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Public board meeting

Chief Executive and Corporate Management Team Overview

26 April 2023



Part 1: Data, strategy, successes

1. Data overview - JT
2. Strategic planning 2023-26 - JT
3. Management capacity – update on reconfiguration of first line management - JC
4. Workloads – progress on reducing caseloads - JC
5. Operational Service Area Improvement plans 2023-24 - JC
6. Successes in the reporting period - JC

Part 2: And in other news...

1. In the shoes of children – 1 June - JB
2. Cafcass website – progress update - AL
3. Planning Together for Children - SP
4. Learning & Development Board - Improving practice where domestic abuse is known or alleged - SP
5. Deprivation of Liberty for children - MG
6. Practice quality standard updates (private and public) - MG
7. Management Quality Standards /Management Fundamentals – JC

Part 3: People & Workforce

1. Pay and benefits - AB
2. Workforce overview and update - AB
3. Leadership conference - AB
4. Awards and recognition - JB
5. Equality, Diversity and Inclusion 2023-24 - JB

Part 4: Improvement in the next period

- Public Law Improvement Programme - JC
- Public Law Outline 2023 relaunch - JC
- Principal Social Worker update - SP
- Challenges that remain - SP



Part 1: Data Overview – year end 2022 -23



- Worked with **143 469 children** in proceedings
- **New demand down by 10.9%** compared to March 2020
- **New demand down by 2.9% compared to year end last year** – 1.7% public law and 3.3% private law
- **BUT 9.2% (5250) more children** compared to March 2020
- **53 463 children in open cases** at year end
- **Caseloads lower than March 2020** – active decision to protect – 20.3 average work after first hearing and 37.7 average work to first hearing – **regional variation significant**
- 189 more social workers than March 2020 and continued need to hold children’s cases on duty and in hubs – overseen by dedicated social work managers with a single point of contact
- Timeliness of allocations remains static and within performance boundary but under pressure



Part 1: Data Overview (2) – year end 2022 -23



- **Delayed proceedings** – most significant pressure for family justice

* *Increase compared to March 2020*

- Public law care and supervision – 47 weeks (increase of 11 weeks)
- Private law work to first hearing – 12 weeks (increase of 3 weeks)
- Private law work after first hearing – 61 weeks (increase of 22 weeks)
- R 16.4 proceedings – 104 weeks (increase of 31 weeks)
- 25% of total Cafcass open work over 52 weeks
- c5000 children in public law proceedings and c8900 in private law – over 52 weeks
- Almost 4/10 section 7 reports have filing extension – to bring the report closed to hearing or to avoid additional reports



Cafcass Strategy 2023-26

An exceptional experience for every child, everywhere, every time



STRATEGIC PLAN

2023 – 2026

The ambition

1. Continuation with **10 practice and leadership priorities**
2. Supported by **new improvement priorities for business and corporate services**
3. **Reduced variability** in operational service areas – improvement plans and targeted data
4. By association **reduction in volume of work judged to be less than good for children**
5. Driven by the value – *we hold children at the centre of all that we do*
6. Prioritising **everything associated with ‘people’ – why they come, why they stay, what they need to stay and excel**
7. More **purposeful partnership, relationships and reputation management**





STRATEGIC
PLAN
2023 – 2026
Engaging
people and
next steps

1. **Internal engagement sessions** – February – March 2023
2. **610 attendees – 23 – 29% of each directorate**, with 35% on average giving feedback after the events
3. **They liked:**
 - ❖ Focus on children, focus on delay, the ambition, the intention to look for and listen to more feedback and intention to focus on recruitment, retention, pay and reward
4. **They wanted to consider further:**
 - ❖ The meaning of ‘exceptional’ for children – realistic , manageable workloads, time to see children, staff retention, career and qualification, what we prioritise with partners
5. They would like **email, live events and more of the same** to stay involved
6. We plan **further engagement before board sign off and publication of the strategy in July** – not fixed dates as yet



Management Capacity – update on reconfiguration of first-line operational management

- Findings of the review of management support, supervision and oversight of practice for more than 1,500 Family Court Advisers and Children’s Guardians have been implemented – 01 April 2023
- The role of Assistant Service Manager (ASM) has been created to increase management capacity and capability. More than 150 former Practice Supervisors chose to make this first, supported step into management. Our other Practice Supervisors chose the role of Consultant Family Court Adviser.
- All prospective ASMs have been undertaking pre-management training between January-March and will now have full access to the manager training programme, manager communications and meetings.
- All prospective ASMs have been taking part in closed group mentoring sessions, which will continue throughout their confirmation stage, until September 2023.
- The caseloads of the majority of ASMs have been adjusted in line with the agreed balance between direct work with children and families, and direct line management so that they can take up their new role.



