

**Practice Quality Standards
in
Public Law
Guided self-supervision
and
Self-assessment
for
Children’s Guardians**



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Practice Quality Standards in Public Law

These Practice Quality Standards for public law are based on our best work and set out what is expected in response to learning from feedback, audit and case reviews, and fulfil our commitment to contribute to a whole system effort to implement the recommendations of the Public Law Working Group:

<https://childprotectionresource.online/publication-of-the-presidents-public-law-working-group-report/>

They also reflect the commitment of the President of the Family Division to reduce delay for children and in support his initiative to conclude public law proceedings within 26 weeks:

[A View from The President's Chambers: November 2022 - Courts and Tribunals Judiciary](#)

Why we need practice quality standards

- It is the statutory purpose and function of Cafcass to set out standards of practice and to hold managers and practitioners accountable for achieving those standards consistently.
- Feedback from children, extensive auditing, case record and learning reviews following the serious harm or death of a child provide learning about how we can further improve the quality of practice.
- We have made a public commitment to support the implementation of the recommendations of the President's Public Law Working Group.

Why practice quality standards and not more practice guidance

- These practice quality standards have been created collaboratively and following extensive consultation – both internally and externally.
- They set out what 'good looks like' in the way we evidence our commitment to the President, children, and our local authority partners in supporting the recommendations.
- They are intended as guided self-reflection or self-supervision, rather than another set of detailed practice guidance – and for self-assessment.
- They reflect the shift we are making in the balance from compliance to reflection and learning.

What is the status of these practice quality standards

- They represent one of the five practice improvement priorities in our national and OSA Plans.
- They set out what 'good looks like' – what children and families have a right to expect of us and what our family justice partners can expect of us.
- While they are not 'mandatory', they are a clear expression of our expectations.
- They provide a focus for reflection, practice discussion and the baseline for audit and case review.

The areas of practice and decision-making we are focusing on derive from audit, significant incident reports, case record and learning reviews where children have been seriously harmed or killed during proceedings or following the conclusion of proceedings:

1. Underpinning standards
2. Seeing and engaging with the child
3. Analysing the support for and work with families in pre-proceedings
4. Analysing the final care plan for the child
5. Questioning 'Care Orders at home'
6. Analysing Special Guardianship Orders
7. Reducing delay for the child
8. Working with the child's independent reviewing officer
9. Considering unification/re-unification
10. Assessing actual costs and possible benefits of an additional expert
11. Scrutinising a proposal for a Supervision Order
12. Scrutinising an application for a Deprivation of Liberty Order
13. Working with the child's solicitor

Practice Quality Standard 1: Underpinning

	Standard
1.	Does my practice, decisions and recommendations reflect the values of Together?
2.	Does the child's record show my commitment to uphold the rights of the child under the UN Convention of the Rights of the Child, especially in relation to being heard (Article 12) and preventing separation from family (Article 9)? https://www.unicef.org.uk/what-we-do/un-convention-child-rights/
3.	Have I recorded the details about the child and wider family accurately? Have I included their ethnicity, culture, language, religion, disability, sexual orientation, gender identification, and any aspects of a child's unique identity they wish to share?
4.	Can I show clearly the discussions I have had with the child's social worker and their independent reviewing officer (if they have one) to understand their thinking and where appropriate to give constructive challenge to the local authority plan for the child?
5.	Can the child and their family understand the Child's Plan? Is it clear and written in a way that can be understood by them in the present but also in the future should the child seek to understand what happened to them and why it happened – the rationale for my recommendations and decisions about their life?
6.	Am I satisfied that the wishes, feelings, and desired outcomes expressed by the child are clearly recorded, understood, and addressed in my analysis. Have I included their words about my recommendations in my report to the court?
7.	Have I used plain language, free from jargon in a way that can be understood by the child, parent/carer? Did I consider giving the child and family an opportunity to have the key documents translated into their first language?
8.	Are my decisions and recommendations supported with a rationale that is written in plain language and free from jargon? Have I shared these and explained them to the child?
9.	When I have had concerns about the welfare or safety of the child, I have raised them appropriately and escalated them if necessary, using the referral or escalation procedure of the local safeguarding children partnership.
10.	Is there evidence of management support and oversight? Did I seek supervision appropriately to discuss the complex dilemmas I experienced and the difficult decision I have had to make.

