

POLICY DEVELOPMENT FRAMEWORK

This framework explains the process for developing a policy at Cafcass. The framework includes a section on how to develop a policy, an explanation of the relationship between strategy and policy and an overview of the different policy options. There is also a section about the governance arrangements for formally approving a policy and some tips for communicating the launch of a new policy.

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CONTENTS PAGE

NO	ITEM	PAGE NO
1.0	INTRODUCTION	4
2.0	POLICY AIM	4
3.0	DIVERSITY	4
4.0	GUIDANCE FOR POLICY DEVELOPMENT	5
5.0	THE POLICY OPTIONS - The Link between Strategy & Policy	6
6.0	CONSULTATION	7
7.0	FINALISE THE POLICY AND COMPLETE AN EQUALITY IMPACT ASSESSMENT	7
8.0	GOVERNANCE ARRANGEMENTS FOR POLICY "SIGN OFF" AND LAUNCHING THE POLICY	8
9.0	POLICY DEVELOPMENT PROCESS	9
10.0	PROCESS DESCRIPTIONS	10
11.0	IMPLEMENTATION	11
12.0	NATIONAL POLICY COMMUNICATION	12
13.0	LOCAL POLICY IMPLEMENTATION	12
14.0	REVIEWING A POLICY	12

APPENDIX PAGE

NO	ITEM	PAGE NO
1.0	BUSINESS CASE TEMPLATE	13
2.0	EQUALITY IMPACT ASSESSMENT	14
3.0	FIT FOR PURPOSE CRITERIA	19

1.0 INTRODUCTION

- 1.1 The purpose of this framework document is to make clear how Cafcass develops policy. The whole policy development process is explained in eight key steps, through the phases of policy development, which are:
 - a. The first phase explains how to get started and a brief explanation of the key steps to justify and plan for work on a policy development.
 - b. The second phase explains the relationship between strategy and policy; it details some of the different policy options and sets out the consultation arrangements which are integral to many areas of policy development. There is also advice on how to undertake a diversity impact assessment.
 - c. The third phase explains Cafcass' process for approving a policy, including the governance arrangements for formal 'sign off' of a policy document.
 - d. The fourth phase explains what needs to be done in order to facilitate implementation of a policy.
- 1.2 All the templates can be found in the appendices to this guidance.
- 1.3 The Cafcass Online Policy Centre (OPC) will support the processes involved and help to achieve our national standard on full policy compliance. This guidance document should be used alongside the software.

2.0 POLICY AIM

- 2.1 The aim of this guidance is to create a clear national approach to the development, implementation and management of all Cafcass policy and to ensure that those members of staff¹ involved are clear as to their roles and responsibilities so that Cafcass policies are developed and implemented in an efficient, cost effective and consistent manner.

3.0 DIVERSITY

- 3.1 This guidance document supports Cafcass' aim to provide a high quality service, to treat all employees and service users fairly by providing guidance on how to ensure all Cafcass policy is subject to an Equality Impact Assessment prior to implementation. The purpose of conducting these assessments is to ensure that all Cafcass policies are compliant with all equality legislation, but it also assists in moving the organisation beyond compliance. It ensures involvement of our diverse workforce provides the focus for positive change and gives the legal weight where reasonably practicable to carry out changes to policy and practice to ensure we treat all staff and service users equitably.

¹ For the purposes of this policy "staff" includes not only employed members of staff but also self employed contractors

4.0 GUIDANCE FOR POLICY DEVELOPMENT

4.1 When developing a policy the difference between policy, procedure and guidance, and quite what goes where, can often cause confusion. The policy must make clear what the aims, or broad principles of the policy are and explain how the policy will achieve them and contribute to the overall direction of Cafcass. Generally, procedures follow on from policy - they provide a clear explanation of **what** 'must be done' in order to implement the policy and compliance is compulsory for staff. Procedures can be a separate document, a section of the policy or emboldened within the policy document so that they are easily differentiated from guidance. The guidance section of a policy will usually include supporting information about good practice and make suggestions on the practicalities of **how** to implement the policy.

