

# Practice Quality Standards in Private Law

## Guided self-supervision for Family Court Advisers



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## Practice Quality Standards in Private Law

These practice quality standards set out 'what good looks like' in private law practice.

### Why we need practice quality standards for our private law practice

- To set out standards of practice and to be held accountable for the achievement of those standards.
- Much of Cafcass' private law work is guided by the Child Impact Assessment Framework (CIAF). This remains a key source of information, resources, and guidance for FCAs, supervisors and managers, but also for children, families, and professionals who can access the framework on the Cafcass website.
- In addition to the CIAF, the practice quality standards provide a set of statements intended to provide consistency and clarity about the quality and the impact of our practice for children and families.
- The standards are intended to promote reflection in practice and apply from the outset of our work with children and their families.

### Why practice quality standards and not more practice guidance

- These practice quality standards have been **created collaboratively**.
- They set out 'what good looks like' in the way we work with children, families, the courts, and our partners.
- They are framed as **guided self-reflection and self-evaluation**, rather than another set of detailed practice guidance.
- We believe that this is more in keeping with our high-trust/high-discretion culture.
- They reflect the shift we are making from compliance to reflection and learning.
- We see this approach as more aligned to the values and approach of 'Together.'

### So, if not practice guidance, what is the status of these practice quality standards?

- They are **not 'mandatory'** in the sense of required expectations, set out in policy.
- They are intended to be **an expression of our values** in action.
- They underpin some of the **key priorities in our National and Regional Improvement Plans**.
- They set out 'what good looks like' – a statement of intent for what **children and families have a right to expect of us** and what our **family justice partners can expect of us**.
- We want them to provide **a focus for reflection and practice discussion**.
- They are incorporated into the Quality Assurance and Impact Framework in terms of setting out 'what good looks like' and as a framework for discussion in collaborative audits.

### The areas of practice the private law practice quality standards focus on

- 1a) The foundation standards – the principles underpinning practice.
- 1b) The foundation standards - the principles underpinning Cafcass practice in private law.
- 2) Seeing and engaging with children and young people, wishes and feelings and best interests.
- 3) Type and nature of enquiries undertaken under s.7 of the Children Act 1989.
- 4) Assessment of risks to children in relation to who they spend time with, do not spend time with, or who they live with.
- 5) Assessment where a child has experienced domestic abuse
- 6) Recommendations to court and parents.

Practice Quality Standard 1a: Foundation Standards - principles underpinning practice generally	
1	Do my practice, decisions and recommendations reflect the values of 'Together for Children and Families'?
2	Does the child's record reflect an understanding of 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) even if not explicitly referenced? <a href="https://www.unicef.org.uk/what-we-do/un-convention-child-rights/">https://www.unicef.org.uk/what-we-do/un-convention-child-rights/</a>
3	When I have had concerns about the welfare or safety of the child, have I raised them appropriately and escalated them if necessary, using the referral or escalation procedure?
4	Have I recorded and considered the details about the child and wider family accurately? Have I included their ethnicity, culture, language, religion, disability, sexual orientation, gender identification, and any other aspects of a child's unique identity they wish to share?
5	Have I considered my conscious and unconscious bias and the prejudice in the wider system in carrying out my work with the child and family?
6	Can the child and their family understand the child's plan? Is it clear and written in a way that can be understood by the child and their parent/carer in the present but also in the future should the child seek to understand what happened to them and why it happened?
7	Am I satisfied that the wishes, feelings and desired outcomes expressed by the child are clearly recorded, understood and have contributed to my analysis? Have I included their words about my recommendations in my report to the court?
8	Have I used plain language, free from jargon in a way that can be understood by the child and their parent/carer? Did I consider giving the child and family an opportunity to have the key documents translated and made accessible in any way that is required?
9	Are my decisions and recommendations supported with a rationale? Have I shared these and explained them to the child? If not, is there a clear rationale for not doing so on the child's record?
10	Is there evidence of management oversight and support, and did I seek situational case supervision as required to discuss the complex dilemmas I experienced and the complex decisions I have had to make?