Practice Quality Standard 2: Seeing and engaging with the child

	Standard
1.	Did I see the child in person early regardless of their age or care arrangement in order that I could hold them in mind throughout my engagement and assessment? If not have I given a clear and reasoned rationale that the child could understand?
2.	Have I written the Child's Plan in a way that can be understood by the child in the present but also in the future should the child seek to understand what happened to them and why it happened?
3.	Did I use a personalised introductory letter or another way to introduce myself and explain my role to the child, so that should they seek to understand what happened to them at a future date, their record is comprehensive and comprehensible?
4.	Was my engagement with the child appropriate to their age and level of understanding and, where appropriate, included evidence-based practice tools for engaging with children?
5.	Can I show that I understand the child's uniqueness and how these impact upon them, those important to them and the plan for their future care.
6.	Have I shown a clear understanding of the child's strengths, needs and the risks they face? Where applicable, what research did I use to inform my advice about what is in the best interests of <u>this</u> child?
7.	I asked the child for feedback about my work with them and can I show what have I done in response.
8.	Can I show a good understanding of the impact of the harm and trauma this child experienced and how best to help them to overcome the trauma they have experienced?
9.	My rationale for the recommendations I have made to the court are clear and reasoned. I have shared my thinking and recommendation with the child and sought their views.
10.	I have given them the opportunity to write to and meet with the judge. I explained the court decision to the child, and I have sent them a goodbye or later life letter.

Practice Quality Standard 3: Analysing the work with and support to families in pre-proceedings

	Standard
1.	I can show, when considering threshold, I have applied my understanding of judgments such as Hedley J in Re L (Care: Threshold Criteria) [2007] 1 FLR 2050, para 50, " <i>Society must be willing to tolerate very diverse standards of parenting, including the eccentric, the barely adequate and the inconsistent. It follows too that children will inevitably have both very different experiences of parenting and very unequal consequences flowing from it. It means that some children will experience disadvantage and harm, while others flourish in atmospheres of loving security and emotional stability. These are the consequences of our fallible humanity, and it is not the provenance of the state to spare children all the consequences of defective parenting. In any event, it simply could not be done.</i> "
2.	In asking why an application for this order and why now, I can show that I have read, understood and have incorporated into my thinking 'The case for clear blue water' even though that the water in this case may be murky https://www.sheffield.ac.uk/polopoly_fs/1.8121581/file/Sheffield_Solutions_Clear_Blue_Water_Full_Report.pdf
3.	In discussion with the child's social worker and independent reviewing officer (if they have one) I have asked what has changed that justifies the application to bring the child into care now.
4.	I have questioned whether the judgment that the welfare threshold has been met fully justifies the application for a care order for this child.
5.	I have understood and taken into account the risks and unintended consequences of bringing this child into care, including how being in care may further disadvantage them.
6.	I have a good understanding of what the child's wishes and feelings are about being brought into care and I can demonstrate how these have influenced my analysis, conclusions, and recommendations.
7.	In upholding the rights of the child to remain in the care of their parents, I have clearly considered whether everything possible was done in advance of proceedings to preserve the family and used that assessment to comment on any interim care plan.
8.	I have talked with the child's social worker about the approach the local authority has taken in using the Public Law Outline and I am satisfied that sufficient time and support has been given to help the parents to change and strengthen their parenting capacity.
9.	In cases where I am not satisfied that sufficient time has been given to assess change in parenting capacity, I apply to extend proceedings to enable this to happen and explain my rationale for this clearly to the court.
10.	I am satisfied that the local authority has fulfilled its duty to explore and test all practicable alternatives to a care order to safeguard this child.

