

# Cafcass Operating Framework

Version for comment

July 2017

*This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*

# Cafcass Operating Framework

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## Section 1: The purpose of the Operating Framework

*“Children and young people should be at the centre of all proceedings”*

Family Justice Young People’s Board, National Charter for child inclusive family justice

### **Our vision for outstanding practice:**

The Operating Framework sets out how Cafcass works. It helps us to provide a consistent service to children and families throughout England, with a focus on continuous improvement. Our vision is to achieve positive change for children that continues long after family court proceedings are over. To achieve this, we must shine a strong light on children’s needs, and our recommendations to court should play a part in helping children’s lives to improve.

We must support every child. As an accountable and responsible Government organisation, we must also stay within our budget. To do that, the level of service in each case has to be affordable. Working proportionately means doing what is needed on each case, but not doing any more than that. Professional staff can be inspirational in brief strategic work, as long as they get to the heart of the issue quickly, engage strongly and work effectively, making best use of technology. All Cafcass support staff, and all backroom staff across the family justice system, play an equal part in this ambition – every number on a spreadsheet is an aspect of a case and therefore it is an aspect of a child.

- 1.1 Cafcass speaks for children in family court cases throughout England. We aim to understand each child’s daily lived experience, particularly in their journey through the care system in a public law case or through the impact on them of a dispute between their parents in a private law case.
- 1.2 Cafcass’ professionally qualified social work practitioners, called Family Court Advisers (FCAs), work exclusively in the family courts at the court’s direction. Examples of proceedings where Cafcass will be involved include:
  - When children are the subject of an application by a local authority for care or supervision of a child (public law). In these instances, our FCAs act as ‘Children’s Guardians’.
  - When parents who are separating or divorcing are unable to agree on arrangements for their children, such as who they will live with and/or who they will spend time (private law).
  - We are also asked to act in other types of case such as: where a proposed adoption has parental consent and our FCAs act as Reporting Officers; where the child becomes a party to proceedings (Rule 16.2) and the FCA represents the child as a Children’s Guardian (Rule 16.4); where the leave of the court is sought to remove a child from the country or jurisdiction; where a local authority proposes to place a child in secure accommodation; and where a commissioning couple apply for a parental order in respect of a child born through a surrogacy arrangement.
- 1.3 Cafcass’ main concern is the child who is subject to proceedings. Our professional responsibility also extends to considering the needs of children living in the same family or household if either child protection or serious welfare concerns become apparent. We act independently of all other parties in a case. Our work has to shine a strong light on children’s needs and identify what those around them can do to make children’s lives better (UNCRC, Articles 19, 24 and 31). Although we write case analyses for

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court, culminating in recommendations aimed at making each child's life better, we spend the bulk of our time working with the important adults or organisations in a child's life, persuading them or negotiating with them to make changes for the child.

- 1.4 Our services are rooted in the legal framework that has been built up over generations to recognise and to help vulnerable children. Whilst we have to be aware of current trends in society, which may run ahead of legislation, we cannot depart from our remit in law. We can only help children who are in a family court case already, or who are at risk of their situation becoming the subject of a court application in the near future – this is our role in prevention.
- 1.5 Cafcass' services are free to service users. Our FCAs are some of the most experienced and expert social workers in England with at least three years' post qualifying experience. We also employ a small number of newly qualified social workers. We work with other professionals, such as solicitors, local authority social workers, police officers and health and education professionals. Joint working lies at the heart of the family justice system in which we are proud to play our part. The [good practice guidance](#) for social work practised in the family courts in public law cases, developed by ADCS, ADASS and Cafcass, sets out our approach to partnership working, based on constructive problem-solving in the best interests of the child.

## What does the Operating Framework aim to achieve?

- 1.6 The Cafcass Operating Framework sets out how we meet our responsibilities as a family court social work service to children and young people, their families, and to courts, as required by legislation. Our principal functions are found in section 12(1) of the [Criminal Justice and Court Services Act 2000](#).
- 1.7 The Framework links readers to relevant policies and other sources of information through hyperlinks within the text. It acts as guidance to Cafcass staff and as information for users of our service and to others with an interest in our work.
- 1.8 A number of practice directions and court rules underpin our statutory responsibilities. The [Welfare Checklists](#), [Family Procedure Rules 2010](#), [Public Law Outline 2014](#), and [Child Arrangements Programme](#) are important points of reference for us. Our FCAs and managers need to be aware of and understand all relevant legislation and regulations, such as care planning regulations. They must also keep up to date with relevant case law (see the [Legal Alerts](#) on the Legal intranet pages, which are regularly updated). Recent caselaw has emphasised the enduring importance of the welfare of the child principle whatever the nature of the particular application or case. We distribute legal alerts to the sector if new caselaw has significant implications for practice and decision-making.
- 1.9 This Framework draws upon the recommendations of the 2011 independent Family Justice Review chaired by Sir David Norgrove and the wide-ranging reforms put into practice since and then and eventually formalised in the [Children and Families Act 2014](#). Cafcass works with partner agencies to drive through sector-wide improvements, to issue joint guidance, and to develop alternative pathways for families entering the family justice system, such as the 2014-17 pilots for an out of court private law service. This Framework is in line with the continuing reform process.

