

# Inspection of Cafcass

**Inspection dates:** 5 February to 16 February 2024

**Lead inspector:** Rachel Griffiths, His Majesty's Inspector

<b>Judgement</b>	<b>Grade</b>
The quality and effectiveness of Cafcass private law practice with children and families	Outstanding
The quality and effectiveness of Cafcass public law practice with children and families	Outstanding
The impact of leaders on private and public law practice with children and families	Outstanding
Overall effectiveness	Outstanding

Children and families who experience family court proceedings receive an outstanding service from Cafcass. This is an improvement since the previous inspection, in 2018, when the quality and effectiveness of public and private law practice with children and families was judged as good, and leadership was judged as outstanding. Inspirational, innovative, and extremely child-focused senior leaders model an unstinting focus on children's safety, ensuring that their voices are not just heard, but understood. Senior leaders have been highly effective at managing unprecedented demand, challenging delays for children with agencies and across the family justice system, and prioritising work safely across the 19 service areas in children's best interests.

Senior leaders have provided the scaffolding for outstanding practice to flourish. A new model of practice introduced since the previous inspection, alongside new practice and management quality standards, are understood and valued by a highly skilled workforce. Improvement priorities are intrinsically linked to the practice quality standards. There is a palpable change in the way practitioners are talking more about, and thinking about, children, placing them at the forefront of their work. Advice and reporting to court are relevant and appropriate, and they are focused on children's best interests and their long-term futures. Practitioners identify risk very well. They are well trained, and they are supported to practise to an extremely high

standard. Given the size, geography and complexity of the organisation, it is truly remarkable how senior leaders have achieved consistently high standards of practice across the 19 service areas. This is a significant improvement since the previous inspection, resulting in high-quality advice being provided to the family court that is in the best interests of children.

## **What needs to improve?**

- The quality of the final letters to independent reviewing officers (IROs) from the children's guardian at the end of public law proceedings, to ensure continuity of challenge to the local authority's future planning for children.

## **The quality and effectiveness of Cafcass private law practice with children and families: outstanding**

1. Since the previous inspection, the quality of private law practice has continued to improve, and this is making an exceptional difference to children's experiences. Family court advisers (FCAs) navigate this hugely complex, emotive and challenging area of work with great skill, respect and appropriate rigor. FCAs are making a positive difference to the lives of children through their robust approach to assessing risk and with the high-quality advice they provide to the court. Children are at the centre of decision-making that is clear and understandable for all involved.
2. The National Business Centre receives exceptionally high numbers of applications from courts across the country on a daily basis. Confident and competent staff in the central intake team process these promptly.
3. Applications received by the court, known as C100s, do not request, and so often do not include, important information regarding children's ethnicity or culture. Application forms are created by HM Courts & Tribunals Service. Although Cafcass has limited influence over this, it prevents practitioners from considering this information at the earliest opportunity.
4. Once applications have been screened, promptly allocated FCAs undertake safeguarding enquiries. FCAs are attuned to the nuances of risks children face from a range of adult-based issues, such as parental conflict, domestic abuse and misuse of substances. When undertaking safeguarding interviews with adults, FCAs are skilled at eliciting information and negotiating adults through often intractable, highly sensitive situations. The quality of safeguarding letters is excellent, providing the court at the first hearing dispute resolution appointment with quality advice as to the next steps.
5. When the court directs Cafcass to produce a section 7 report, setting out what is in children's best interests, FCAs mostly complete these in a timely way. Most children receive personalised and sensitively written introductory letters to help them understand what will be happening, and when, at a difficult point in their lives. Enquiries in order to write a Section 7 report are well

planned, with the FCA carefully thinking about what needs to be explored to reach the right conclusions for the child.

