operation, particularly where front-line services and back-up infrastructure and support have to be maintained without a break. As the difficulties in moving the change agenda forward and getting the necessary structures set up became more apparent, views expressed to MCSI during its 2001 programme of visits shifted to favouring a longer preparatory period. Similarly, the LCD would have preferred more time to prepare.

The Framework Document

The Framework Document was prepared by the LCD in April 2001. It sets out a broad structure within which CAFCASS should operate, including:

- CAFCASS's functions, duties and powers together with the rules and guidelines within which it must operate
- the conditions under which public funds are paid to CAFCASS
- how CAFCASS is to account for its performance
- the relationship between the Lord Chancellor and his Department and CAFCASS.

The Framework Document also sets out the responsibilities of the Chair of CAFCASS, the Board members and those of the Chief Executive who is also designated by the Department as the Accounting Officer.

The Framework Document also outlines the main functions of the Sponsorship Unit within the LCD. These include:

- to act as point of contact between the Department and CAF/CASS in support of the arrangements outlined in the Framework Document
- to monitor performance against those terms and give support and advice as necessary on day-to-day issues arising
- to communicate relevant Government policy to CAF/CASS and advise on the interpretation of that policy
- to issue specific guidance on that policy to CAF/CASS as necessary.

Under the Framework Document, the Lord Chancellor will meet the Chair and the Chief Executive of CAF/CASS formally at least twice each year. The January meeting is to agree the Corporate and Business Plans and to agree and sign the Annual Concordat. In July, after the publication of the Annual Report, a further meeting aims to discuss CAF/CASS's performance, its current and future activities, and any policy developments relevant to those activities. At this meeting, the Lord Chancellor will inform CAF/CASS of his strategic policy objectives.

MCSI's legal powers and duties

The legal powers and duties covering inspection of CAF/CASS are set out in Section 17 of the Criminal Justice and Court Services Act 2000. MCSI Inspectors have the duty:

- to inspect and report to the Lord Chancellor on the performance of CAF/CASS, and of officers of the Service, of their functions; and
- to discharge, in connection with those functions or with related functions of any other person, such functions as the Lord Chancellor may from time to time direct.

In exercising these duties, an MCSI Inspector shall also have at all reasonable times:

- a right of entry to any premises occupied by the Service; and
- a right to inspect, and take copies of, any records kept by the Service, and any other documents containing information relating to the performance of the functions of the Service or its officers which he considers relevant to the discharge of his functions.

Guidelines for Inspection of CAF/CASS

In September 2001, MCSI published *Guidelines for Inspection of CAF/CASS – Consultation*. This set out the principles and procedures to be followed by MCSI in its inspection-related activities within CAF/CASS Regions. It also set out MCSI's expectations of CAF/CASS as a well-managed and delivered Service under particular key functions. Consultation closed on 31 January 2002. MCSI published updated Guidelines in June 2002. Copies may be obtained from the address at the front of this report. It may also be found on MCSI's website at <http://www.mcsi.gov.uk>

Corporate Plan

In March 2002, CAF/CASS published its interim Corporate Plan. This was described as “*essentially a first statement by CAF/CASS intended to set out the broad direction for the period 1 April 2002 to 31 March 2003*”. The introduction to this publication stated that CAF/CASS intended to consult more widely about its corporate planning process in 2002 and publish a revised *Corporate Plan* in February/March 2003, covering the three-year period from 1 April 2003 to 31 March 2006.

Recommendations and CAFCASS North East Region's Action Plan

1.1 MCSI recommendation – Welfare of Children

That CAFCASS North East Region should, with CAFCASS Headquarters, begin a dialogue with local courts about establishing agreed protocols for caseload management and in particular dealing with delay.

CAFCASS response

CAFCASS North East Region will:

- prepare a report reviewing North East caseload management with particular regard to unallocated cases, to share with stakeholders
- hold initial liaison meetings with appropriate Regional Court personnel
- agree an interim action plan with reference to CAFCASS corporate key performance indicators
- implement national guidance about unallocated cases in public law issued in January 2003.

Improvement target: Implement agreed systems with all courts in the Region for caseload management and dealing with delay.

By date: September 2003

1.2 MCSI recommendation – Welfare of Children

That CAFCASS North East Region should take steps to ensure that those devising and delivering seminars are given a clear and agreed remit about professional practice.