PHASE ONE - Getting Started - The Process of Policy Development

4.2 The process of developing a policy will often be a complex and an organic development, however, there tends to be a number of key steps to developing a robust policy document. These are:

- a. **Step 1 - the policy justification** - at the beginning of a policy development it is essential to be clear about the purpose of the policy and how the policy will help to resolve the problem that we are trying to fix. For example, consider whether a policy is the right method for resolving the problem, or is another approach or combination of approaches likely to be more appropriate? When thinking through the options it is important to be clear about the boundaries of what a policy will and will not be able to resolve and to consider what this may mean for other areas such as training, performance information and quality assurance tools. Depending upon the nature and scale of the policy it may be useful to select an advisory group to contribute to this early 'scoping' of the policy. It is at this early planning stage when it may be appropriate to develop a business case. (See the template in the resources pack).
- b. **Step 2 - research, analysis & direction setting** - It is essential to spend time gathering and analysing information about what we currently know of the nature of the problem we are trying to fix, to gain views, ideas and analyse information from Cafcass as well as looking for lessons learnt and good practice that we can apply from other organisations. It is also useful to test out any assumptions that have been made at this stage. This stage will usually run alongside the business case development stage.
- c. **Stage 3 - policy design** - In reaching this stage you should have a good idea how the policy will support the organisations overall strategic direction and resolve the problem or difficulties in question. Therefore this stage usually involves the identification of the guiding principles of the policy, possibly a definition of vision, and clear aims and objectives.

- **A vision is a statement of aspirations for a desired future;**
- **Aims are the outcomes needed to bring about the desired future;**
- **Objectives are those things that need to be achieved in order to realise these outcomes²**

4.3 At this point, depending on the complexity of the issues involved it may be necessary to develop several policy options (e.g. what do we need to do to fix the problem one policy or a framework of policies?). There will be a menu of possible options depending on the issues involved. It is important that legal advice is embedded in the development process and Cafcass Legal should be involved from an early stage and throughout the stages of development.

PHASE TWO - The Policy Options - The Link between Strategy & Policy

4.4 When considering which policy options are appropriate it is important to be aware of how different policy documents operate and what it is intended they will deliver. The relationship between policy and strategy is very interactive and the two often are interwoven. Close integration is important to make sure that strategies are implemented by using the most suitable policies and that different policies are not contradictory. However, it is important to appreciate the differences and the section below gives some explanation.

- a. A Strategy is a high level policy which describes the overall process of deciding where we want to get to and how we are going to get there. (For example, a Corporate Plan or a Business Plan).
- b. A Policy Framework describes an overall strategic approach, describing the desired future and setting out what needs to be achieved in order to bring about change. It can often be an 'umbrella' strategy' to which a number of policies relate e.g. Cafcass' safeguarding framework.
- c. A Policy will identify how to achieve a particular strategic outcome, clarifying what needs to be done by whom. The policy instrument that will be suitable to deliver a particular outcome will vary depending upon the issue. (For example, a policy position followed by a set of practice standards, or detailed procedures supported by guidance or an evidenced based toolkit).

² Strategy Unit Guide

Managing the Policy Development Process

- 4.5 When a draft policy is in a reasonably advanced state it is important to create the opportunity for others to scrutinize and make suggestions on the draft document. In this way the policy will become more robust as it benefits from a wider range of views, knowledge and challenges, as well as demonstrating standards of good governance in policy making. The extent of consultation process will depend on a number of factors such as the nature and complexity of the policy, the extent to which it will require change and the number of service users, staff and other stakeholders the policy is likely to have impact upon.
- 4.6 **Step 4 - The consultation** – This stage in the policy development will usually take place when you have a draft version which has had agreement from the policy sponsor and has been put to the senior management team (ECMT) for comment. As outlined above the scale of the consultation will be determined by taking a number of factors into consideration. However, **all policies that require a broad practice change and will have an impact on practice standards, service users and stakeholders must be subject to a full three-month consultation in accordance with Cabinet Office Guidance.** The National Policy Manager and the Head of Communications should be involved in discussions about who to consult and how to consult in every case.
- 4.7 Organising a major external consultation exercise requires careful planning for example, the well thought-out formulation of questions which make it possible to analyse the responses. At the close of a consultation it is the role of the policy author to review all responses and compile a report to the policy owner and CMT highlighting and the key themes of response, drawing attention to particular important issues and listing a record of all received responses. Once the report has been agreed by the Policy Sponsor at CMT the report can be shared at ECMT. It is important to keep a clear file and record of all responses received to a consultation, therefore as much as possible; you should encourage emailed responses so a file can be kept electronically. A useful way to do this is to produce a response form with the consultation questions which can be placed on the website or emailed to stakeholders.
- 4.8 **Step 5 – Finalise the Policy and Complete an Equality Impact Assessment**
- Following the consultation the near final version is re-drafted and it is at this point that the policy should be subject to an initial assessment undertaken using the Equality Impact Assessment template (the template for this is the resources pack). At this stage if there are no adverse effects the policy is submitted for final approval. If there are any adverse impacts identified that cannot be justified on the grounds of promoting equality for one group the policy needs to be further developed and a second assessment undertaken once changes to the policy have been included.