6. Child engagement is strong and highly effective. FCAs take time to understand how best to communicate with children, considering any disabilities or communication needs they may have. The creative direct work FCAs undertake with children provides great insight into what life is like for individual children. Children are listened to and heard. FCAs support children to share their views with the court through pictures, letters or directly speaking to the judge where appropriate. Observations of younger children inform the court about these children's experiences. FCAs share their recommendations with children and help them to understand the reasons for that recommendation. Sensitively written goodbye letters sent to children at the conclusion of court proceedings serve as confirmation of what has happened. For some children, storyboards have helpfully enabled them to understand what has happened in their lives.
7. Skilled FCAs complete highly effective assessment work when completing section 7 reports. They use a range of well-researched and evidence-based practice aides to help them, for example in relation to domestic abuse, adult well-being, motivation to change and substance misuse. FCAs undertake parental interviews respectfully, non-judgementally and sensitively. FCAs are skilled at building on parental strengths, while being transparent about any concerns.
8. Completed section 7 reports are of a high quality. They clearly address the questions posed by the court, with a relentless focus on the child, their needs and what is unique about them. There is nuanced and thoughtful consideration of the parents' views, the risks, the child's views and needs. FCAs evaluate adult behaviours with the clear purpose of understanding the impact on the child and establishing what is in the child's best interests. Recommendations and the rationale for them are well evidenced, appropriate, proportionate and in children's best interests.
9. Too many children experience delay in private law proceedings, resulting in uncertainty about their future living arrangements. Most delays are multifactorial, rather than a consequence of delays caused by Cafcass. In fact, FCAs resolutely focus on driving children's cases to a resolution as swiftly as possible. Positive performance data indicates that delays are starting to reduce, although there remains more to do to eliminate this. It is for this reason that tackling delay remains an improvement priority for Cafcass leaders.
10. Cafcass leaders have responded to the unprecedented demand for reporting to court in private law proceedings, which was caused, in part, by the legacy of the global pandemic and its impact on judicial availability. They are achieving this through a prioritisation protocol. This has been highly effective. It has meant that the children at greatest risk are promptly allocated an FCA,

and for those where there is no immediate risk, managers closely monitor their welfare in a pre-allocation hub pending allocation to an FCA. In the two operational service areas where the prioritisation protocol is still active, children's safety and well-being have remained a priority, while staff workloads have been protected, enabling high-quality practice to continually improve. For a small number of cases, delay has occurred because of prioritisation. This is because some courts are listing hearings earlier than the timeline agreed in the prioritisation protocol. This means Cafcass must seek extensions to filing dates, and court dates are vacated. This in effect extends the lifetime of proceedings for a small number of children. Senior leaders are clear that children who have been in lengthy proceedings will be given priority in allocation.

11. Post assessment hubs, set up across all operational service areas, safely oversee children's cases once an FCA has completed their report. Robust management oversight ensures that when a court date is more than six weeks away, if any new concerns arise, managers respond promptly to them. This system is highly effective and enables family court advisers to move on to work with more children more swiftly.
12. Highly complex specialist work undertaken by practitioners in the high court team is completed to an excellent standard. Reports to the court are of a high quality, balancing the complex issues with ensuring that the child's needs and safety take precedence. This supports the court in its decision-making.
13. Senior leaders have piloted new and more focused ways of working with children who have been made a party to proceedings in private law proceedings. This has been effective in reducing the average time of such proceedings from 64 weeks to 38. As a result of the success of this pilot, it is now being rolled out nationally, to help reduce delay for more children party to private law proceedings. Likewise, a Ministry of Justice (MoJ) funded pathfinder pilot, implemented by Cafcass, has also been effective in reducing delay for children in private law proceedings. This is to be rolled out imminently in another part of the country.

## **The quality and effectiveness of Cafcass public law practice with children and families: outstanding**

14. Children and their families who are the subject of public law proceedings receive an outstanding service from skilled and compassionate children's guardians (CGs). CGs bring skill and expertise to their work with children during care proceedings, allowing them to quickly build trusting and meaningful relationships. Since the previous inspection, practice has continued to improve from an already strong base.
15. CGs' resolute focus on the safety and well-being of children leads to consistently meaningful, evidence-based and invaluable recommendations

being made to the court. The consistently effective and child-focused work of CGs has a tangible and positive impact on children's lives.

