

## Annual Safeguarding Report to the Quality Committee

October 2013

### Purpose

The purpose of this paper is to provide to the Cafcass Board a succinct overview of the safeguarding activities of Cafcass, and of the work of the Quality Committee in the period April 2012 to March 2013. A detailed account is only provided in respect of those matters not already reported to the Board.

The Quality Committee's remit is to scrutinise, and to provide assurance to the Board in respect of, the quality of casework and the steps taken by the organisation to mitigate risk to the delivery of a safe and high-quality service to children, families and the Courts. Its membership is as follows:

Mary MacLeod (Chair)

Terry Connor (Vice Chair)

Fay Selvan

Ian Butler

Honor Rhodes

with June Thoburn as Special Adviser to the Committee.

The safeguarding activities overseen by the Quality Committee, and summarised in this report, are:

- Child Protection Policy
- Ofsted Inspections
- Local Safeguarding Children's Boards
- Serious Case Reviews
- Framework for and Mitigation of Quality of Practice Risks
- Looking ahead.

### Three key points

1. Inspection grades are improved, mirroring the findings of internal audits.
2. The LSCB strategy in respect of membership of LSCBs, and submissions to serious case reviews, is robust.
3. The changes to statutory guidance, legislation and the Ofsted inspection framework will provide challenges in 13/14; however, plans to monitor and respond to the challenges are in place.

### Child Protection Policy

The Child Protection Policy was launched in April 2012, alongside the Operating Framework, superseding the Safeguarding Framework. In line with the CMT decision to simplify policies and with the principles of the Munro review (providing children with the help they need, promoting social work expertise and reducing bureaucracy where it is safe and sensible to do so), the Child Protection Policy is succinct, setting out how Cafcass practitioners should assess, manage and refer risk.

The policy has been subject to one minor amendment this year in respect of Multi-Agency Risk Assessment Conferences (MARACs), which are set up to protect those at greatest risk from domestic violence. A working party, chaired by Mr Justice Hedley and to which Cafcass Legal contributed, has produced guidance - *Maracs and Disclosure from Family Court Proceedings* – which sets out precisely how Cafcass is to contribute to MARACs. The setting out of clear and judicially-approved rules represents significant progress in a matter that had, prior to the production of the guidance, led to confusion in court and inconsistent practice.

### Ofsted Inspections

Ofsted inspected six Cafcass service areas in 2012/13. The three key grades awarded in respect of each inspection – overall, capacity for improvement and safeguarding – are set out in the table below.

Table 1: Ofsted inspection grades

Date	Service Area	Overall Grading	Capacity for improvement	Safeguarding
April 12	A6	Satisfactory	Good	Satisfactory
August 12	A11	Adequate	Good	Adequate
November 2012	A5	Adequate	Good	Adequate
January 2013	A7	Adequate	Good	Adequate
March 13	A14	Good	Good	Good
April 13 <sup>[1]</sup>	A17	Good	Good	Good

In respect of the **overall** grading, the first four areas gained an overall grade of adequate or satisfactory, and the last two a grade of good.

In respect of **capacity for improvement** all six areas were graded as good.

In respect of **safeguarding practice** four areas were awarded a grade of adequate or satisfactory, and two a grade of good. Key comments made in the six inspection reports regarding safeguarding practice in Cafcass were as follows:

- In all areas sufficient training is available to and attended by staff.
- Lessons learnt from serious case reviews are disseminated well to staff and used to develop safeguarding practice in all areas.
- Staff are alert to their safeguarding responsibilities in all six areas.

<sup>[1]</sup> Although the report was published on 15<sup>th</sup> April 2013, the inspection was carried out during the week commencing 11<sup>th</sup> March 2013, before the close of the 2012-13 financial year.

