

# Practice Quality Standards in Public Law Guided self-supervision for Children's Guardians



Date of issue: October 2021

Owner: National Director of Operations

Date of first review: 2022

## 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 of us as we fulfil our commitment to make a meaningful contribution 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/>

Whilst these practice quality standards set out what good looks like in public law practice, they do not compromise the independence or professional judgment of the child's guardian in assessing a child's needs and advising the court about how to improve the life of the child and their future.

### Why do we need practice quality standards for our public law practice?

- It is the purpose and function of Cafcass to set out standards of practice and to hold managers and practitioners accountable for those standards
- We have made a public commitment to **support the implementation of the recommendations of the President's Public Law Working Group**
- We are joining a whole system effort, along with achieving greater consistency in our own approach to this complex aspect of our work and the impact of our practice for children and families – helping to reduce the post code lottery

### 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 intend to evidence our commitment to the President and our local authority partners in supporting the recommendations
- They are framed as **guided self-reflection or self-supervision**, rather than another set of detailed practice guidance
- Because we believe that this is more in keeping with our high-trust/high-discretion culture
- It reflects the shift we are making from compliance and monitoring 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'**
- They are intended to be **an expression of our values** in action
- They show **how we are supporting the implementation of the recommendations**
- They underpin some of the **key priorities in our National and Regional Improvement Plans**
- They set out what 'good looks like' – a contract 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 will **guide case review** in these aspects of practice

### Which recommendations are we going to focus on?

1. Seeing and engaging with children and young people
2. Scrutinising the support for and work with families prior to court proceedings
3. Analysing the care plan for the child
4. Questioning the appropriateness of care orders at home
5. Supporting best practice in Special Guardianship
6. Surfacing the impact of delay for children and young people
7. Working with the child's social worker and independent reviewing officer

### What else are we doing to support the implementation of the recommendations?

We are undertaking a scoping exercise to understand the prevalence and variability in these aspects of public law. We are planning joint workshops with local authority partners later in the year and into 2022.

## Practice Quality Standard 1: Underpinning

	Standard
1.	Do my practice, decisions and recommendations reflect the values of 'Together for Children and Families'?
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)? <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.	Have I recorded the basic 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 better and where appropriate to give constructive challenge to the local authority plan for the child?
5.	Can the child and their family understand the case 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 – 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 have contributed to 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 if necessary 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 oversight and support, and did I seek situational 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 this impacts 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.	Have I asked the child for feedback about our work together and can I show what have I done in response?
8.	Can I show a good understanding of the impact of the trauma this child experienced and how best to help them to overcome the trauma they have experienced?
9.	My rationale for the advice and recommendations I have to the court are clear and reasoned. Where appropriate I have shared my recommendation with the child to explain the rationale and sought their views.
10.	I have explained the court decision to the child and given them the opportunity to meet with the judge. I have sent the child a closure, 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 very murky: <a href="https://www.sheffield.ac.uk/polopoly_fs/1.812158!/file/Sheffield_Solutions_Clear_Blue_Water_Full_Report.pdf">https://www.sheffield.ac.uk/polopoly_fs/1.812158!/file/Sheffield_Solutions_Clear_Blue_Water_Full_Report.pdf</a>
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 profile 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 progressed.
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 and challenged why the local authority is seeking to safeguard the child through 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 in being so concerned about the impact of parenting on a child 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 so, 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.	For example, 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 taken into account 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 am able to 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

	Standard
1.	I have a good understanding of the strengths and weaknesses of a Special Guardianship Order (SGO) in securing permanence for a child, including the difference that is made by the quality of local authority 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 special guardians have a good understanding of 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 special 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 special guardians are putting themselves forward, their strengths and vulnerabilities.
6.	I have seen the police and medical checks concerning the prospective special guardians or discussed them with the child's social worker and included them in the child's record.
7.	I also have a good understanding of the child's thoughts and feelings about living with these prospective special guardians.
8.	In discussion with the child's social worker and IRO, I am confident that the local authority has an accurate assessment of the strengths and vulnerabilities of the prospective special guardians, including future risks to the arrangement.
9.	I am also satisfied that the support plan for the prospective special guardians is adequate to sustain the plan, including through adolescence and into adulthood.

## Practice Quality Standard 7: Considering, raising and mitigating the impact of delay on the child

	Standard
1.	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.
2.	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.
3.	We have also discussed how to minimise the impact of delay on the child.
4.	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.
5.	I shared the child's thoughts and feelings about how long it is taking with the child's social worker and IRO.
6.	I raised with the court my concerns about the impact of delay on the welfare of the child and future opportunities for permanence.
7.	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.
8.	I have a clear and reasoned rationale for adding to delay by recommending the extension of proceedings, including the use of another expert, weighing the benefit against the impact of further delay on the child.

## 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 expressed 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 am able to answer with confidence, if asked, “What does the child’s independent reviewing officer think?”
7.	I shared my initial thoughts about the plan for the child with their IRO.
8.	I shared with the child’s IRO any concerns and dilemmas I had about the care of the child and future plans as my assessment progressed.
9.	We worked together to achieve a shared view about the care plan for the child and confidence that the plan will improve the child’s life experience, outcomes and future happiness. I was open with the court about what we could not agree.
10.	I have shared my final analysis and recommendations with the child’s IRO along with my rationale.
11.	I wrote a final letter to the child’s IRO setting out what I believe 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.
12.	I have told the child what I had said to the IRO and I shared a copy of that in writing.