Progress on workloads

Compared to the same period pre-Covid

- S7 demand change: decrease of 4.8% - but, ranging from +18.5% to -29.8%
- S7 addendum demand change: increase of 0.8% - but, ranging from +78.8% to -36.2%
- New S7 demand change: decrease of 7.2% - but, ranging from +15.3% to -27.2%
- Private cases demand change: decrease of 11.2% - but, ranging from +0.8% to -31.5%
- Public law demand change: decrease of 10.1% - but, ranging from +11.5% to -24.7%

However

- Durations have increased by 56.4% in private law work after first hearing and 30.6% in public law (s31) contributing to the **circa 5,250 more children being supported by Cafcass than was the case before March 2020**
- **The average number of open cases held by FCAs in long-term teams have reduced to below pre-pandemic levels (20.3 compared to 22.5).** Average caseloads in Early Intervention Teams (with outliers removed) are 37.7 compared to the 40.9.
- The **balance of children's cases** are held on duty and in the hubs
- In addition to the full integration of Post-Assessment Hubs into our business process, a programme of work is being initiated over the coming year to improve the **timely receipt of orders from court and the efficient closure of children's cases**



Operational Service Area (OSA) improvement plans 2023 -24

The rationale

- **All children have the right to expect the same quality of service from Cafcass wherever they live in the UK. It's our responsibility to reduce variability across all our OSAs.**

Ofsted are not going to inspect regions. They are going to inspect OSAs. The OSAs have different contexts and challenges and performance can be very different. OSAs have different strengths and priority areas for development in the quality and impact of practice and in the effectiveness of management oversight and supervision. And so do the teams within OSAs.

The aim

- The aim for 2022/23 is to make further improvements in the quality and impact of practice, building on the conditions and impetus achieved in 2022/23. Replacing Regional improvement plans with OSA improvement plans (on the base of available management information) will **strengthen the focus and accountability** of Heads of Practice for narrowing gaps in the quality of practice and performance. The same will be true for Service Managers, with the support of their Assistant Service Managers.

The process

- The OSA improvement plans will be based on the performance data, management information, results of local and national audit, feedback and the end-of-year summaries of progress since the mid-year review. **The plans will be monitored quarterly by the local management teams and at the mid-year review by the Chief Executive, Director and Deputy Director of Operations.** Progress in further improvement will be measured against the starting point, and comparison with national averages and 'Best for Children'.



Some notable successes in the reporting period

- Phase 2 of the **reconfiguration of operational management arrangements complete** – Phase 3 has started
- A **successful Ofsted focused visit** with a letter that confirms our assessment of progress and areas for further improvement
- The **development and launch of the Private Law Practice Quality Standards** and the **refresh and relaunch of the Public Law Practice Quality Standards**
- First drafts of **Operational Service Area Improvement Plans for 2023/24** using the management information obtained from the mid-year review assessments and which have informed the annual self evaluation
- Submission of a **comprehensive self-evaluation (including regional progress against improvement priorities) to Ofsted** for the annual conversation evidencing further improvement and change – **forming the basis of our annual report to parliament**
- Development and soft launch of our **‘Management Fundamentals’ and Management Quality Standards** with a formal launch in May
- Replacement of the Separated parents information programme (SPIP) with **Parents Planning Together for Children** programme and materials
- **Local and national Practice Quality Audits evidencing further improvement** in the proportion of practice judged Good and Outstanding, and **further progress in embedding our practice framework, Together with Children & Families**