- In most areas and in the majority of cases timely referrals to the local authority are made when safeguarding concerns are identified.
- Overall the contribution to Local Safeguarding Children Boards across all six areas has improved with effective contributions by Cafcass managers, for example in working to reduce delays in court hearings.
- The national recruitment process ensures that staff's suitability to work with children is established in line with legislation.
- Four of the six reports stated explicitly that during the inspection no children were found to have been left at immediate risk of significant harm as a result of action or inaction by Cafcass staff.
- Positive comments were made about direct work with children; conversely, critical comments were made about the consideration 'of safeguarding aspects' within some case plans and reports to court.
- The two areas that were graded as good were commended for their information sharing with Multi-Agency Risk Assessment Conferences (MARACs) or the Local Authority Designated Officer (LADO). This was an aspect of practice identified by Ofsted as requiring improvement in some of the areas graded adequate in 12/13.
- The same two areas were also commended for their use of evidence based risk assessment tools. This too was an aspect of practice identified by Ofsted as requiring improvement in some of the areas graded adequate in 12/13.
- The key reason for the awarding of a good grade in respect of safeguarding seems to be that practice has been found to be of a consistently high standard. This is illustrated by the following contrasting quotations:
  - *'Some case records sampled contained examples of high quality safeguarding practice, including thorough risk assessments, good liaison with local authorities and measured recommendations; these high standards were not consistently evident across the service area'* (adequate).
  - *'A culture of safeguarding is well-embedded throughout the service area and as a result the welfare and protection needs of children are robustly prioritised and responded to effectively'* (good).

Overall the grades awarded by Ofsted evidence a substantial improvement in the quality of safeguarding work compared to previous years. The Ofsted findings are broadly supported by those derived from **internal Cafcass audits** which suggest a reasonably solid pattern of improvement.

The programmes of unannounced and announced internal health-checks, reached a stage in the early part of the 12/13 year when learning and areas for improvement were being repeated (evidenced through the monthly individual area health-checks up to July 12). From that point the activities of the National Improvement Service (NIS) were targeted primarily on areas that had been identified, by health-check and/or Head of Service assessment, to require improvement.

Where audits have found that safeguarding practice has not been of the required standard this has principally been a reflection of poor recording rather than children being unsafe. This has led to a programme whereby learning derived from a range of sources (audits, inspections, complaints, serious case reviews) is shared across services through a number of mechanisms including:

- Identification at Operational Management Team (OMT) of the issues that need to be cascaded down to each service area.
- Incorporation of key learning into audit/quality assurance tools; and into training and/or guidance. For example, a presentation has been made to Early Intervention Teams to promote their understanding and application of Cafcass s16A (Children Act 1989) risk assessment duty. A further example is the workshops held in Manchester, facilitated by the NIS, to disseminate learning from Cafcass' submissions to a Serious Case Review, focussing on issues of diversity and the connection of these issues to the assessment of risk.
- Quarterly Service Manager Safeguarding Development Days.
- The compilation of a checklist of best practice to enable management in each area to self-assess against this.
- Intensive work by NIS to support areas where aspects of practice had been identified as weak. This included case analysis, the incorporation of analysis into casework and evidencing the use of tools in the formation of sound professional judgements.
- Self-assessments of the quality of work by Heads of Service, which formed baseline data against which the results of national audits (undertaken in the first half of 13/14) could be assessed to establish progress.

### **Local Safeguarding Children's Boards (LSCBs)**

Cafcass is a statutory partner of every LSCB in England (currently 148) under the terms of s13 (3) Children Act 2004.

The Cafcass LSCB strategy was revised in 2011, the key element of which was for the Head of Service to define, and agree with the LSCB chair, the appropriate level of involvement in each LSCB. The principle behind the strategy was to provide a meaningful and proportionate involvement, which might entail full involvement on the LSCB executive, chairing of a sub-group, an annual presentation or even a watching brief. A corporate version of the Cafcass section 11 template (the mechanism by which adherence to section 11 of the Children Act 2004 in respect of safeguarding arrangements is evidenced) is provided to LSCBs. Some aspects of the strategy were contentious with a few LSCBs when first implemented but are considerably less so now. It is instructive to compare the positive comments made in recent inspections (see Ofsted inspections above) with critical comments of Cafcass LSCB contributions, made two years ago, in *Good practice by LSCBs* (Ofsted, 2011). The change has been effected by Cafcass making more contributions to some key individual LSCBs, through making higher quality contributions that are responsive to individual LSCB need, and by promoting realistic expectations amongst our partners as to how a national organisation can realistically contribute to 148 national forums.

The strategy has therefore been maintained throughout 2012/13, and it is envisaged that it will continue for the foreseeable future, especially as demands on local managers to become fully involved in new Local Family Justice Boards (LFJB's) are also high. For example, Cafcass chairs 10 of the 46 LFJBs in England and Wales.

Further tools are being developed to assist Cafcass members of LSCBs, including updated power-point presentations on public and private law, and corporate contributions to LSCB annual reports.