Practice Quality Standard 4: Analysing the final care plan for the child

	Standard
1.	From my early and subsequent consultations with them, it is clear that the child's social worker and independent reviewing officer (IRO) have an up-to-date and agreed understanding of this child's character and personality, their likes and dislikes, their hopes and dreams, fears, people and places where they feel safe and what makes them unique.
2.	The child's social worker and IRO also have a good and shared understanding of this child's attachment style and what parenting style is likely to work for them.
3.	The child's social worker and IRO have a good enough understanding of this child to predict and mitigate the child's reaction to separation and the possibility of living for a time with strangers, including disruption to their attachments.
4.	The child's Life Story Work is well-developed and/or it is clear how it will be developed.
5.	From my engagement with the child, I can say that they understand the reasons why they are in/are coming into care and the local authority plan for their future care. They know what is being said to the court and have had the opportunity to add their words.
6.	I am satisfied that all the professionals involved understand, have taken into account and have discussed with the child their wishes and feelings in drawing up and agreeing the proposed plan.
7.	I have explored with the child's social worker and IRO how to look after this child and plan for their future without adding to their trauma and, rather, I can explain to the court how the plan will help this child to recover from the trauma they have experienced.

8.	I have a high degree of confidence that the proposed plan for this child will work for them and that it will improve their life and future life chances.
9.	I understand and support the plan for permanence, including the timescales.
10.	I have explained to the child the rationale for my decision and recommendation to the court. If the child disagrees with my recommendation, especially if it involves deprivation of liberty, I have discussed separate legal representation for the child.

Practice Quality Standard 5: Questioning 'Care Orders at home'

	Standard
1.	I have questioned why the local authority is seeking to safeguard the child by applying for parental responsibility at this stage rather than using its other powers to safeguard the child.
2.	I have talked to the child's social worker and IRO about the commitment of the local authority to the no order principle.
3.	I am satisfied that they have a good understanding of the risk of the unintended consequences of gaining parental responsibility but leaving the child in the care of their parents/carers.
4.	We have discussed the contradiction of being so concerned about parenting capacity that a care order has been applied for, but the initial plan is to place the child at home – where the risk arises.
5.	If I agree with the plan, I am satisfied that the parenting capacity of the parents/carers is good enough (and if it is, I have asked myself again why a care order is appropriate in these circumstances).
6.	In supporting the plan, I can show that I understand and have considered the impact of the local authority holding parental responsibility on the child's parents/carers and family dynamics.
7.	I understand the potential for insecurity and emotional instability experienced by a child being placed at home but subject to the bureaucracy and scrutiny of being a child in care.
8.	I also understand and have considered the power of the local authority to remove the child from the care of their parents/carers at a future date without a further application to court and judicial oversight. I have considered whether an order to require an application to remove the child is appropriate in this case.
9.	I am satisfied that the child and their parents/carers fully understand the implications of sharing parental responsibility with a local authority before they agree to the plan.
10.	I can provide a clear and reasoned rationale for supporting a plan for a child to be made subject of a care order and placed at home.

Practice Quality Standard 6: Analysing Special Guardianship (SGO)

	Standard
1.	I have a good understanding of the strengths and weaknesses of an SGO in securing permanence for a child, including the difference that is made by the quality of support for the arrangement.
2.	I have a good understanding of what works in supporting special guardians to sustain their care for a child, including through adolescence and into adulthood.
3.	I am satisfied that the prospective guardians understand what is being asked of them (especially the management of contact with parents or other family members, including brothers and sisters) what a SGO confers (and what it does not) and their entitlement to support from the local authority.
4.	I have seen and observed the engagement of the child with the prospective guardians (especially those with no prior relationship with the child) and I feel confident that they have a good understanding of the child's current and future needs.
5.	I have gained an accurate understanding of the reasons why the prospective guardians are putting themselves forward, their strengths and vulnerabilities.
6.	I have seen the police and medical checks concerning the prospective guardians or discussed them with the child's social worker and included them in the child's record.
7.	I understand the child's wishes and feelings about living with these prospective carers.
8.	I am confident that the local authority has an accurate assessment of the strengths and vulnerabilities of the prospective guardians, including future risks to the arrangement. I am satisfied that the support plan for the prospective guardians is adequate.