16. CGs work collaboratively with local authorities and the family justice system to shorten the length of court proceedings and reduce delay for children. An innovative pilot in a few operational areas has seen CGs and local authority social workers meeting prior to the initial case management hearing. This has enabled smoother running proceedings and it has helped to reduce delays for some children.
17. Once allocated to a child's case, CGs quickly evaluate children's experiences and analyse the local authority's application and plan. They interrogate the threshold application and satisfy themselves that the local authority's application is appropriate and necessary. The high-quality advice CGs give to the court in the initial stages of the proceedings ensures that children's safety and well-being are at the forefront of decision-making.
18. After a prompt allocation following the receipt of a public law application, CGs send children introductory letters to help them understand why a CG will be visiting them. As with private law, these letters are most effective when they have been personalised to individual children. When children are too young to read these letters, CGs still send them to children via their carers so that when they are older, it will help children make sense of their experiences. It will also support current carers to understand the plan, particularly for infants and children with additional needs.
19. The sensitivity, tenacity and care shown by CGs allows them to quickly build trusting relationships with children. CGs thoughtfully consider how and where they will see children, and whether this should be alone, to ensure that children are comfortable in their surroundings. CGs use a wide variety of innovative direct work aides extremely effectively in order to help children of all ages and stages express their views about decisions being made about them. CGs see children as often as is needed to establish their wishes and feelings. The skill and compassion CGs show means that they achieve this impressively quickly. Records of visits to children are well recorded and provide a real sense of the child, their unique characteristics and what life is like for them.
20. CGs sensitively help children to write to judges and to speak with them virtually or in person when they wish to do so. This powerfully brings children's wishes to the heart of decision-making in the courts. CGs also routinely revisit whether older children need separate legal representation. This ensures that children have their views heard when they differ from those of the CG.
21. In their work with children and the reports they provide to the courts, CGs show care in recognising children's diversity and uniqueness. This includes children's ethnicity and religion, and their interests, emotional needs,

friendships and family relationships. This brings children to life for the courts and ensures that any needs resulting from the child's uniqueness are well considered.

22. CGs are alert to potential risks children may face. They are highly effective and rigorous in identifying the nature of risk of harm, drawing together the risks and making appropriate recommendations to the court. When necessary, CGs raise and escalate their concerns with the local authority, ensuring that risks to children are managed as much as they can be.
23. When working with parents, CGs show compassion and empathy while maintaining a resolute focus on the child's well-being. CGs take time to understand children's relationships with their family. Children being able to see their parents, brothers and sisters when they do not live with them is carefully considered in the short and long term. As a result, CGs support children to maintain relationships that are important to them if it is safe to do so.
24. CGs work very effectively with other professionals involved with children. They seek information from other professionals and family members appropriately and proportionately so as to inform their recommendations to the court.
25. High-quality reports written by CGs are evaluative, child-focused and clear about the rationale for the recommendations made. CGs carefully analyse the impact of adult behaviour on children. Children's well-being and safety are at the heart of sensitively evidenced recommendations. CGs are careful to demonstrate consideration of all available permanence options for children in their reports.
26. When local authority plans for children are not appropriate or sufficient, CGs challenge local authorities in an effective way. A key strength of CGs is the productive and respectfully challenging relationships they have with social workers. This is invaluable for children.
27. Too many children experience protracted public law proceedings as post-pandemic backlogs are worked through. This is having a detrimental impact on them. CGs are extremely mindful of this and take every opportunity to prevent delay for children subject to public law proceedings. For example, CGs carefully consider the necessity of additional expert witnesses during proceedings, and they consult with the in-house psychological services to inform their thinking. CGs advocate strongly for children about the impact delay has for them.
28. CGs are promptly allocated to represent children who are subject to deprivation of liberty applications. Practice in these children's cases is strong because CGs understand the challenges these children face, and they are skilled at quickly building relationships up with these children. CGs' reports to the court are child-focused and appropriately challenging of the local authority

when children are not living in suitable registered accommodation. Likewise, practice with children subject to secure order applications is also very strong.

29. At the end of their involvement with children, CGs routinely write to IROs to inform them of the final hearing outcome. While some of these letters are clear and detailed, too many lack sufficient detail about the child's ongoing needs, risks and strengths. Consistency in providing detailed final letters would offer IROs more information on which to base their ongoing scrutiny and challenge and improve their role in ensuring that children's needs are met in the longer term.
30. CGs have positive endings with children. CGs make sure that children know what recommendations they are making to the court. Goodbye letters, written to children provide them with clear explanations about what has happened. These letters demonstrate care, compassion and the real understanding CGs have of the children with whom they have worked.