The investment by Cafcass in the national production, management and co-ordination of inputs to serious case reviews is seen by many LSCBs as a positive factor and this level of input will continue unchanged in 2013/14.

**Serious Case Reviews (SCRs)**

The table below provides data relating to incidents and Serious Case Review (SCR) submissions for the past year alongside comparative data from the previous two years. The Quality Committee receives a report on deaths, serious incidents, Individual Management Review (IMR) and SCR reports at each of its quarterly meetings in order that Committee members can scrutinise the information, ask for further information, assure itself that policies and practice are being followed, and consider whether there are lessons to be learned for practice.

The number of incidents and deaths has remained fairly constant with small fluctuations over time. 24 child deaths were notified in 12/13, of which 15 are believed to be abuse-related or suicides, and 9 natural causes. The proportion of abuse-related deaths to natural deaths was approximately the same in 10/11 and 11/12 i.e. abuse-related deaths accounted for about 60% of notified child deaths. Cafcass received over 56,000 court applications in 12/13, which demonstrates that a child death is an extremely unusual and tragic, occurrence (excluding natural causes, a child has died in approximately one case per 3,800). The proportion of child deaths within public law has risen over the past two years, but the numbers are too small to enable any firm conclusions about their meaning or significance. Child deaths within private law serve to emphasise the importance of Cafcass’ child protection role within private law.

There has been a slight reduction in the number of IMRs commissioned, in line with the national trend of fewer SCRs, although we have also submitted IMRs to two Management Reviews (convened by LSCBs but not under SCR stipulations) and four Domestic Homicide Reviews.

Category	04/10 – 03/11	04/11 – 03/12	04/12 – 03/13
Serious incidents (excluding child deaths)	24	36	39
Number of children that died	19	22	24
Child deaths public law/private law	5 / 14	12 / 10	16 / 8
Number of children involved in deaths & serious incidents	83	84	96
Number of IMRs requested	13	15	11

The purpose of SCRs is to generate learning and improve practice and, to that end, each IMR identifies strengths and vulnerabilities and generates recommendations accordingly. A notable development in 12/13 was the reduction in the number of recommendations compared to previous years, which implies that practice has improved and/or that

management has swiftly resolved the vulnerabilities. The recommendations are generally made to the local Head of Service although there were a few national recommendations where an issue was identified as having broader resonance. For example, e-learning modules have been developed on adolescent self-harm/suicide and on sexual exploitation, based on SCR submissions. Training has also been delivered extensively on the *Learning from Cafcass IMRs* (March 2012), a summary of key learning from 23 IMRs. This research is currently being replicated in respect of IMRs completed in 12/13.

Feedback provided by SCR panels was mostly very positive about the quality of IMRs submitted to them by Cafcass.

### **Framework for and Mitigation of Quality of Practice Risks**

During 2012-13, risks relating to the quality of practice, and the controls, and activities that mitigate them, were managed at the strategic level through the Corporate Management Team (CMT) with oversight and input from the Cafcass Board and its three sub-committees. Operationally, the risks are managed through the Operational Management Team (OMT) with each service area incorporating risks specific to them within their local business planning and risk management processes. The elements of quality of practice risk that require a national or strategic approach were escalated up from OMT to CMT via the National Service Director and then incorporated into the Strategic Risk Register (SRR). The SRR is reviewed by CMT prior to a quarterly submission to the Audit and Risk Assurance Committee (A&RAC) which provides input prior to the final submission to the Board. In Q3 the SRR was reformatted with input from the A&RAC and a separate session between Cafcass management and the Chair of the A&RAC and the Deputy Chair of Cafcass.

Quality of practice risks were focused in the earlier part of the year on potential failures in the implementation of our proportionate/safe minimum working practices, while later in the year the focus shifted to the quality of our case planning and ensuring that the standard of work remained as expected. The risks for both areas were mitigated through: the work of the National Improvement Service in identifying gaps in safeguarding practice against the Operating Framework; and regular review of performance through supervision and Performance and Learning Reviews. Other mitigations to the risk to children include: the work to improve our case work models and tools in both public and private law, for example ensuring that the S16a risk assessment duty is met in all teams; the reconfiguration of the Early Intervention Teams (EIT) supporting London; Human Resource and Child Protection Policies; scrutiny by the Quality Committee of serious incident notifications and IMRs, audit and inspection data etc. The OMT keep under close scrutiny all operational issues relating to the quality of practice, while Ofsted inspections provide independent assurance on performance.