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- 1.10 To help make sure reforms are child centred and child-inclusive, we sponsor the Family Justice Young People's Board (FJYPB) and we have adopted the [FJYPB National Charter for Child-Inclusive Family Justice](#).
- 1.11 The Framework sets out the Cafcass model of proportionate working which has been in place since 2010. The premise is straightforward. Resources are scarce and finite, and they have to be used proportionately. This is just as relevant in 2017, because at the time of writing, demand pressures are at record levels. Proportionate working is a main principle within the wider family justice system. For example, in the Child Arrangements Programme, parties and the court must 'deal with the case in ways which are proportionate to the nature, importance and complexity of the issues' (Practice Direction 12B, 11.2(b)).

### **Proportionate working principles**

- Be clear about the 'necessary' work only Cafcass can do. The Operating Framework is a 'sufficiency' framework.
- Play our part in 'making cases smaller', to deepen the court's understanding of how best to help a child in the shortest possible timescale, by supporting active judicial case management.
- Work with HMCTS to ensure Cafcass is removed as a party once we have closed the case.
- Effectively target our interventions to add the maximum possible value to positive outcomes for children (and project manage our involvement in cases through good case planning).
- Intervene strategically in cases, especially at pivotal points. Doing this well can add great value.
- Help to bring cases to the earliest possible conclusion on behalf of the child.

- 1.12 Our Framework reflects the rights of children, as set out in the United Nations Convention on the Rights of the Child (UNCRC), and the Council of Europe's 2010 'Guidelines on child-friendly justice', to be heard and represented in judicial proceedings which affect them. Below is an example of children's entitlements under current legislation which our FCAs draw upon in their work.



## Continuous improvement

*“Better performance will only be sustained if the changes now underway become ingrained, habitual and normal”*

Sir David Norgrove, former Deputy Chair of the Family Justice Board for England and Wales

*“I have two jobs: the job I do and how I improve the job I do”*

Anthony Douglas CBE, Chief Executive of Cafcass

1.13 We were last inspected by Ofsted in 2014. Ofsted judged us to be good with outstanding features such as our leadership and governance. Our challenge is to maintain this good

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level while striving to be better still. The Operating Framework sets out the learning we have accumulated as an organisation since 2014 and how we are applying this throughout our work. An example is how we are making the organisation a secure base for FCAs, in the same way we aim to help families to become a secure base for children (see section 11). Restorative practice with children and families has its equivalent inside organisations with the use of restorative approaches to staff wellbeing. The common emphasis is the importance in life and work of being supported and advised about how to become stronger and more resilient.

1.14 We use and apply the following principles about performance and quality improvement in our work:

- Performance and quality improvement is everyone's business. Everyone in Cafcass is expected to demonstrate continuous improvement as individuals, as teams and as an organisation.
- Our back office teams understand how their roles directly affect frontline practice. They must support the frontline and make it more efficient and effective. Our transactional services are integrated into frontline services. We see this as a great strength and as a common purpose.
- Delivering the best possible outcome for children from our work is what matters most to us and we are committed to developing continuously improving outcome measures which are open to scrutiny and challenge.

## Section 2: Working with children and families

*“Cafcass made a very big difference and now I can speak my mind. I feel free and a lot of pressure has been taken off my shoulders” Girl, aged 10.*