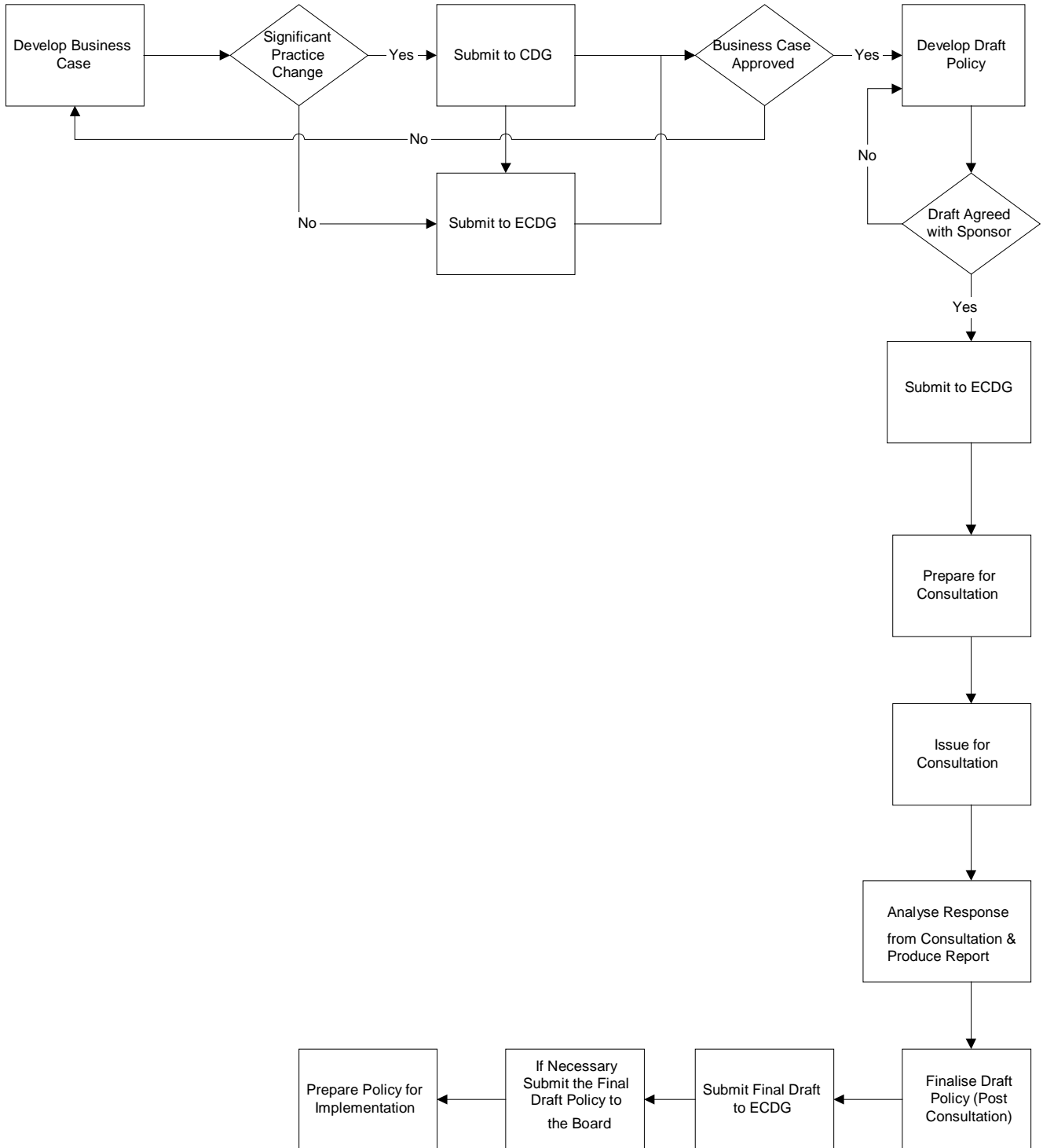
- 4.9 During the policy development process the policy author should retain all draft versions in a file where general access is prohibited.
- 4.10 All policy documents should follow a numbering system that clearly indicates which stage the document is at in its lifecycle i.e. 'Draft' or 'Issued'.
- 4.11 There is a numbering system to track the drafts which is a 2-digit number separated by a decimal point, the first number indicates the 'issued' status and the second number indicates the 'Draft' status. For example, when a policy document is first produced in draft it will be version 0.1, further updates and modifications to the document will produce further draft releases i.e. version 0.2, 0.3 etc until the document is ready to be 'Issued' for implementation. An 'Issued' version then becomes 1.0. Once issued any further amendments, for example as part of a policy review process, should also be reflected in the version number e.g. 1.1