Part 2 – and in other news: In the shoes of children

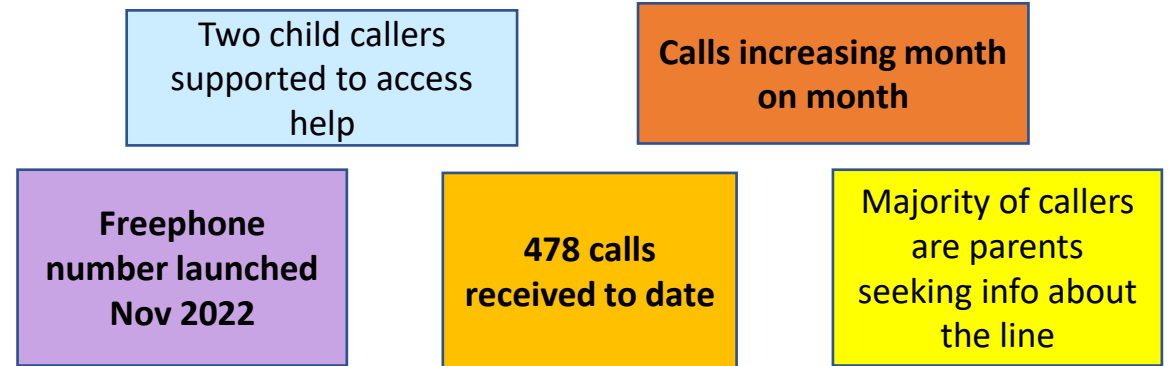
Cafcass Children's Day

1st June 2023 - National Business Centre, Coventry

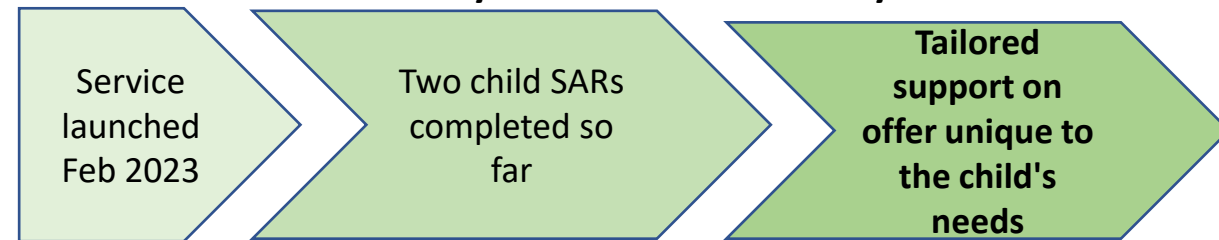
Celebrating the launch of services dedicated to hearing children's experiences in their own words and supporting them in understanding their journey through proceedings.

- ❑ Experience first hand what it feels like to **visit a Cafcass office and be interviewed by an FCA** as a child
- ❑ Explore what it feels like to contact Cafcass via our freephone children's dedicated feedback service **Hear to Listen – 0800 175 3333**
- ❑ Understand the support on offer to children who want to **know more about our involvement in their lives through a Subject Access Request**, supported by the **My Cafcass Journey** service.

The impact so far...**26,276** children have been made aware of the Hear to Listen service since November 2022



12,036 children have been sent information about the My Cafcass Journey service since February 2023



Cafcass website – progress so far.....

- Our website developers will complete the final phase of development at the end of this month.
- Once the final development phase is complete there will be a period of thorough user testing.
- As well as a new look and feel, new content is currently being developed and there will be several new videos available to watch.
- **The site will launch in late summer/ early autumn 2023.**



Planning together for children

The Separated Parents Information Programme (SPIP) has been replaced by **Planning Together for Children**, as of **1 April 2023**

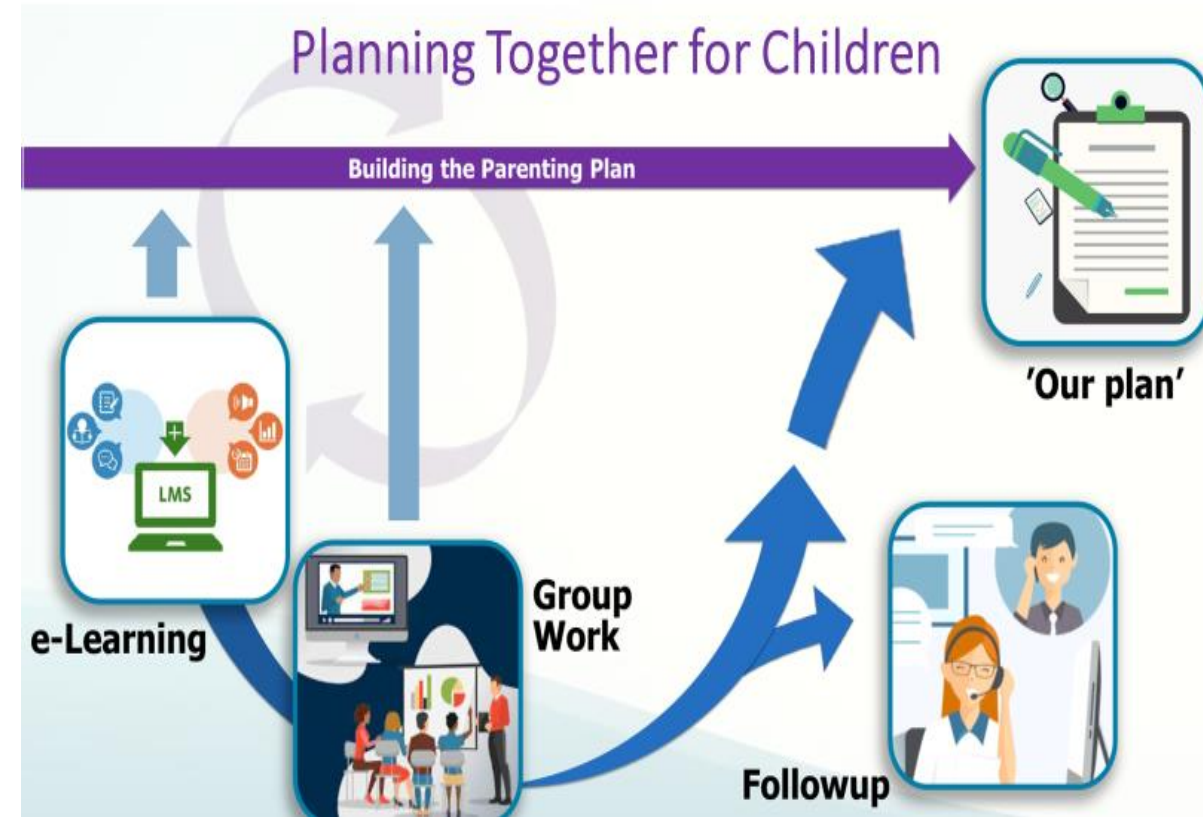
The 4 key elements of the course are illustrated here