<b>Practice Quality Standard 1b: principles underpinning our practice in private law</b>	
<b>1</b>	Have I considered the law that requires the family court to presume that involvement (direct or indirect) of each parent in the life of their child will further the child's welfare unless there is evidence to the contrary? At the same time, have I ensured I have not taken a 'contact at all costs' approach?
<b>2</b>	Have I been mindful of the need to intervene early and conclude proceedings avoiding drift and delay, knowing that delay is a significant source of uncertainty and anxiety for children?
<b>3</b>	Does my assessment and analysis reflect that the welfare of the child is the most important consideration of the courts when deciding about the child's upbringing (Children Act s.1)?
<b>4</b>	Does my practice show that I have considered a restorative and trauma informed approach, aimed at supporting children's development, their opportunity to learn at school and not to be pre-occupied by conflict or abuse at home?
<b>5</b>	Have I worked with other professionals and helped the courts to concentrate on improving the child's daily experience, which means understanding how it is now and how it can be improved?
<b>6</b>	Have I recognised that children experiences will be different for brothers and sisters in the same family?
<b>7</b>	Are my recommendations framed so that improvements for the child can be made not only by the court's order, but also by the child's parents and carers?
<b>8</b>	Have I been specific about the nature of any harm or risk of harm and its impact? Have I made a referral to Children's Social Care in line the Safeguarding and Child Protection Policy, where this is required?
<b>9</b>	Have I been mindful of factors that indicate the risk of lengthy or repeat litigation? Where these factors have been identified, have I considered an early appointment of a Children's Guardian or early assessment for suitability of other forms of intervention or support?
<b>10</b>	Have I avoided a focus on the categorisation of adult behaviour and general labels, such as 'mental health difficulties' rather than specific behavioural detail about the impact of this?
<b>11</b>	Have I complied with the supervision policy about when to seek situational case supervision and considered the use of in-house resources, including the Psychology Service and Peer Practice Specialists?

Practice Quality Standard 2: seeing and engaging with children and young people	
1	Have I made sure the child has been actively and meaningfully engaged in their assessment, and not treated as an 'object of concern'? Have I amplified their voices rather than allowing them to be silenced by an adult focus or the adversarial nature of proceedings?
2	Have I seen and talked with the children on their own, where appropriate, so that I understand their unique experiences and perspectives? Have I selected and used relevant <a href="#">direct work tools and resources</a> to support children to express their wishes and feelings?
3	Have I planned for and shared my recommendations and the reasons for these with the child in a child friendly way and included their response to these in my report?
4	Have I included the child's words or drawings directly in the report to court?
5	Did I see the child individually and in person, regardless of their age, so that I can hold them at the forefront of my mind throughout my work?
6	Have I written the 'words for the child' section of the child's plan in a way that can be understood by the child now or in the future should they later seek to understand what happened to them, why it happened and the decisions?
7	Did I use an introductory letter or another way to introduce myself and explain my role to the child? Did I send a goodbye letter?
8	Was my engagement with the child appropriate to their age and level of understanding?
9	Have I reached an appreciation of the child's strengths, needs and the risks they face?
10	Have I thought about how to facilitate the child's participation, regardless of their communication style or needs?
11	Have I considered the venue for the meeting, giving the child a choice as far as possible, also considering how the meeting will be experienced overall by the child and how it will leave them feeling?
12	Have I asked the child for feedback about our work together and can I show the impact of my practice on the welfare and safety of the child?

<b>Practice Quality Standard 3: type and nature of enquiries undertaken under s.7 of the Children Act 1989</b>	
<b>1</b>	Have I considered and recorded in the child's plan the further interviews (with whom, why and when), and enquiries I need to make in addition to local authority and police checks and information?
<b>2</b>	Have I set out in the child's plan the order in which my interviews and enquiries will take place and the impact this may have on my developing thinking about my recommendations for the child?
<b>3</b>	Have I included grandparents and people who have a meaningful relationship with the child and who could assist with the assessment as set out by the court?
<b>4</b>	Have I ensured I have obtained information from other relevant professionals with a key responsibility or perspective on a child's life including professionals involved such as health visitor, school, General Practitioner, and Independent Domestic Violence Advisor?
<b>5</b>	Have I informed parents, and those with parental responsibility, and the child about who else in the child's network will be contacted for information, making clear confidential aspects of the proceedings will not be disclosed to them?
<b>7</b>	Have I considered whether community-based or early help services are required for the child and made the relevant referrals to Children's Social Care or signposted the family effectively?
<b>8</b>	If I need to recommend the instruction of an expert such as a psychologist, have I considered the requirement for them to be a Chartered Psychologist?

