

ADCS/Cafcass work programme 2018/2019
Initial thoughts from Cafcass

PURPOSE OF A JOINT PROGRAMME

It would be good to agree some joint objectives for working together, e.g.

- Share intelligence about new and emerging issues where new guidance or approaches may be needed
- Identify where there are opportunities to streamline or harmonise processes to improve outcomes for children, drawing on emerging best practice and development initiatives across local authorities and Cafcass.
- Harness the joint influence of ADCS and Cafcass to endorse and support agreed principles and practice for the wider sector

INITIAL LONGLIST OF PROJECTS

Attached at Annex A is a longlist of proposals for potential work, which include some projects brought forward from last year's joint ADCS/CAFCASS joint work programme (reattached at Annex B for info) together with projects which have been identified in Cafcass's own work programme, but which have wider system relevance. Some of the latter are commissions from the Family Justice Programme Board.

WORKING TOGETHER TO DELIVER A PROGRAMME

We should discuss:

- How many projects it is realistic to take forward (some of the attached are items which Cafcass plans to progress in any case, although we would welcome ADCS input)
- how best to take forward thinking (small task and finish groups? We would need to have at least one AD allocated to each project ADCS wishes to contribute to on a joint basis)
- how to coordinate/keep track of work – quarterly review?
- process for engaging judiciary
- how to promote and maximise impact of any products

Teresa Williams

Director of Strategy, Cafcass

8 May 2018

Annex A:

INITIAL LONGLIST OF PROJECTS FOR 2018-19

This list has been generated by reviewing and updating last year's programme to link the issues raised then with other known programmes of work.

IMPROVING EFFICIENCY AND EFFECTIVENESS IN PUBLIC AND PRIVATE LAW

- 1. Technical Support and Guidance to Care proceedings practice (pre-proceedings and during proceedings) [IN CAFCASS WORK PROGRAMME]**
 - a) Review protocols to improve efficiency and effectiveness in relation to: recommendation and use of residential assessments; use of expert witnesses; no-/short- notice hearings; C2 reductions; a compliance protocol; information sharing (including police disclosures and DBS checks); standardising Together and Apart assessments
 - b) Update pathways and joint guidance on key subgroups which have been identified (through the care crisis review, Adoption Leadership Board; FJ Programme Board etc) as ripe for review: for SGOs; s20s; Adoption; Placement with Parents. It would draw on work currently underway through ADCS North West (PwP) and Sussex (timelines for special guardianship)
 - Likely Cafcass leads: Anthony Douglas (CEO); Teresa Williams (DoS); Alex Kemp (AD); Michelle Evans (HoP, PwP)

- 2. A joint model for private law practice**

Two strands of work are already in development: the work in Sussex (East Sussex, West Sussex and Brighton and Hove) to develop a standardised template for a s7 report, and the learning from Cafcass/Cafcass Cymru pilots in Essex, York/North Yorkshire and North Wales to further enhance s7 reports by having a greater focus on analysing the child impact. These would benefit from alignment with each other, and with wider developments in assessing risk in ways that are both child centred and lead to meaningful responses. For example, Cafcass has been developing tools (the 'private law pathways') to better diagnose, differentiate and respond to risk to children arising from different types of family conflict; and is reviewing its commissioned services for conflicted parents. At the same time, local authorities are developing or commissioning tools and approaches (e.g. Signs of Safety, systemic practice). It would be helpful to bring these together and set out an agreed framework, setting out common principles and ingredients while allowing some degree of local variation in the precise tools/resources used. [INDIVIDUAL ELEMENTS IN CAFCASS WORK PROGRAMME]

 - Likely Cafcass leads: Sarah Parsons (AD), Anji Owens (AD), Sandie Hayes (AD) Carole Goodman (AD), Teresa Williams (DoS)

3. Benchmarking the costs of the child's journey

This project is one Cafcass is considering, and has discussed with MoJ. It will require partner agency collaboration and so will require some early groundwork before it can commence. Stage 1 is likely to require initial conceptual mapping work to agree the key drivers of cost (for which data are available) in the child's journey in private as well as public law, by agency/funding stream. It would then identify the range of unit costs for each driver and the extent to which these are consistently high, low or mixed (by area and funding stream). Stage 2 (may not be possible to complete this f/y) would then involve more detailed area-based case-studies to understand the variation and potential to drive down unit costs and/or improve resource allocations. [EXPLORATORY WORK IS IN CAFCASS PROGRAMME]