How did we get to this point? We.....

- began re-commissioning in September 2021
- carried out a research and evidence review
- consulted with over 200 stakeholders – Family Justice Young People's Board, Family Forum, providers, Family Court Advisers, Dept for Work and Pensions, and others
- took all the learning to design a new model
- shared the proposed model with stakeholders

What are the benefits for children and families?

1. Gives more time for **engagement and reflection** by participants- and **involves children**
2. Measures the **impact of the course** and so helps with refining it over time
3. Aims to **reduce the time families spend in proceedings**
4. Aims to **reduce the number of families returning to court**



Learning and improvement board – Improving practice where domestic abuse is known or alleged

Board achievements

- **Cafcass' Domestic Abuse Learning and Development programme** was launched in May 2021, based on our revised [domestic abuse pathway and guidance](#)
- As of March 2023, 95% of current Cafcass staff have completed the workshop element of the programme with new starters required to enrol on the mandatory programme.
- Our self – assessment and emerging in practice audits is that this had strengthened practitioner ability to risk assess patterns of domestic abuse, avoiding conflation of Domestic Abuse and conflict and how they work with children and survivors being trauma-informed
- **Policy and guidance on working with partners, wider family members and professionals** was introduced to establish the requirement that we consistently speak to those who know the child
- A new **complaints policy** has been produced in consultation with the Learning and Improvement Board which provides greater clarity about the Cafcass complaints process and strengthens the emphasis on listening and learning from complaints raised.
- Cafcass is represented on the **MoJ's private law domestic abuse steering group** to develop a new domestic abuse intervention that effectively meets children and families' needs.

Next steps

The final meeting of the Learning and Improvement Board in its current form will take place in May 2023. It will be replaced by a **practice reference group**, with membership and terms of reference designed to listen to and be influenced by the voices of experts by experience – improvement will continue!!!



Learning and improvement board – Improving practice where domestic abuse is known or alleged (2)

Our **third audit** in this reporting year is still the subject of internal clearance arrangements but **headline findings show that there has been a continuation of the progress** made in 2021.

- In the overwhelming majority of work, **FCAs understand the risk, harm and impact on children** of domestic abuse and make recommendations in respect of time (or no time) with a parent assessed against harm, risk and their best interests.
- In **80% of work, no evidence of practitioners or managers conflating domestic abuse with harmful conflict or minimising domestic abuse as historical**, in 2021 this was judged to be 74%.
- In **93% of records, there is evidence that FCAs are careful not to ‘cajole’ or pressure a child into spending time** with a parent they otherwise do not want to see.
- **79% of work shows excellent child engagement**; children are seen, they are receiving letters of introduction, recommendations are being shared with them and goodbye letters are being sent and are setting out for children what will happen next.
- In **work that is less than good**, we see less use of practice aides to help FCAs make sense of what is happening for children; assessments of domestic abuse are less clear about the likelihood of future harm
- **Domestic abuse remains a key practice priority** and all OSAs have improvement plans in place that are monitored through performance boards and 6 monthly reviews
- The **Child Impact Assessment Framework** is being updated and this will include a **review of the guidance and training in respect of Parental alienation** and the associated social work assessment



Deprivation of Liberty for children

What do we know?