CAFCASS response

CAFCASS North East Region will:

- develop a framework within which any professional development event can be planned, delivered and evaluated
- ensure that those devising and developing seminars are given a clear and agreed remit about professional practice
- ensure speedy implementation of CAFCASS service standards.

Improvement target: To utilise the new Service Standards to ensure consistent understanding across the Region in relation to professional practice and development.

By date: October 2003

1.3 MCSI recommendation – Welfare of Children

That CAFCASS North East Region should develop and use monitoring instruments to ensure quality (both factual and evaluative).

CAFCASS response

CAFCASS North East Region will:

- review current quality assurance system in private law
- develop a quality assurance system for use in public law
- develop systems to review the effectiveness of these systems.

Improvement target: Implement an effective quality assurance system for practice within the Region, to include regular monitoring of the system.

By date: September 2003

1.4 MCSI recommendation – Welfare of Children

That CAF/CASS North East Region should ensure that all staff are appraised annually and that priority attention is paid to staff who were not appraised in 2002.

CAF/CASS response

CAF/CASS North East Region will:

- undertake a survey to identify those staff not appraised since April 2002
- implement CAF/CASS Appraisal system
- monitor progress.

Improvement target: To appraise all staff in the Region.

By date: 31 December 2003

1.5 MCSI recommendation – Welfare of Children

That CAF/CASS North East Region should develop a strategy to address the lack of staff awareness and attention to Diversity issues.

CAF/CASS response

CAF/CASS North East Region will:

- establish a Regional Diversity Steering Group
- prioritise training on Diversity issues within 2003/04
- devise and undertake methods to measure and monitor the integration of awareness into improved practice.

Improvement target: Improve staff awareness of, and response to, Diversity issues alongside the development of rigorous regional monitoring.

By date: March 2004

1.6 MCSI recommendation – Welfare of Children

That CAFCASS North East Region should begin to collect consistent data about the profile of the children and families using the CAFCASS service in the Region, aligning it as necessary when HQ guidance is issued.

CAFCASS response

CAFCASS North East Region will:

- participate in the corporate development of a framework, system and guidance for the ethnic monitoring of service users, which is being developed in liaison with the Court Service
- review all referral forms from the courts, to ensure that any need for interpreting services is highlighted at this early stage of a CAFCASS case.

Improvement target: To participate in the implementation of a consistent system throughout CAFCASS, which ensures that appropriate data about children and families is available, and that this information is then used as an integrated part of the service planning process within the Region.

By date: March 2004

2.1 MCSI recommendation – Care of Service Users

That CAFCASS North East Region should develop a strategy for engaging with users, including the routine provision of information, surveying user views and learning from complaints.

CAFCASS response

CAFCASS North East Region will:

- monitor current regional practice for the provision of information
- review and develop systems for user feedback including children and young people
- implement the new complaints procedure, with priority given to learning from information received.

Improvement target: To improve engagement with service users and to incorporate learning into practice.

By date: August 2004

2.2 MCSI recommendation – Care of Service Users

That CAF/CASS North East Region should ensure that there are clear procedures for issuing information leaflets and also ensure that these are followed by staff.

CAF/CASS response

CAF/CASS North East Region will benchmark the current position and report back to the Regional Management Team.

By date: May 2003

3.1 MCSI recommendation – Strategy and Performance Management

That CAF/CASS North East Region should co-ordinate and manage the different demands made on the Region by HQ directorates.

CAF/CASS response

CAF/CASS North East Region will:

- establish a strategic framework for responding to national requirements
- ensure that there is an effective two-way flow of communication between the Region and the centre.

Improvement target: Ensure that, where necessary, local responses to national demands are co-ordinated and managed effectively and efficiently.

By date: July 2003

3.2 MCSI recommendation – Strategy and Performance Management

That CAFCASS North East Region should take a broader view of its strategic responsibilities by developing the distinctive roles and responsibilities of the Regional Manager and Team Managers.

CAFCASS response

CAFCASS North East Region will:

- review the roles and responsibilities of the Regional Manager
- review the roles and responsibilities of the regional Team Managers
- review the roles and responsibilities of the Business Manager.

Improvement target: Ensure that management resources in the Region are used effectively in a way that is responsive to changing circumstances both within CAFCASS and external to the organisation.