## **The impact of leaders on private and public law practice with children and families: outstanding**

31. The members of the senior leadership team are confident, influential and aspirational leaders. This is exemplified by Cafcass's strategic ambition to ensure that 'every child, everywhere and every time' has an exceptional experience when Cafcass is involved in their lives. This ambition permeates positively through the leadership team and across the whole workforce.
32. Since the previous inspection, the quality of social work practice in private and public law and the impact of leaders has continued to improve. This is a remarkable achievement given the sheer size, geography and complex nature of the organisation and a starting point of being judged overall outstanding at the previous inspection. As a result, children now receive an outstanding service that impacts positively on their lives.
33. Senior leaders model impressively an unstinting commitment to doing the very best for children. Senior leaders are credible, visible and highly respected by the workforce due to their relentless child focus and straightforward approach. Senior leaders inspire managers and staff to perform well.
34. Strategic partnerships with relevant stakeholders are extremely strong. One partner described Cafcass data as being 'in another league'. They explained how local authorities, the Department for Education (DfE) and the judiciary use it to understand patterns and trends and work constructively with senior leaders to influence change. One partner summed up the views of others, in respect of the chief executive officer, by saying, 'She has an unmovable commitment to doing the right thing for children and driving and influencing the bigger picture. She challenges in a constructive way and is solution focused. She and her team are thoughtful, and they are always coming from a place of trying to do the best for children.'

35. Senior leaders are consistently ambitious in seeking out innovative ways, not only to sustain the highest quality services for children and families, but to continually improve them.
36. Since the previous inspection, senior leaders have initiated a palpable cultural change across the workforce via a new relationship-based model of practice. With a real focus on what matters most to children, the model has been embraced by an overwhelming majority of the workforce. The model has been instrumental in promoting practice that is kind, sensitive and respectful, and practice that has children's welfare and safety at the forefront of thinking.
37. Senior leaders' commitment to continual improvement is also exemplified by the introduction of practice quality standards for public and private law and management quality practice standards. These standards, which align with the Cafcass improvement priorities, are incredibly child focused. They provide practitioners and managers with a framework that promotes consistently high-quality practice with children.
38. Regular six-monthly reviews of each operational service area against their own improvement priorities enable senior leaders to see area by area what difference practice is making to children's lives, what is going well and what needs to happen to drive continual improvement. This additional oversight, which has been introduced since the previous inspection, is having a positive impact. It is helping narrow the gap between service areas, and it has created consistency of practice across the country. This is commendable.
39. The recent MoJ-funded private law pathfinder pilot, which Cafcass was instrumental in planning and rolling out, uses a less adversarial approach, a 'one assessment' model of practice, and children are being seen earlier. This has been highly successful in reducing timescales in private law and improving children's experiences.
40. A further example of senior leaders' ambition to reduce delay for children subject to private law applications is a pilot of new and more focused ways of working with children who have been made a party to proceedings in some of the most complex and intractable situations. As a result of the success of this pilot in reducing delay for children (from an average of 64 weeks in proceedings to 38 weeks), this has become the new way of working with this group of children.
41. In respect of public law, in a quest to reduce delay for children, a DfE-funded pilot for CGs to formally meet with local authority social workers prior to the first case management hearing is gaining traction. During the inspection, inspectors saw examples where this approach was helping to achieve smoother running proceedings and a reduction in delay for children.
42. Although the number of court applications overall are starting to reduce since the pandemic, backlogs in the family court and demand remain a significant



challenge. Senior leaders, with the agreement of the permanent secretary, made the difficult decision to introduce a prioritisation protocol in the operational service areas with the greatest demand. This has been highly effective. It has meant that FCA caseloads have been protected. This has enabled them to continue to undertake high-quality assessments in children's best interests. Positively, only two operational areas remain functioning under the prioritisation protocol, as backlogs are being cleared. Senior leaders continue to robustly monitor when and how the protocol can be deactivated, safely, sustainably and at the earliest opportunity.