- 185% increase in applications in last 3 years. Between April 2022 and March 2023 - 949 applications (19.5% increase from same period in previous year)
- 79% of children have additional needs. More younger children are becoming subject to these orders

What are the main issues for children?

- Unregistered placements/complexity of issues/distinction between parenting and deprivation of liberty
- Their vulnerability and the risk of harm to them and others around them
- The absence of specialist mental health provision and the national shortage of placements

What are we doing about it?

- Themed audit by Heads of Practice on the quality of practice in DoLs cases. Learning to identify and target actions.
- Monitoring circumstances of children subject to DoLs (vulnerabilities/circumstances/restrictions requested/restrictions given/deprivations) – 30 applications per month – we will be undertaking further oversight for a report to DfE in March 2024
- Joint exploration with HMCTS on data



Practice Quality Standards – Public and Private law

The rationale

- It is the **statutory purpose and function of Cafcass to set out standards of practice and to hold managers and practitioners accountable** for achieving those standards consistently
- **Practice quality standards set out what ‘good practice looks like’** in the work we undertake with children and families – drawn as they are from **feedback from children, extensive auditing, case record, complaints and learning reviews** following the **serious harm or the death of a child** and which provide **learning about how we can further improve** the quality of practice.

The intention

- They are **guided self-reflection or self-supervision**, rather than detailed practice guidance – and for **self-assessment**. As such they **reflect the shift we are making in the balance from compliance to reflection and learning**.
- They are intended to **empower children and families by setting out what they have a right to expect of their Family Court Adviser in private law proceedings and Children’s Guardian in public law proceedings**.
- They also give **other professionals** across the family justice system a **transparent insight into our standards of practice**.

The application

- They form **the basis of induction and continuing professional development** through supervision, practice observations, practice and learning reviews, group supervision, training and audit.
- Family Court Advisers and Children’s Guardians will be **required to self-assess their practice against the standards as the basis for their practice and learning review with their line manager**. That discussion will guide agreement on the **individual learning plan**.



Management fundamentals and quality standards

- The review of **management support, supervision and oversight of practice identified differences in the way the role of Service Manager is applied in practice**. These differences had been amplified by the additional demands on managers through the pandemic and the increased expectations of them arising from a more forensic analysis of performance data, audit outcomes, feedback, case and learning reviews of significant incidents
- New managers and not just new managers were indicating through the review that they would find it **helpful for the expectations of them in prioritising their time to be made more explicit**. The same was said about **‘what good looks like’** in specific aspects of the role and **especially in those circumstances where the risks to children are greatest**.
- Some managers said, **“We have practice quality standards for Family Court Advisers. We should have management quality standards for us too.”**
- The **Management Fundamentals build on the tasks and responsibilities set out in the job description**, with simplified sections describing the **ten most important aspects of the manager role**. These apply equally to senior managers. The clarity they afford has been generally well-received.
- The **Management Quality Standards are guided self-reflection or self-supervision, rather than detailed practice guidance – and for self-assessment**. As such they reflect the shift we are making in the balance from compliance to reflection and learning.
- They form the **basis of induction and continuing professional development** through supervision, practice observations, practice and learning reviews, group supervision, training and audit.
- **Managers will be required to self-assess against a number of the standards for each performance and learning review.**



Part 3: People and Workforce: Pay and Benefits

Pay & Reward Improvements implemented 2022/23

- Opportunity to sell 3 days annual leave
- Overtime payments to support attending mandatory Practice Week training sessions
- Adding an additional wellbeing day taking the total to 4 a year
- Expense Reimbursement Policy amendments:
- Achieved maximum pay award allowed under the Civil Service Pay Guidance 2022/23
- New flexible working policy
- 'Refer a professional friend' – 45 referrals out of 131 have resulted in job offers and a reward for the referrer.
- Launched monthly and annual staff awards
- Recognition platform
- Introducing changes to National Living Wage three months early in 2023



Part 3: People and Workforce: Pay and Benefits (2) - Improvements early 2023/24

- Opportunity for operational colleagues to undertake **additional work** to **respond to the persistently high durations and increased demand in some areas**
- Running for a 3 month pilot period from April 2023
- **Additional work opportunities** are:-
 - ✓ Safeguarding letters, Work to first hearing case audits, Section 7 reports, addendum reports, Public Law case audits
 - ✓ Available to practitioners and managers up to and including service managers
- **Recognising the contribution of colleagues with additional significant responsibilities**
 - ✓ **All Champions** (Together champions, Equality, Diversity & Inclusion Champions, Health and Wellbeing Champions, FJYPB Champions) Peer Practice Specialists, Diversity Network Leads
 - ✓ **Additional hours claimable** for specific/identifiable additional work
- **Home To Work Mileage** adjustments
- **Changes to claimable expenses for attendance at court for multiple day hearings**
- **Working on business case in response to civil service pay award guidance 2023/24** issued recently alongside the Joint Union Pay Claim for this year.