Practice Quality Standard 7: Reducing delay for the child

	Standard
1.	I am personally and professionally committed to supporting the initiative of the President of the Family Division to reduce delay for children. I plan with the local authority and court to conclude proceedings within 26 weeks.
2.	In doing everything I can to reduce delay, I have applied my understanding of judgments such as Hayden in <i>St Helens Borough Council v M & Ors</i> [2022] EWFC 56, <i>“No advocate or any other professional has sought to defend the lamentable delay, nor, in my view, could they.”</i>
3.	I have demonstrated and recorded an accurate understanding of the causes of delay, the impact of delay on this child and my own efforts to reduce delay for the child.
4.	I raised my concerns about the impact of delay on the child with the child’s social worker and IRO. We have worked collaboratively to try and reduce further delay. We have also discussed how to minimise the impact of delay on the child.
5.	I understand the child’s thoughts and feelings about how long it is taking to reach a decision about their future care, and I have made the judge aware of these.
6.	I shared the child’s thoughts and feelings about how long it is taking with their social worker and IRO.
7.	I have sought situational case supervision at 26 weeks, in line with the mandatory trigger for situational supervision.
8.	I raised with the court my concerns about the impact of delay on the welfare of the child and future opportunities for permanence.
9.	I have incorporated my analysis of the impact of delay on the child in my final analysis and report, including the child’s thoughts and feelings in their own words.
10.	I have a clear and reasoned rationale for adding to delay by recommending the extension of proceedings, including the use of another expert.

Practice Quality Standard 8: Working with the child’s independent reviewing officer (IRO)

	Standard
1.	I can show that I have a good understanding of the legal duties and authority of the child’s IRO and their role in overseeing and approving the child’s plan should the court make a care order.
2.	I made early contact with the child’s IRO with the aim of developing a mutually respectful, open, and collaborative working relationship.
3.	I am confident that the child’s IRO has sanctioned the child’s care plan, has approved the placement, and is actively overseeing the child’s progress towards permanence.
4.	We maintained contact throughout the duration of proceedings, pre and post key decision points, to check each other’s thinking as my assessment progressed.
5.	I can show that I was committed to seeking a shared view with the child’s IRO about the best interests of the child and how best to achieve the intended outcomes for the child. Where this has not been possible, I have set out our professional differences in my report.
6.	I developed a good understanding of the view of IRO about the child’s plan for permanence. I can answer with confidence, if asked, “What does the child’s independent reviewing officer think?”
7.	I shared my initial analysis about the plan for the child with their IRO and social worker.
8.	I shared with the child’s IRO my concerns and dilemmas about the care of the child and plans for their future as my assessment progressed. I am open with the court about where we do not agree.
9.	I have shared my final analysis and recommendations with the child’s IRO along with my rationale.
10.	I wrote a final letter to the child’s IRO setting out my view of what should be the focus of their ongoing oversight of the child’s strengths, needs and risks, and what the child should expect of the local authority in supporting their placement.