- Likely Cafcass leads: Anthony Douglas (CEO); Julie Brown (AD); Teresa Williams (DoS)

4. Success Framework/Register

Anthony Douglas is leading on a piece of work for the FJB which will consider what can be learned from high performing LFJBs that could inform a future approach to performance improvement and associated KPIs. This would benefit from ADCS input. [IN CAFCASS WORK PROGRAMME]

- Likely Cafcass leads: Anthony Douglas (CEO); Teresa Williams (DoS)

BRINGING TOGETHER AND UPDATING EXISTING GUIDANCE FOR KEY GROUPS

5. Plain English Guide to Cafcass's Services (in the context of the FJS)

Cafcass has identified the need for a plain English guide for service users (children & young people, and their families) to help them demystify and better navigate the family justice system. While it will focus on Cafcass services, these will be set in the context of the family's journey before and after Cafcass involvement, as well as alternative dispute resolution options and other sources of advice and support. [PLANNED CAFCASS WORK]

- Likely Cafcass leads: Anthony Douglas (CEO); Teresa Williams (DoS)

6. Standardised Evidence Pack for emotional abuse and neglect

The 2017/8 work programme included a proposal that Research in Practice could host this with the input of a small working group from Cafcass and ADCS. Having looked at this further, I note NICE produced guidelines on this in October 2017, drawing on NSPCC's earlier work (which looked at the impact of abuse/neglect on children's mental wellbeing; and at effective responses to emotional harm). RiP have previously been involved with NICE guideline development but can't tell if they're involved in this one. I suspect this covers the evidence base sufficiently, but may not tailor the guidance sufficiently well to inform recording of evidence and how it informs threshold decisions/assessment of risk.

7. Guidance on infant pathways

There may be value in bringing together guidance on pathways for very young infants. There are two streams of work:

- a) Relinquished babies In the 2017-8 programme there was reference to one of the LFBs in the Manchester area developing further guidance on relinquished babies, particularly to cover circumstances where the parents may suggest this late and/or may not be settled in their decision-making. This would draw on ADCS input, and Cafcass agreed to work with ADCS on updating more generic joint guidance. As a first step, some background research was undertaken as part of Cafcass's internal research programme last year, and this is now being reviewed initially by Cafcass National Improvement Service to make an initial assessment of the potential implications for the current (outdated) joint guidance, after which we will share with ADCS for their input.
- b) Infant removals At the same time, the Cafcass Plus programme has been developing protocols to interrupt repeat cases in public law, which largely focus on infant removals. After a preliminary evaluation of the operation of Cafcass in the current pilot areas (Nottingham, Lincoln, Northampton, Peterborough, Bedfordshire), it would be valuable to work with ADCS in reviewing this initial evidence to consider whether there is yet sufficient evidence to reach a common position on the next steps for this programme. One option is to consider this as part of the wider 'flagship project' on infant removals planned under the auspices of the Nuffield Foundation's Family Justice Observatory. This project would be led by Professor Karen Broadhurst, of Lancaster University, and is expected to commence towards the end of 2018. There is an opportunity for Cafcass/ADCS to feed into the design of that project as the proposal is developed over the Summer.
 - Likely Cafcass leads: Alex Kemp (AD); Teresa Williams (DoS)

8. Understanding our changing international caseload

Work to support the increasingly international element of our casework is part of the Cafcass 2018/19 National Plan. Cafcass is part of a working group to led by Children & Families Across Borders (CFAB) to explore practice issues in cross-border cases and help identify solutions (through policies, guidance, protocols) to common challenges. Cafcass will contribute a small scale synthesis of what is known from the research literature on the prevalence and nature of key types of international case (unaccompanied children, trafficking, FGM, cross-border placements, international relocation, child abduction, stranded spouses, stranded children); and will also review its case management data to understand the prevalence of such cases, where these can be tracked, and how this has changed over time. In addition, the working group may identify priority areas to explore in more detail and, where possible, we will undertake some

descriptive work using richer case file data to better understand key case features and implications for Cafcass practice. [PLANNED CAFCASS WORK]

- Likely Cafcass leads: Richard Morris (AD); Emily Halliday (Policy Officer); Jo Wood (Librarian)

9. Guidance for use of social media

This was in last year's programme, and Cafcass has updated its own guidance. It would be useful to know whether ADCS sees potential need for further joint development work or guidance.