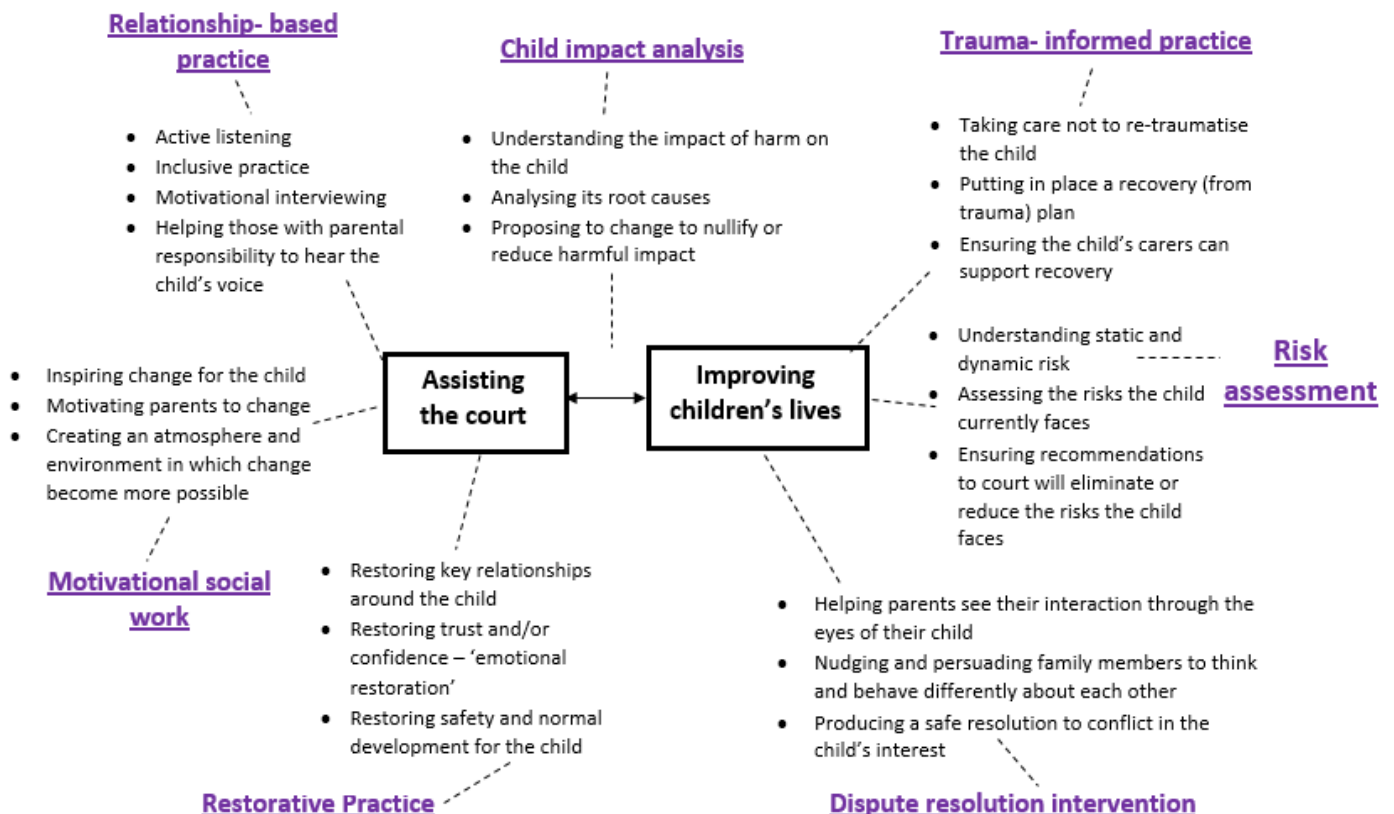
### **Our vision for outstanding practice:**

Our involvement starts with the child and stays with the child. We strengthen the child’s world by seeing each case through the eyes and experiences of the child, and reducing factors that worry, disturb or upset them. We find out what is happening in a family and try to take steps to make the situation better for the child.

To support this, we have updated our welcome letter and will be supporting our practitioners to use methods of motivational and child-focussed interviewing, alongside restorative practice to help children recover from risk or trauma and become healthier and happier.

Restorative practice means putting a child’s emotional and environmental world back together. Restorative practice is a strengths-based approach, emphasising recovery, achievement and the possibility of positive change. What is to be restored for an individual child will depend upon their circumstances but for a case to reach the family court, there will inevitably be a serious restorative need, be that for stability, a stress-free childhood, or for making stronger and safer attachments. Our role is to help children achieve this, within the framework of the court process.