Looking ahead to 2013-14, the risks around the quality of case planning and analysis will retain a strong focus, along with the impact on case progression with the reduction of commissioned experts by the Legal Aid Agency, as well as the impact of more Litigants in Person in private law cases. The various mitigating activities and initiatives will be kept under close scrutiny within the Cafcass risk management framework.

## Looking ahead

A revised version of *Working Together to Safeguard Children* was launched in April 2013 replacing the previous version of *Working Together* (2010), the *Assessment Framework* (2000), and statutory guidance on arrangements to safeguard children under section 11 of the Children Act 2004. The principal changes to *Working Together*, many of which are derived from the Munro review of child protection (2011), are as follows:

- Much of the detailed guidance has been removed and the document is much shorter
- An increased emphasis on early help and the adverse effect on children of sustained neglect.
- Local authorities are required to publish local assessment protocols and threshold documents.
- The distinction between initial and core assessments, together with their attendant timeframes, has been removed, though some timeframes remain, specifically one day for the local authority to decide how to respond to a referral, and up to 45 working days for the completion of an assessment, whatever form that takes. The new arrangements have been trialled by a small number of local authorities which have reported positively on the changes.
- The removal of the standardised national arrangements for serious case reviews (SCRs) and its replacement by the publication by each LSCB of a learning and improvement framework, to incorporate SCRs, other types of reviews and audits. A national panel of independent experts has been set up to advise LSCBs about the application of SCR criteria, the appointment of reviewers and the publication of reports.

It is too soon to know what effect the above revisions will have on our practice but it seems likely that they will be minimal. In accordance with the principles of the Munro review, Cafcass has already substantially reduced practice policy, promoted professional judgment, and delegated more authority to high-functioning practitioners.

Conversely, the new SCR arrangements are likely to have a significant impact on how Cafcass contributes to SCRs as different LSCBs establish different arrangements for the conduct of these. The Safeguarding Unit in the National Office continues to manage SCR contributions, and will report further to the Board on the implications of the new SCR arrangements at least annually.

The Legal Aid, Sentencing and Punishment of Offenders Act came into force on 1<sup>st</sup> April 2013, restricting legal aid to those private law cases where there has been domestic violence or child abuse. This is increasing the number of litigants in person. The effect of this upon practice is being monitored by Cafcass through small scale research projects. There is anecdotal evidence of parties approaching local authorities requesting a letter setting out that domestic violence has occurred, so that they can qualify for legal aid.

Some aspects of Cafcass' carrying out of safeguarding checks within private law remain problematic, specifically:

- The government's commitment, set out in *The Government Response to the Family Justice Review* (February 2012), to remove charges to Cafcass for carrying out safeguarding checks, has not yet been fulfilled. Thus Cafcass funds the posts that undertake the level 1 police checks at the National Business Centre. A further government commitment to publish a Home Office circular, supported by the

Association of Chief Police Officers (ACPO), to set out how police forces will discharge their responsibility for undertaking level 2 checks without charge has also not been fulfilled. The policy team has met with DfE colleagues who are liaising with their Home Office counterparts regarding these issues.

- There have difficulties in receiving, in a timely manner, safeguarding checks from some London boroughs. Management in A15 is therefore making arrangements to meet with their local authority counterparts in all London Boroughs to facilitate the timely receipt of checks.

In respect of public law, the Public Law Outline has been revised and is being tested out nationally between July and December 2013. Cafcass has prepared guidance to support children's guardians to produce focused and analytical reports by the Case Management Hearing, which should be held by day 12. Good practice guidance for social work practice in the Family Courts has also been co-produced and published with the ADCS.

Ofsted is revising its Cafcass inspection framework for 2013/14. Two workshops have been held involving Ofsted and Cafcass senior management to refine the grade descriptors. The framework is due to be published in October 2013. It will have a substantial impact on how Cafcass is inspected as the national organisation is being inspected as well as up to six local service areas.

To strengthen the knowledge base around learning and development two impact studies are currently underway:

- A study of the library service to inquire into usage (or non-usage) of the library by practice staff, and the extent to which staff have found that library materials add value to the advice that they provide to court.
- A study of the National Improvement Service (NIS) to establish, with reference to practitioners and their managers, the impact of commissioned NIS work (mentoring, training etc) on practice.

**Richard Green, National Child Care Policy Manager**

October 2013.