<b>Practice Quality Standard 4: assessment of risks to children in relation to who they live with and who they do and do not spend time with</b>	
<b>1</b>	Have I reflected on the difference between the actual harm that may have been experienced by a child subject to proceedings, or a child connected to them, and the risk of future harm? Have I considered the following five factors in identifying and analysing risk?
<b>2</b>	<b>History</b> - What has been happening? Have I considered an impact chronology, especially but not only where there are repeated proceedings and/or change of FCA (Family Court Adviser)?
<b>3</b>	<b>Current</b> - What is happening now? Have I made a made a referral to the local authority in line with the Safeguarding and Child Protection Policy?
<b>4</b>	<b>Future</b> - What might happen? Have I considered specifically what might happen, considering what has happened in the past and all risks identified at the early stages of proceedings?
<b>5</b>	<b>Risk</b> - How likely is it to be repeated? What would be the risk to the child if time with a child does or does not happen? Have I considered precisely what the risk is?
<b>6</b>	<b>Impact on the child</b> - How serious and impactful would it be?
<b>7</b>	Have I explicitly considered, in making recommendations for time with a child, the risks to the child if someone in contact with them has a conviction for domestic abuse or a sexual offence against a child?
<b>8</b>	Have I considered all sources of potential harm, not only those described in the application to court but also those that have become known in my assessment, for example in relation to substance misuse and parental mental ill-health?
<b>9</b>	Have I been specific about what life is like for the child, the nature of the risk and impact? Have I considered that impact of harm should be seen on a spectrum with potentially a different impact for each child, dependent on their resilience or vulnerability?
<b>10</b>	Have I considered the potential risks to the child from alienating behaviours by one or both parents?
<b>11</b>	Have I considered the vulnerability of adults and potential risks to them when conducting my enquiries and sharing recommendations, including the making of adult safeguarding referrals when appropriate?
<b>12</b>	At the early stages of proceedings, have I considered whether repeated applications could be an indicator of increased risk of harm?

<b>Practice Quality Standard 5: assessment where the child has experienced domestic abuse - refer to the Domestic Abuse Pathway and guidance</b>	
1	Do I have a good understanding of the harm the child and parents might be living with, including hidden harm that might be caused to the child by an adult who is coercive or controlling?
2	Have I applied into my analysis and recommendations my understanding of how pattern-based, persistent adult behaviours have a cumulative impact on the welfare of a child?
3	Have I borne in mind that even if the harm was in the past, this may still have an impact on recommendations for the child now and in the future?
4	Have I created a psychologically safe space for people who have experienced trauma, so that they feel calm, safe, and respected when I met them?
5	Have I talked to the child and their parents in a way that will not make them feel responsible for any harm that has been done to them?
6	Have I considered the difference between distinct types of harm, for example the difference between conflict and domestic abuse, because I know this can make those who have experienced domestic abuse feel that their experience is being minimised?
7	Have I noted that children may be subject to coercive and controlling behaviour as a means of alienating them from a parent and this being part of a longer history of the other parent controlling the victim and continuing this abuse through family court litigation?
8	Have I ensured my recommendations regarding the time a child spends with a parent who has been domestically abusive flows directly from my assessment and analysis?
9	Have I used introductory letters, storyboards and other restorative direct work techniques associated with the <i>Together with Children and Families Practice Framework</i> so that all children feel they can explain if they feel frightened, can share what they have experienced and what they want to happen?

<b>Practice Quality Standard 6: Recommendations for the court and parents</b>	
1	Are my recommendations clear and explicit, reflecting my analysis of what life is like for the child and in the child's best interests, which have also considered the child's stated wishes?
2	Have I considered the list of factors set out in <a href="#">section 1(3)</a> of the <a href="#">Children Act</a> when I am recommending a change in a child's circumstances?
3	Have I included within the report the words used by the children in response to my recommendations?
4	Can I show that I have taken a balanced approach to the analysis that shows my working out including where necessary a review of pros and cons of each option?
5	Have I considered the reason for a child's wishes and feelings, regarding their arrangements? Have I considered if they are making an independent choice based on their experiences and what is influencing them?
6	Have I considered the child's age and stages of development and what the parents or carers may need to consider about the child's changing needs as they grow older?



7	If I am considering departing from a child's expressed wishes and feelings, have I sought reflective case supervision and considered potential sources of bias which may be influencing my analysis of the child's best interests?
8	Have I explained to the family and the child and made clear in my report the difference (if it exists) between the child's wishes and feelings and my recommendation, with a clear rationale?
9	If I make a recommendation for a change in arrangements, have I explained my reasons for this to the child and their parents and/or carers and arranged for appropriate support, and made plans to make the change (if ordered) in the best conceivable way?