Workforce overview and update

- Over the last 12 months (to 31 March 2023), we have **continued to be able to recruit** to our establishment although **it is becoming difficult everywhere**. **Some areas** continue to be severely challenged in respect of recruitment and **we cannot fill vacancies**
- In 2022 -23, 244 FTE social workers started work at Cafcass and 232 FTE left our employ
- **Locum social workers in the year reduced from 3.1% to 2.5% at year end**. This is significantly lower when compared to most local authorities who report an average of 18%
- **Turnover for social workers continues to rise for Cafcass** as it does in the sector (17%). **At year end we reported 15%** on average with areas where it is much higher
- In the year to March 2023, **sickness absence for social workers** was 4.5% which is a decrease from March 2022 when it was 5.1%
- New **staff survey** planned for May 2023
- **Employment Identity** work progressing
 - ✓ Brand Video 'Be their Voice' being filmed in May and available for next Board meeting
 - ✓ Staff Video planned for May launch
 - ✓ Recruitment platform enhanced



Leadership conference 2023

Annual Leadership Conference 17 May

360 Managers (283 Social Work, 77 Business & Corporate Services)

Conference Theme: AMBITION - an exceptional service for all children and families

- Ambitious practice with children, their families and carers
- Ambitious leadership and strategy
- Ambitious with partners
- Ambitious values, practice and management quality standards
- Ambitious for our people
- Ambitious for feedback and the associated learning

External speaker giving insight on Sustainable improvement, responsibility, greater connectivity

Leaders to come away with a collective focus on our 3-year strategy and expectations of leaders



Awards and recognition

- **Award & Recognition Scheme**

- a. **Recognition e-cards** covering the following: Cafcass Values – individual 1627, team 103: Years of Service Recognitions – 124: Career milestones & appreciation - 141

- b. **Monthly Recognitions**

- i. Monthly recognitions feature all 5 Cafcass Values - 192 nominations
 - ii. Everyone nominated for monthly award is invited to a **quarterly virtual recognition event** and receives letterbox cake & tea card

- c. **Annual Awards**

- i. Annual Awards feature all 5 Cafcass Values + Award for promoting equality, diversity and inclusion, Best People Manager & 2 Team Categories: Most difference for children and families & Best improvement/ innovation. There are also 2 Board Awards: SW Employee of the year & Corporate/Business services employee of the year (chosen from winners of other categories) – 98 nominations

- d. **Annual recognitions event** is planned for 29th June 2023, a half day virtual event recognising all 20 years service colleagues, shortlisted nominees for annual awards.

- e. **Annual Awards – External** - will include key social work sector programmes and a small number of other disciplines



Equality, Diversity and Inclusion 2023 – 24

- **Achievements in 2022/23**

- Publication of Equality Diversity and Inclusion **Strategy**
- Launch and delivery of **Talent Pathway** for Black Asian and Minority Ethnic staff
- Expansion of **learning resources** to help explore uniqueness with young people
- Expansion of **recruiting resources** and structures to improve reach to potential candidates
- **Continued** active engagement of **6 Staff Networks** (and new neurodiverse staff group) providing supportive spaces for staff but also insight to support practice
- Increase in numbers of **diversity champions** actively supporting colleagues locally as well as celebrating key moments in our Diversity calendar

- **Priorities for 2023/24**

- **New categories** available in ChildFirst and HR System for families and staff to **describe themselves**
- Continue to build our **resources to support skilled and sensitive work with children**
- Development and launch of **Carers Passport**
- Implementation of **dashboard to record and report on diversity of potential applicants** through to appointment
- Engage external partner to support **Disability Confident Leader** status



Part 4: Improvement in the next period: Public law improvement programme

- 1. Deprivation of liberty orders:** Contribution to the research of the Family Justice Observatory – analysis of data with partners to understand the impact on children – closer scrutiny of practice in challenging unregistered placements and progress towards registration
- 2. Management oversight of delayed proceedings:** Performance data and practice challenged by the operational leadership team – practice quality audits showing increased management oversight of delayed proceedings and more evidence of guardians challenging delay– delay will be the subject of a themed audit this year
- 3. Variation in practice and performance:** The new OSA Improvement Plans are focused on ‘narrowing the gap’ in the quality of practice and performance – subject to quarterly review of progress by local leadership teams and mid-year review – comparison to national average and ‘Best for Children’ performance
- 4. Seeing and engaging with children:** Evidence of seeing and engaging children is being sustained and further improved – still some variation in seeing all children in person – and use of Together practice elements and practice aides
- 5. Assessing harm and risk of future harm:** The effective use of the new Assessment and Child’s Plan is one of our 5 practice improvement priorities – with a particular focus on the assessment of harm, the impact on the child and the risk of future/further harm – the revised audit methodology emphasises the importance of behavioural detail in assessing harm. Recent audits evidence an improvement in this aspect of practice – linked to seeing children.