By date: October 2003

4.1/2 MCSI recommendation – Management of Human Resources

That CAFCASS North East Region should:

- *with CAFCASS HQ, undertake a risk assessment of its longer term HR needs including attention to the duties imposed by the Race Relations (Amendment) Act 2000*
- *prioritise Diversity within the Training Plan 2003/04.*

CAFCASS response

CAFCASS North East Region will:

- review the requirements imposed by the RR(A)A 2000
- the CAFCASS Race Equality Scheme and the Diversity Strategy
- undertake a longer term HR needs assessment for the Region
- prioritise training on Diversity issues during 2003/04.

Improvement target: Action Plan to address longer term HR needs of the Region and Diversity training programme within 2003/04.

By date: September 2003

4.3 MCSI recommendation – Management of Human Resources

That CAFCASS North East Region should take specific action to address Health and Safety issues, including those identified in 2002.

CAFCASS response

CAFCASS North East Region will:

- review progress since the two Health and Safety inspections in 2002
- implement corporate initiatives.

Improvement target: To establish a system for ongoing review of Health and Safety issues, in order to ensure the well being of staff and service users through proper adherence to Health and Safety legislation.

By date: May 2003

5.1 MCSI recommendation – Management of Physical Resources

That CAFCASS North East Region should, with HQ, ensure that the alterations to the Middlesbrough office are prioritised and completed as soon as possible.

CAFCASS response

CAFCASS North East Region will:

- prepare a business plan for submission to the Lord Chancellor's Department for the extension of the Middlesbrough office
- identify contingency plans if this is not successful.

Improvement target: To provide a working facility and environment that adequately meets the requirements of workforce and service users in the Tees Valley (Middlesbrough) office.

By date: July 2003

5.2 MCSI recommendation – Management of Physical Resources

That CAFCASS North East Region should, following an evaluation of current use of e-mail with one court in the Region, extend the pilot to a group of local courts for electronic transfer of documents.

CAFCASS response

CAFCASS North East Region will:

- prepare a report outlining the current system of electronic transfer practised in Middlesbrough, with evaluation and proposals for development
- agree an action plan to extend the pilot to a wider group of courts.

Improvement target: To evaluate a pilot scheme, aiming at providing effective and efficient electronic communication system between courts and local CAFCASS offices.

By date: December 2003

Glossary

<i>Convergence</i>	The use of this term in CAFCASS has come to mean the process of integrating, over time, for private and public law services into a unified set of policies, practices, knowledge and skills. The terms applies to practitioners, support staff and managers
<i>Guardian ad litem</i>	This is the name used before CAFCASS was established for that work now undertaken by a Children's guardian. The name continues in use in a small number of High Court proceedings although the functions are different
<i>Children and family reporter</i>	This is the name of the officer of the Service dealing with arrangements for children following separation and divorce including, in particular, where children live and with whom they have contact
<i>Children's guardian</i>	This is the name of the officer of the Service dealing with care related proceedings and also those adoption and freeing cases where courts may have to dispense with parental consent
<i>Defining element</i>	This is the term used by MCSI that breaks down a Key Function into a series of more specific descriptions. Taken together defining elements summarise what the Key Function (see below) entails
<i>Family Court Business Committee (FCBC)</i>	The Family Court Business Committee structure was established by the Lord Chancellor's Department at the time of the implementation of the Children Act 1989. It brings together representatives of the main family agencies in, usually, quarterly meetings convened by the local Care Centre Judge
<i>Family court adviser</i>	This is a general, non-legal term in use within CAFCASS which describes practitioners who have been recruited to the Service since April 2001
<i>Family court welfare officer</i>	This was a probation officer assigned to family court work prior to CAFCASS being established
<i>Family proceedings</i>	These are civil court proceedings in specialist courts usually concerning decisions about the upbringing of children. The main legislation dealing with family proceedings is the Children Act 1989, the Adoption Act 1976, the Family Law Act 1996 and the Matrimonial Causes Act 1973
<i>Key function</i>	This is the term used by MCSI that describes in broad terms one of the main responsibilities of CAFCASS. They set out what MCSI would expect to find when it inspects the Service (see also Defining element)

<i>Officer of the Service</i>	The general name given by the Criminal Justice and Court Services Act 2000 to frontline practitioners within CAFCASS
<i>Parental order reporter</i>	This is name of the officer of the Service dealing with proceedings under the Human Fertilisation and Embryology Act 1990
<i>Reporting officer</i>	This the name of the officer of the Service dealing with adoption and freeing proceedings and, in particular, issues around parental consent to the proposed order
<i>TUPE</i>	Regulations covering the transfer, employment and protection of staffed who move without break of service from one organisation to another (for example, from the former services into CAFCASS)

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