Practice Quality Standard 9: Considering unification/re-unification

Standard	
1.	I have discussed the proposal and plan with the child's social worker and their IRO. They are fully aware of the reasons why the child was brought into care and are clear about what has changed.
2.	I am satisfied that the assessment of the child's needs has included and given sufficient weight to the views and experiences of those who have cared for them.
3.	As a result, there is a deep understanding of the child's unique characteristics and needs, including the level of parenting required to safeguard their welfare and achieve good outcomes in the long term.
4.	The assessments of parenting capacity have included and given sufficient weight to the views and experiences of those who know the parents well, including relatives who are protective of the child.
5.	As a result, there is an up-to-date and comprehensive assessment of risks and protective factors, as well as the capacity of parents to change and sustain change.
6.	I am aware that successful unification/re-unification depends on the effectiveness of ongoing support, supervision, and assessment. The support plan sets out the team around the child and how the welfare and safety of the child will be reviewed.
7.	This support plan sets out clear standards of care and spells out what will happen if those standards are not met, or the quality of parenting falls short of the child's needs.
8.	The parents fully understand the implications of the agreement with the local authority and are motivated to work positively with the team around the child before they agree to the plan.
9.	The transition plan to place a child in the care of their parents is gradual, monitored, reviewed, and assessed before a final decision is made.
10.	I can provide a clear and reasoned rationale for supporting or not supporting the plan for a child to be unified/re-unified with their parents.

Practice Quality Standard 10: Assessing actual costs and possible benefits of an additional expert

Standard	
1.	I am mindful that local authority social workers <u>and</u> children's guardians cite 'new assessment ordered' and 'expert assessment required' as the two of the most common causes of delay for children.
2.	I have a good understanding of the impact of delay on children in public law proceedings, from what they have told us and from the research. I do everything I can to minimise the prolonged uncertainty for children and risk of harm caused by delay.
3.	In supporting a proposal or proposing an additional expert, I am mindful of the memorandum issued by the President of the Family Division in October 2021 on the use of experts in the family court; (i) whether the proposed expert evidence will assist the court in its task; (ii) whether the witness has the necessary knowledge and experience; (iii) whether the witness is impartial in his or her presentation and assessment of the evidence; and (iv) whether there is a reliable body of knowledge or experience to underpin the expert's evidence. Letterhead Template (judiciary.uk)
4.	In considering the cost and benefit to the child of an additional expert, I consider Part 25 of the Family Procedure Rules 2010, which sets out the purpose and duties of the expert to the court. [ARCHIVED CONTENT] PART 25 - EXPERTS AND ASSESSORS (nationalarchives.gov.uk)
5.	PD25B para 4.1(b) requires an expert to have been active in the area of work; to have sufficient experience of the issues; to be familiar with the breadth of current practice or opinion; and if their professional practice is regulated by a UK statutory body, that they are in possession of a current licence, are up to date with CPD and have appropriate training on the role of an expert in the courts.
6.	The proposed expert can provide evidence that other professionals involved in the child's case are not qualified to provide. When supporting or recommending their appointment, I can explain to the child, family, other professionals and the court, the specific area of expertise and assessment that is required, including my confidence in the credentials and experience of the proposed expert.
7.	In supporting a proposal or proposing an additional expert I can evidence that I have weighed the cost of further delay for the child with the potential benefit of another professional perspective about the impact of the child's experiences of trauma, their welfare needs and how their needs can be met best.
8.	I have considered the potential impact on the child of another expert assessment of their welfare and needs and have explained to them my thinking.

9.	I am satisfied that the proposed expert meets the requirements of PD25 para 4.1(b) – set out at 5.
10.	I have a good understanding of the availability of the proposed expert and the time it will take for them to complete their assessment.

Practice Quality Standard 11: Scrutinising a proposal for a Supervision Order (SO)

	Standard
1.	I am respectfully sceptical about the status and priority given to an SO in hard-pressed children’s social care services.
2.	I know that is over-optimistic and potentially unsafe to supplant the multi-agency child protection process with a support plan under an SO, even where other agencies have said they will contribute to family solutions.
3.	I am aware of the risk of disguised compliance with statutory intervention in family life and I am confident that these parent(s)/carer(s) will engage purposefully with the plan of support.
4.	Given we know from research that SOs are only effective when there is a positive and mutually respectful relationship between the family and the social worker, I am satisfied that this is the case.
5.	I have been given sufficient time to review the proposed plan, to suggest adjustments to strengthen the plan and, if appropriate, discuss the plan with the parent(s)/carer(s).
6.	I can endorse the plan of support under the SO because it has been developed with the parent(s) or carer(s). It is specific, achievable, and relevant to the agreed assessment of the child’s needs and risks, and parental capacity.
7.	I am confident that the plan of support under the SO keeps the child(ren) at the centre and will safeguard their welfare. Their voice is incorporated within the plan.
8.	There is a clear timeline and process for reviewing the effectiveness of the support plan under the SO in achieving the intended outcomes for the child.
9.	There is a clear contingency if the plan is not effective in safeguarding the welfare of the child(ren). The parent(s) or carer(s) are fully aware of this contingency.
10.	I question the use of an SO with a Special Guardianship Order because it casts doubt on the assessment of the putative guardian(s) and/or the commitment of the local authority to provide appropriate support to the guardian(s).