PHASE THREE - Governance Arrangements For Policy 'Sign Off' and Launching the Policy

- 4.12 Similarly to the consultation arrangements good governance for agreement and sign-off for a policy requires that all Heads of Profession have the opportunity to make final comment, change and improvements to near final (post consultation) policy, especially in policies with potentially significant repercussions. To ensure that key staff are routinely included in this way, a formal sign off process is applied.
- 4.13 **Step 6 - Getting final sign off** - The policy sponsor (which will in most cases be either the Chief Executive or one of the Corporate Directors) will ensure that any new policy, change to an existing policy or work-related issue requiring senior management approval will be circulated to the relevant Heads of Profession who will be consulted again on specific issues. This can either be within a CMT/ECMT meeting or outside, depending on circumstances. Comments should be built into any report recommending a corporate decision.
- 4.14 An electronic paper trail should be kept in case of requests for access, or a Freedom of Information Request, and the trail should be held by the lead manager/policy author and should include evidence of consultation and sign off as outlined above.
- 4.15 **Step 7 - Planning for publication** - Following formal sign off the policy should be prepared for publication. It is essential to liaise closely with the National Policy Manager and the Communications team during this time. The policy and any supporting information should have a communications plan which includes plans for the *Channel C* newsletter, the website (external/internal) and this should be linked closely with plan to upload the policy onto Cafcass OPC.

5.0 Policy Development Process

The chart below is a quick guide to illustrate Cafcass' process for commissioning and approving policy.



6.0 Process Descriptions

This accompanying table gives further details about what activities should occur at each of the steps and who is responsible.

Process	Description	Owner
Develop Business Case	The business case should be developed in accordance with the template.	Policy Author for the Policy Sponsor
Submit to CMT	If the policy implies a broad practice change or an impact on national standards, service users and stakeholders the Business Case should be submitted to CMT for approval to proceed before it goes to ECMT.	Policy Sponsor
Submit to ECMT	If the policy does not imply a significant change to practice the business case can be submitted directly to ECMT for approval to proceed. The policy sponsor must make the decision about where the business case should be submitted.	Policy Sponsor
Develop Draft Policy	Legal advice must be sought throughout this stage. It is not sufficient to request legal advice a short time before the policy is ready to go to ECMT. Once the policy development has been approved by CMT or ECMT then the draft policy can be developed.	Policy Author
Submit to ECMT	Once the draft policy has been developed to a sufficiently robust stage and agreed with the Policy Sponsor – advice can be sought from the National Policy Manager to assess readiness to go before ECMT for approval to proceed into consultation.	Policy Sponsor & Policy Author
Prepare for Consultation	With approval to proceed to consultation advice can be sought from the National Policy Manager and Head of Communications about who to involve in the consultation and Legal advice should be sought on the consultation process to be adopted.	Policy Author

Process	Description	Owner
Issue for Consultation	The policy, the accompanying consultation letter outlining the timeframe for the consultation and contact details and the consultation response form should be uploaded onto the consultation page of the website and Intranet. Comms and KLPD should be kept updated on all plans.	Policy Author
Finalising the Draft Policy	Once in final draft format (post consultation the policy should be subject to an diversity impact assessment advice can be sought from the National Policy Manager to assess readiness to go before ECMT.	Policy Author
Submit final draft to ECMT	The final draft version is submitted to ECMT with a full communications plan and where necessary make a recommendation that it be submitted to the Board for approval.	Policy Sponsor
Submit final draft to Board	When the policy needs to go to the Board the final draft version is submitted with a communications plan and a recommendation that it be issued for implementation by a date identified by the Policy Sponsor. Copies of all responses to the consultation should be included in the report to Board.	Policy Sponsor
Prepare Policy for Implementation	Develop implementation tasks in the CAF/CASS OPC deployment tool and convert the policy to a PDF file and upload it onto the intranet and website liaising with Comms.	Policy Author

PHASE FOUR – Policy Implementation

- 6.1 Once a policy has been formally 'signed off' and launched, it must be adhered to unless there are exceptional circumstances justifying a variation from the policy. Whenever a member of staff thinks that a policy should not be applied, s/he should discuss this with his/her line manager³ before acting. The policy can only be dis-applied if the Policy Sponsor (usually the Corporate Director) agrees that the circumstances are exceptional and that variation is justified.