- Likely Cafcass lead: tbc

NEW GUIDANCE DEVELOPMENT

10. Protocols and guidance for looked after children with gender dysphoria

A recent case heard by Ms Justice Alison Russell has raised concerns about the adequacy of arrangements for a looked after child wishing to have hormone blockers to arrest puberty, for whom delays in decision-making (in part because neither birth parent was able to give consent) can cause significant distress. At Ms Justice Russell's request, Cafcass has had an exploratory meeting with the child's counsel and concluded that there is an immediate need for a legal protocol to cover issues (including pre-action) such as: whether the Guardian can be appointed on papers; the need for the LA to submit full medical evidence (provided by the treating clinic); filing of evidence of the competence of the child to make decisions; and the need to follow HMCTS timeliness guidelines. Cafcass would need to work with ADCS and the Tavistock (the main treating clinic) to agree it, and get it approved (via Ms Justice Russell) by the President.

In parallel, but to a longer timescale, Cafcass will consider whether broader guidance is needed on the handling of a wider range of cases involving gender dysphoria which are expected to become more common in our caseload. At a minimum Cafcass will seek ADCS approval of the legal protocol, but we would also welcome ADCS input to consideration of the need for, and development of, wider guidance.

Likely Cafcass Leads: Mel Carew (Head of Legal); Nigel Nash (Champion for diversity issues)



Annex B

ADCS/Cafcass work programme 2017/2018

Planning Meeting Friday 26th May 2017

AD and AW led a discussion regarding the following proposed pieces of work for the Cafcass/ADCS work programme.

Development of a standardised evidence pack for emotional abuse and neglect cases.

All agreed that this would be helpful. Research in Practice will likely host this with the input of a small working group from Cafcass and ADCS. Helen Watson and Jenny Cole (DCS Hertfordshire) will work on this and will review the time and resources needed.

The design of a court care plan (some local courts insist this should be a separate document and that it cannot be integrated into the SWET).

AD and AW will likely lead on this.

A standardised s7 report format for private law cases, taking account of the pilot in Sussex (East Sussex, West Sussex and Brighton and Hove) and upcoming pilots in Essex and York/North Yorkshire on a child impact analysis.

AD raised that the aim of the pilots is to have a consistent s7 report format that is short and analytical. All agreed this would be helpful. AD will lead on this.

The production of guidance for the sector about Placement with Parents, given the concerns raised by several Northern LA's that this is being used by courts inappropriately. It is up to 15% of LAC in some areas, whereas in other areas they rarely use PWP.

AW will lead on this, and will pool resources with Sandie Hayes, Cafcass, and Bernie Brown in Liverpool, along with colleagues in ADCS to pool resources. AW commented that the District Family Judge in the North West is interested in this piece of work.

The development and production of a protocol about compliance with court orders, directions and attendance at hearings.

AD raised that this issue seems to be more prolific in London than elsewhere, so will kick-start this from Cafcass in London.

The development of guidance on the use of social media.

AD commented on the issue of the extent to which practitioners can carry out due diligence on social media in s37 and s31 proceedings without the agreement of the court. Practice

seems diverse. It was agreed by all that guidance on this would be helpful. Charlotte Ramsden, ADCS, will lead on this with input from Helen Watson and Cafcass' Head of Communications, Colette Jacobs.

The development of guidance on relinquished babies.

AW raised that a LFJB in Manchester is completing guidance on relinquished babies and that ADCS will feed into this. All agreed that this would be helpful.

Attendance list:

Anthony Douglas (Chair) (AD), Cafcass	Andrew Webb (AW), ADCS
Helen Watson (HW), Cafcass	Charlotte Ramsden (CR), ADCS
Mel Meggs (MM), Rotherham	Rebecca Dale, Cafcass (note taker)

Apologies:

Nicky Rayner, Milton Keynes	Colette Dutton, Knowsley
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