Practice Quality Standard 12: Scrutinising a proposal for a Deprivation of Liberty Order

	Standard
1.	I understand that the liberty of a child is a fundamental right (UNCRC Article 15) and that the deprivation of their liberty is an action of last resort when other ways of protecting them (including disrupting exploitation) have been tried and nothing else will protect their welfare.
2.	I am satisfied that the child is not of sufficient age and understanding or does not have the mental capacity to understand the consequences of their choices and actions.
3.	Where a child is experiencing or is at risk of exploitation, I can say with confidence that everything that can be done has been done to disrupt those who are exploiting or would seek to exploit them.
4.	I can see that the child is seen as a victim of exploitation and is not being held accountable or blamed for what is happening to them.
5.	I am confident that the proposed deprivation of liberty is proportionate and will achieve the intended outcomes for the child, within the bounds of safe uncertainty.
6.	I understand the risk of unintended consequences of depriving a child of their liberty, including giving the impression to them that they are somehow to blame and are being punished.
7.	I am satisfied that any unregistered arrangements to accommodate the child are justified in the circumstances, are temporary and the local authority has a time-bounded plan (within 28 days) to ensure that they/the provider secures Ofsted registration. I bring ongoing unlawful placements to the attention of the court.
8.	I am satisfied that the proposal to deprive a child of their liberty is time-limited and is accompanied with an intervention to enable them to make more informed and safer decisions.

9.	I agree that the process for reviewing the deprivation of liberty order arrangements is appropriate, with the clear intention to revoke the arrangements as soon as the risk of harm has reduced.
10.	In supporting the application, I can advise the court that the local authority has fully explored/challenged appropriate actions and interventions by all agencies that would prevent a depriving a child of their liberty.
11.	Before supporting an application to deprive a child of their liberty, I have explained my thinking to them and given them an opportunity to comment before making a final recommendation to the court.

Practice Quality Standard 13: Working with the Child's Solicitor

	Standard
1.	I appoint an experienced child's solicitor from the Children's Panel as soon as possible and notify the court and parties. I understand why I need to avoid using the same solicitor(s) repeatedly.
2.	I understand that if these are repeat proceedings, I should approach the same solicitor unless there is a justifiable and clear reason not to.
3.	I fully understand the fundamentals of the independent professional relationship between the FCA and the child's solicitor and the need for clear expectations and boundaries.
4.	I know I need to give instructions in good time for my position statement to be filed and so that the advocates' meeting is effective.
5.	I have discussed the need for them to see the child at least once during the proceedings and I have considered whether a joint visit is appropriate.
6.	While I appreciate that the child's solicitor provides legal advice it is me as the child's guardian who gives the instruction. I upload detailed communications onto the child's record in ChildFirst.
7.	I know that position statements need to be written by the child's solicitor on my instruction, and that I must approve these before they are filed. I know the child's solicitor needs to see my report before it is filed.
8.	I understand importance of a proper professional consultation before each hearing and the fact that the child's solicitor should seek my agreement if they intend to use another solicitor from the firm or counsel.
9.	I know to seek situational supervision if the child's solicitor does not follow my instruction, or we disagree about the direction of the case. I consider separate representation when this is appropriate.
10.	Together with the child's solicitor, we monitor proceedings for non-compliance with directions and where necessary, to prevent delay for the child I raise this with the parties and the court.