43. Lines of accountability are clear and effective. A proactive, child-focused Cafcass board, which has members with a range of experiences and skills, including members of the highly impressive family justice young people's board (FJYPB), is highly supportive and challenging. There is also a family forum, comprised of 21 adults, all of whom have experienced family law proceedings and who have agreed to a two-year term to support Cafcass learning and improvement.
44. Senior leaders have an excellent understanding of their service, at a national and operational service area level. A comprehensive and detailed self-evaluation reflects what inspectors have found during the inspection.
45. A genuine desire to continually learn from feedback from children and families is a real strength. Leaders have created additional ways to enable children and families to provide feedback about their experiences, including QR codes in introductory and goodbye letters, the development of the 'hear to listen' telephone line, and seeking feedback as part of the audit process. This as well as the phenomenal impact of the Cafcass sponsored FJYPB demonstrates how leaders continually learn from feedback. The FJYPB told leaders that delay should not be normalised for children. This is now a national and regional improvement priority. The board has also rightly challenged senior leaders about the prioritisation protocol, and they have been instrumental in designing the extremely child-centred family rooms in the new central London office. Members of the board who spoke to inspectors were unanimous in saying that being part of the board had helped them and helped others. Members feel listened to and valued. Their impact on service development has been exceptional.
46. Likewise, the family forum, is helping to inform service improvements. An example being their input into a new 'a day in my life' practice aide to help to better understand the life experiences of the children with whom they are working.
47. Excellent performance management information systems provide leaders with a comprehensive understanding of what the data is telling them. Extensive audit activity, over half of which is undertaken collaboratively with practitioners, as well as other quality assurance activities, such as practice learning reviews and practice observations, are giving leaders and managers

an excellent line of sight of practice. In response to audit and quality assurance activities, leaders identify areas for improvement and roll out learning and training opportunities, through learning bulletins, practice weeks, group supervisions and training courses. This means that practitioners are constantly learning and developing.

48. Practitioners have an exceptional range of practice aides to help them undertake their work. These, the practice framework and the quality standards have created an environment where high standards of social work practice are expected and achieved.
49. The Cafcass training and development offer is highly impressive and demonstrates how training is a continuum and not just an event that practitioners attend. The training offer helps to equip staff with the understanding, knowledge and skills they need to practise in a kind, sensitive and respectful way, with children's welfare and safety being at the centre of their practice. Career progression is encouraged and promoted. Initiatives such as an emerging talent programme, a management programme for Black and Minority Ethnic colleagues, mentoring and shadowing opportunities have impact. Many staff develop into champion roles in specialist areas of practice and many progress into management roles.
50. Senior leaders have significantly improved the quality and impact of management oversight of practice since the previous inspection. There has been an increase in management capacity with the creation of assistant service manager posts. Situational and group supervision, consistently used and highly valued by practitioners, provides opportunities for staff to discuss and reflect on important aspects of children's lives, and informs their practice and decision-making. The increased management oversight and support promote accountability and consistency of practice, without taking away the independence of FCAs and children's guardians.
51. Although still below local authority averages, recruiting and retaining practitioners in some parts of the country have become a challenge. A range of reasons contribute to this, but a significant contributor is the lack of pay parity with local authority salaries. Senior leaders are working with the MoJ to secure the best pay deals possible within the constraints of the civil service pay rules. Leaders recognise that without a skilled and committed workforce, the standards of practice that have been achieved will be hard to maintain.
52. Since the previous inspection, there has been much more parity and equal weight given to the work FCAs undertake in the private law arena. Leaders have raised the profile and complexity of this work, and this is making staff feel more valued.
53. Practitioners report that they feel highly valued and extremely well supported by managers and leaders. Morale is high across all operational service areas. Practitioners appreciate the efforts made to keep their caseloads manageable.

They value the structure of the model of practice, the quality standards, the practice aides they have, and they value the training they receive to enable them to maintain high standards of practice. This and a comprehensive health and well-being offer, which includes well-being days in addition to annual leave, access to counselling, a critical incident service and well-being champions who support staff, mean that practitioners are highly positive about working for Cafcass. The following comments from practitioners sum up the views of many: 'I have fallen in love with social work again', 'It is the best work-life balance I have ever experienced' and 'I love working here: it is so upskilling'.

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