Part 4: Improvement in the next period: Public law improvement programme (2)

6. **Mandatory supervision triggers:** There is evidence of greater use of the mandatory triggers for supervision but there is a need for data development to record supervision in relation to the 7 triggers – and for reliable reporting of performance. Compliance with the triggers is a Priority Improvement Action in all OSA improvement plans
7. **Learning reviews:** The learning reviews are informing the refresh of policy, practice guidance and practice quality standards – particularly but not exclusively in terms of seeing and engaging with children, the mandatory triggers for supervision, and audit methodology. In addition to ‘practice alerts’ they also inform the content of training.
8. **Multi-disciplinary practice discussions:** These are happening but not yet consistently in terms of the engagement of partners – they are supported by the mapping exercise to identify variation in practice and performance across local authority and court areas
9. **Training and development:** Specific training in public law practice is being introduced – based on the practice quality standards – draw from the findings from audit, feedback, case record and learning reviews (both local and national). Team-based group supervision sessions are increasing
10. **Addressing delay for children:** Ofsted inspectors acknowledged the role Cafcass has played in making the reduction of delay for children a system priority. Addressing delay for children will replace our 5th practice improvement priority – using the practice quality standard for delay as the benchmark to supervision and audit.



Public law outline (PLO) relaunch 2023

- Cafcass has given 6 commitments to support the President's relaunch of the PLO aimed at concluding the majority of public law care proceedings within 26 weeks (a reduction from the current average of 47 weeks although some court areas average 34 weeks). The 6 commitments have been integrated into our Public Law Improvement Programme

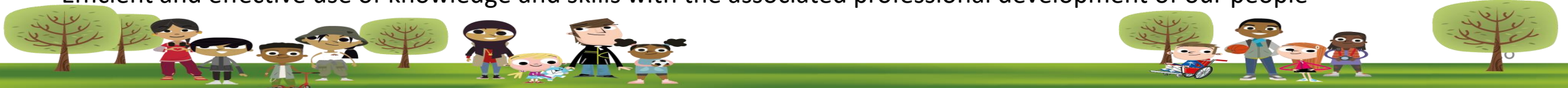
Our 6 commitments:

1. Children's guardians will work collaboratively with the child's social worker to **establish a timetable for 26 weeks** and raise concerns in proceedings that look likely to extend beyond 26 weeks
 2. The practice quality standard on the support provided to families under the PLO requires children's guardians to **examine how and whether the 'no order' principle has been tested** in the care plan
 3. Scrutinising any **recommendations for an additional expert** against the potential impact of additional delay on the child's welfare
 4. Children's guardians will establish the reasons for proceedings being issued, including **whether appropriate support to the family has been provided pre-proceedings** to prevent the need for an application to the court
 5. Our focus on the effective use of the Assessment & Child's Plan includes **the agreed timetable for proceedings to be concluded within the child's timescales**, the arrangements for explaining to the child about what is happening and why, and for informing local authority colleagues and the court about the impact of delay on the child
 6. Regional managers meet with Designated Family Judges and local authority colleagues to **agree how to manage public law care cases in line with this relaunch of the PLO and the intended return to 26 weeks.**
- **Progress will be monitored** through performance data, general audit and a thematic audit on delay later this year. **Formal reporting to national family justice board and the Cafcass board sub-committee overseeing the improvement programme**



Principal Social Worker update

- **Annual public and private law practice quality audit** of 200 children's records - **December 2022**. The quality of practice continues to improve. **73% of the practice graded good or better**. In 2021 this was 70% and in 2020 this was 62%. The audit provided a clear picture of what is working well for children and what we need to continue to prioritise to reduce variability for children. **The findings have informed our new National Improvement Plan.**
- We are contributing to **the MoJ led Review of the Presumption of Parental Involvement**. Cafcass' position accords with legislation set out in section 1 of the Children Act and in Practice Direction 12J - FCAs support children maintaining a relationship with both parents, but only where it is safe and in their best interests. This does not provide a parent with an automatic 'right' to contact. The welfare of the child is paramount
- **Annual training and workshop plan** linked to our practice improvement priorities. Required and elective elements. This year we are building our capacity to support career and learning pathways
- **Second annual Learning and Improvement conference** 25 April – leaders and managers
- Our **Together Practice expectations** in use and providing clarity about the small number of 'must do's' in practice to achieve the reduction in variability in quality of practice for children. Practice Week 2023 – focused on the same
- **Private law internal change programme-** building on the work carried out to date to operationalise the intended changes in respect of 2 key objectives
 - ✓ Efficient and effective initial assessment with families that is focused on the best interests of children
 - ✓ Efficient and effective use of knowledge and skills with the associated professional development of our people