³ In the case of self employed practitioners, the reference will be to the contract manager, not the line manager

7.0 NATIONAL POLICY COMMUNICATION

- 7.1 **Step 8 - Communicating the Policy launch** - The Policy Sponsor should inform Regional Directors and Service Managers (in the case of Service Managers this will usually be through an email or an earlier viewing of 'Channel C') of the new policy in preparation for its implementation. In addition to local arrangements for implementing a policy nationally all staff will be made aware of the launch of a new policy through an article in *Channel C*/the Internet and the OPC.
- 7.2 The Policy Sponsor should inform Senior Managers about the timescale within which staff will be expected to implement the policy. The decision about what is an appropriate timescale for policy implementation will be made by the policy sponsor in consultation with ECMT. The timescale will reflect amongst other things: the needs of children and their families, legislative requirements, the mobility of individual staff, access to the appropriate technology and risk to the organisation. If the policy is one that needs to be adopted by the Board then the Policy Sponsor will recommend to the Board an implementation date demonstrating that these factors have been taken into account.
- 7.3 The Policy Author should consider preparing an implementation pack to accompany the launch; this could include a briefing for staff and a PowerPoint presentation which Service Managers can use to introduce the policy to their teams and support implementation.
- 7.4 The Policy Author should monitor the rate of policy implementation through OPC and identify any potential delays or issues. Where issues are being raised such as confusion around the meaning of certain text then these should be referred to the Policy Sponsor or lead officer. A report on the level of policy compliance should be circulated amongst ECMT.

8.0 REVIEWING A POLICY

- 8.1 All Cafcass policies are subject to an annual review, as the review date approaches it is important to plan the process. To some extent it can help to see this as a shortened version of the full development process because it is important to ask many of the same fit for purpose questions (see appendix 3). Inevitably the demands of the organisation can change over a year and it is important to consider whether the policy needs to be amended to reflect these changes. It is also essential to galvanise views from across the organisation about the success of the policy, what has worked what hasn't consider where there may be gaps and identify any newly emerging needs or issues.
- 8.2 It may be necessary to plan a communications exercise in *Channel C*, or the intranet to generate discussion and feedback. For practice related policies it will be essential to create some dialogue with FCA's and practice managers to gain their views. You should seek advice from the National Policy Manager and the Communications team if you are uncertain as how best to manage communications for the review.

- 8.3 If as a result of the review essential aspect of the policy are changed it will again be important to run a similar communications exercise as occurred in the initiation implementation of the policy and the OPC will need to be used to highlight any key changes.

APPENDIX 1

RESOURCES PACK

Business Case Policy Template for ECMT/CMT

This template should be submitted to CMT to get approval to progress a policy development.

Policy Sponsor: (Usually one of the Corporate Directors)

Supported by Lead Officer: (The Policy Lead i.e. corporate strategist, RD)

Background

Include a brief summary of the current issues underlying why this policy is considered necessary for Cafcass.

Cafcass Objectives

Identify the Cafcass business plan objectives that are relevant to this policy and describe how the project will contribute to meeting them.

If there are any other relevant wider Government agendas that this policy supports they should be highlighted here.

Identify how this policy will link or support other Cafcass policies.

Children's Rights

Consider if there are any implications in the proposed policy for promoting and protecting children's rights.

Diversity

Identify how this policy will be fair and respectful of others' difference. Explain how the policy will be equitable and non-discriminatory to children and others.

Policy Outputs

Explain the planned output of the project, identifying what policy option is being proposed and the likely timeframe for developing the policy.

Consultation

Outline the plans to involve/consult staff or stakeholders in the development of the policy e.g. testing with teams, or a full external three-month consultation. If full external consultation is required, include a list of the proposed consultees and how you propose to consult with them, with a timetable for analysing the responses to consultation.

