Cafcass response to the Children's Social Care Inquiry: call for evidence

1. Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice, independently advising the family courts in England about what is safe for children and in their best interests. **Cafcass works with approximately 133,000 children every year** whose arrangements with their families are decided by the family court, and provides a service that prioritises their safety, understands their experiences, listens to their voices and their needs, and takes into full account their families who are connected to them. In public law proceedings, the Children's Guardian works alongside the local authority and independently scrutinises the assessments, care plans and proposed arrangements for the child. This gives Cafcass a distinct perspective on the experiences of children involved in children's social care and the availability and effectiveness of the services intended to support, protect and care for them.

Sufficiency of services and placements

2. Cafcass welcomes the opportunity to contribute to the Inquiry. In our view, one of the most significant challenges facing children's social care is suitable places for children to live that are in the right place and capable of meeting their complex and overlapping needs. This is alongside shortfalls in specialist mental health provision. Both issues have been longstanding problems. The national shortage of placements for children with complex needs and the increasing cost of those placements is of concern. Local authorities can face considerable difficulty identifying provision that is available, appropriately located and capable of meeting a child's assessed needs.

3. Through our work in family court proceedings, Children's Guardians regularly meet children who have experienced trauma, neglect, criminal and sexual exploitation, repeated missing episodes, placement instability and significant mental health difficulties. Guardians frequently encounter situations where local authorities have been unable to secure the specialist therapeutic, residential or mental health provision a child needs. This can limit the opportunity to support children's recovery, reduce risk and achieve stability for children with the most complex needs.

4. Children's Guardians frequently see the consequences of placement shortages during proceedings. This can include children experiencing multiple placement moves, being placed far from family, school and community networks, or living in settings that are unable to meet their assessed needs. Guardians may also encounter care plans where the preferred placement has not yet been identified or secured. In these circumstances, the court is required to make decisions about a child's future against a backdrop of uncertainty, creating risks to stability, permanence and long-term outcomes for children

5. At the same time reform means that local authorities are delivering earlier intervention and increasing family support. Without sufficient funding, workforce capacity and access to specialist services remains a challenge and there is a risk that children experiencing the greatest harm are not identified quickly and/or not able to access timely support.

Children deprived of their liberty

6. The sufficiency challenge is particularly evident in applications to deprive children of their liberty. Cafcass data shows that the number of children subject to deprivation of liberty applications increased to 1,480 in 2025/26, compared with 56 in 2017/18.

7. The growth in applications reflects the number of children whose needs cannot readily be met within the existing framework of residential, secure, therapeutic and mental health provision. A deprivation of liberty order may be necessary to manage an immediate and serious risk, but restriction alone does not address the trauma, exploitation, mental health needs or placement instability experienced by the child. While restrictive placements may be necessary to manage immediate risk, they should form part of a wider safeguarding strategy focused on helping children recover from harm, strengthen resilience and reduce future vulnerability.

8. A lack of appropriate provision can mean that children remain subject to restrictions because there is no safe, less restrictive alternative available. Decisions about depriving a child of their liberty must be supported by a suitably skilled workforce, therapeutic care, effective multi-agency planning and a clear route towards reduced restrictions.

9. Children should understand why restrictions have been imposed, how these will be reviewed and what must happen for them to be reduced or ended. Local authority applications should include a clear transition plan which is regularly reviewed and informed by the child's wishes and feelings.

Unregistered provision

10. Cafcass is concerned about the use of unregistered provision for all children. This is most acute for those who are deprived of their liberty. Unregistered provision does not provide children with the same level of regulatory oversight and safeguarding assurance as registered children's homes. This is especially concerning given the vulnerability and complexity of the children who may be living in these settings.

11. Local authorities may face extremely difficult decisions where a child requires an immediate home but no suitable registered provision is available. The use of unregistered provision should therefore be understood as both a safeguarding concern and evidence of wider sufficiency pressures.

12. Regulatory enforcement is necessary where providers are operating unlawfully. However, enforcement alone will not resolve the underlying shortage of provision. Without a corresponding expansion in suitable registered settings, and consideration of whether the existing secure estate is fit for purpose, local authorities may continue to face circumstances in which none of the available options can fully meet a child's needs.

13. Where exceptional or unregistered arrangements are used, there should be clear senior local authority oversight, an immediate safeguarding plan, regular independent review and a time-limited plan for moving the child into suitable registered provision or for this provision to become registered. These safeguards should not normalise unregistered provision but should protect children while a suitable alternative is secured.

14. Many of these pressures become visible in family court proceedings. Children's Guardians may be asked to scrutinise care plans where the preferred placement is not available, where a proposed setting is unregistered, or where the plan depends on services that have not yet been secured. This can create uncertainty for children and make it more difficult for the court to determine whether a proposed arrangement is safe, suitable and sustainable.

Early Family Network Support and Permanence

15. Cafcass has concerns that opportunities to identify and support family networks are often missed until proceedings are being contemplated. In 2025/26, 50.3% of Section 31 care applications, where the first application was recorded within a public law case, were issued on an emergency basis. These applications involved 8,446 children, demonstrating that many children enter proceedings at a point of acute risk. Earlier identification and engagement of family networks may increase opportunities for children to remain safely within their wider family and reduce the need for emergency intervention.

16. Greater investment in support for kinship carers should be considered as part of a wider sufficiency strategy. Kinship care can offer stability, continuity and permanence within families for many children who cannot safely remain in their parent's care. Cafcass data for 2025/26 shows that 4,076 children subject to final care plans were living in kinship arrangements, representing 22.6% of all final care plans. Many kinship families successfully provide stable care for children but require practical, financial and therapeutic support to sustain arrangements. Strengthening support for kinship care may help prevent some children entering care unnecessarily and improve permanence for children who cannot remain with their parents.

System capacity

17. Through court proceedings, Cafcass regularly sees the impact of pressures in pre-proceedings practice. A significant proportion of care applications are issued on an emergency basis, reducing opportunities for assessment, family network engagement and planned intervention before court action becomes necessary. This can limit the information available to the court at the outset of proceedings and reduce opportunities to identify family-led alternatives at an earlier stage.

18. Reform must be properly resourced across local authorities and the wider system. Introducing additional duties without sufficient workforce and service capacity risks widening the gap between the support described in national policy and the support children receive in practice.

19. The issues described above are not only reflected in national data but are routinely visible through the cases that come before the family courts. Through the independent scrutiny undertaken by Children's Guardians, Cafcass sees the practical impact of shortages in placements, workforce pressures, gaps in specialist services and challenges in achieving permanence for children. Addressing these issues requires sustained investment across the whole system so that children receive the right support, in the right place, at the right time.

If there are any questions about the points raised in this evidence submission, please contact policyteam@cafcass.gov.uk