Challenges that remain – family justice beyond the pandemic

- The **national crisis in social work pay and increasing workloads** around the country, means that we have to think urgently and creatively about how we attract, train and retain social workers with the approach and skills we need to continue to improve
- **Delay for children in proceedings** remains a serious issue for children in private and public law. **Making progress on our 6 commitments to the relaunched PLO and reducing delay in timescales for filing the most urgent of our s7 assessments** are our efforts to respond to this challenge
- Our own **capacity** and that around us, to respond and collaborate is compromised. This makes it more important than ever that we think hard about our **‘Ways of Working’** – what makes an organisation a safe, effective and efficient place to work after the pandemic?
- The continuing **sense that the pace of change is relentless** and that we are forging ahead regardless of the impact on colleagues who are tired, is a challenge that is **recognised and addressed openly and honestly in our forums** and live events
- **Improving children’s experiences of and in proceedings** through communicating with them, sharing our thinking and understanding their daily lives remains a key focus, which is being addressed through our Together Practice expectations



Strictly confidential and not for onward transmission



Public questions



Question 1

From a Family Forum member: *Why does Cafcass have an apparently different threshold for 'contact' or 'no contact' in private law compared with public law? (The state does not intervene to remove children from a parent in public law without good evidence, so why does it do so in private law?)*

- It is important to be clear that in private law, the state is not intervening in the same way as it does in public law. The court is being asked by one parent (at least) to determine arrangements for their child(ren) when they cannot resolve what is in the child's best interests themselves. In these circumstances, one parent and sometimes both makes an application to the family court to resolve their disagreement. The family court in both private and public law proceedings is concerned about the welfare of the child and with safeguarding their future welfare.
- Cafcass does not 'have a different threshold' in advising the court about what is in the best interests of a child
- Our paramount concern is the welfare of the child and Family Court Advisers (FCAs) make recommendations to the court about their best interests based on all the information available to them.
- FCAs seek to support parents to find a way to resolve their differences in the interests of their child on a presumption that a child will benefit from an ongoing relationship with both parents, unless there are compelling reasons for them not to. Their advice to the court is based on everything they have seen and heard during their enquiries, including listening to the wishes and feelings of the child.



Question 1 – continued

- FCAs do not recommend contact at any cost and equally they do not recommend that a child should not spend time with one of their parents without a reason. That reason is scrutinised and tested by the court, including by parents and their representatives.
- In making a recommendation to the court in private law applications, FCAs refer to the welfare checklist, which includes consideration of:
 - (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
 - (b) his physical, emotional and educational needs;
 - (c) the likely effect on him of any change in his circumstances;
 - (d) his age, sex, background and any characteristics of his which the court considers relevant;
 - (e) any harm which he has suffered or is at risk of suffering;
 - (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
 - (g) the range of powers available to the court under this Act in the proceedings in question.



Question 2

From a Family Forum member: *what course of action is there for someone surviving domestic abuse to have a case reviewed where evidence was withheld/omitted in the court process, and/or a Cafcass officer deliberately misled the court? Wrong doings need to be highlighted and exposed, may be too late to correct in some cases but can be avoided moving on.*

- To allege that a Family Court Adviser or Children's Guardian has deliberately misled the court is an extremely serious allegation. Cafcass would take such an allegation extremely seriously and investigate it thoroughly. Parents are encouraged to raise complaints about the conduct of our staff with us directly through our complaints procedure ideally before court hearing, although the best forum for testing the allegation is through the court process.
- A Family Court Adviser or Children's Guardian gathers evidence in order to undertake their professional assessment and make recommendations to the court about what they believe is in the best interests of a child. Anything relied upon as part of that assessment would be set out within a written report to the court. If a party to the proceedings has reported information that is not included in the assessment then this can be tested by the parties through the process of cross-examination during the proceedings.
- If there is evidence that relevant information was omitted or withheld from the court which impacts on the decision, the party alleging this should consider/seek advice about the merits of an appeal.