Communications Plan

This section should outline how staff and stakeholders will be kept updated during the development of a policy using *Channel C* (the Cafcass newsletter); the communication plan should link with consultation plans outlining how we will ensure a broad communication of the draft policy internally and externally. There will also be a plan for policy communication post implementation outlining plans for *Channel C* and web features as well as possible external media plans.

APPENDIX 2

Equality Impact Assessment

Section A - General Information:

NOTE - insert name of policy or procedure.

1 - What is the aim, objective or purpose of the policy?

NOTE - Wherever possible quote directly from policy documentation.

2 - What outcomes do we want to achieve for this policy or function, & for whom?

NOTE - Wherever possible in responding to these questions, be specific, & name organisations, individuals &/or equality categories: Race, Gender, Age, Disability, Religious &/or Sexual Identity.

3 - Who are the main stakeholders in the policy?

4 - Who is intended to benefit from this policy, & in what way?

NOTE - Wherever possible in responding to these questions, be specific & name organisations, individuals &/or equality categories: Race, Gender, Age, Disability, Religious &/or Sexual Identity.

5 - What factors contribute to the outcomes of the policy? What forces detract from the outcomes?

6 - How do the outcomes help or hinder other organisational objectives, policies or values?

7 - If there are associated objectives of the policy, what are they?

8 - Who defined or defines the policy?

9 - Who implements the policy & who is responsible for it, including the role the organisation holds in relation to this policy, & the roles of other agencies/Public Bodies?

10 - How relevant is the policy to each Equality category? Based on your answers above, is the policy of High, Medium, or Low relevance:

(Tick one box for each Equality category)

Category	High	Medium	Low
Age			
Disability			
Ethnicity (Race)			
Gender (Sex)			
Religion or Belief			
Sexual Orientation			

11 - Are there any concerns the policy could have a differential impact on the grounds of racial or ethnic origin?

12 - Are there any concerns the policy could have a differential impact on the grounds of religion or belief?

13 Are there any concerns the policy could have a differential impact on the grounds of disability?

14 Are there any concerns the policy could have a differential impact on the grounds of age?

15 Are there any concerns the policy could have a differential impact on the grounds of sexual orientation?

16 Are there any concerns the policy could have a differential impact on the grounds of gender?

Section B - The General Duty:

1 - Which aspect of the General Duty does this policy or function relate to?

- Tackling unlawful discrimination;
- Promoting equality of opportunity;
- Promoting good relations between people from different racial groups;
- Or None (not relevant to General Duty).

If None, please provide reasons:

2 - Is there enough evidence to proceed directly to a Full Impact Assessment? Y N

3 - Is there enough evidence to proceed to a Secondary Impact Assessment? Y N

If Yes, please provide the date of the Secondary Impact Assessment:

4 - Could the differential impact identified (in Section A questions 11-16) indicate the potential for adverse impact?

Y N

If Yes, please explain in relation to the 3 aspects of the General Duty:

5 - Can the adverse impact be justified on the grounds of promoting equality for one group, or for any other reasons?

Y N

If Yes, please explain in relation to the 3 aspects of the General Duty:

APPENDIX 3

Fit for Purpose Criteria

What do we mean by fitness for purpose?

Fitness for purpose for a policy means that the policy is clear about what outcome it should achieve and sets out clearly how this will be delivered. To do this effectively the policy must support the work of the organisation and its overall direction and vision and it must be easily understandable and accessible to the people who will need to use it.

The following is some criteria to help you think through whether the policy is fit for purpose for Cafcass:

1. Is the policy clear about what outcome it is intended to deliver and how it supports the organisation in its overall direction?
2. Is it easy to understand what you must do to implement and follow this policy?
3. Does the policy take account of the wider agenda of Government policy for children and children's services as it is relevant to the particular policy area?
4. Does the policy make clear reference to and fit within the appropriate legislative requirements? (The policy must fulfil Cafcass' legal obligations and you should ensure that legal has checked it and advised your team.)
5. Does the policy make clear links to other relevant Cafcass policies so that it 'fits' with the overall direction of the organisation and avoids giving out contradictory messages?
6. Is the policy clear and concise? (is the policy written in a style that is simple and direct and avoids longwinded language or becomes difficult to follow).
7. Has the policy been subject to a diversity impact assessment?
8. Is it clear who owns the policy and the date that it was issued?
9. Has the policy been shaped by the involvement and consultation of a range of stakeholders?
10. Does the policy draw on a relevant evidence base to support assertions?