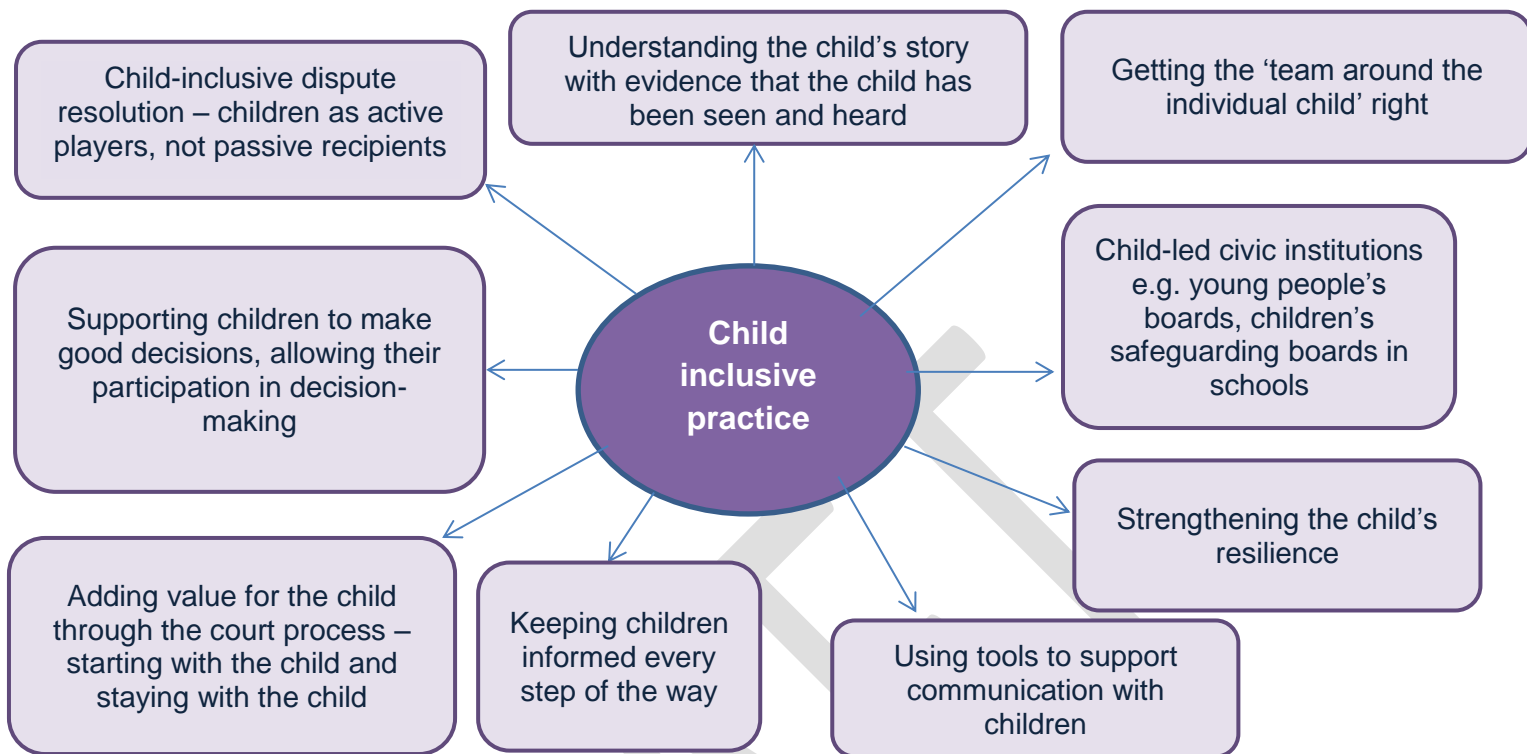
2.1 Working eclectically is important because of our varying roles in public law, private law and other types of case, which require different interventions. However all of our roles require our practice to be child inclusive (see below).



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## Child inclusive practice in Cafcass



2.2 Child-inclusive practice works best when it is at the heart of more generally inclusive practice with adult parties and practice which recognises and includes the significant people in the child's life. This includes understanding the significance of brothers and sisters for children who are separated either after relationship breakdown or as a result of coming into care. The potential need for siblings to stay in touch, even if parents cannot or will not, should be assessed. Likewise, in public law cases, the impact of separating siblings should be thoroughly assessed through scrutiny of the local authority's Together or Apart assessments. Interventions with mothers and fathers should be evidence-based and draw upon research about what works.

### Brothers and sisters: practice tips

- Relations between siblings who live together can be at the heart of a child's identity so as much consideration and significance must be given to these relationships as to relationships with parents. Examples include carrying out a sibling attachment analysis as a core component of a standard case analysis.
- Positive sibling contact can promote positive outcomes in care such as mental health, socialisation, academic performance and placement stability (Centre for Social Justice).
- A [study by Cafcass](#) found that a strong attachment to siblings was cited as a factor that promoted resilience in both public and private law cases.
- Siblings can become parental figures for each other in the absence of good enough parenting. This can be positive and negative.
- Court orders that threaten or prejudice a sibling relationship should be impact assessed in advance, through a 'Together or Apart' analysis, such as looking at the criteria used for removal and separation of siblings.
- Understanding the importance of sibling contact can help parents to be more child-focused.
- It is important to listen to siblings individually – their stories are different and their needs, wishes and feelings are different.

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- 2.3 An important element of inclusive practice is to combine assessment and analysis with active help towards any change that is needed. Such concurrent assessment and intervention is important when contact with families is brief. For example, in the Work to First Hearing Stage in private law cases, the focus from the start must be on the child and how the child can best be helped. An example of active help is to interrupt a pattern of damaging behaviour. It is difficult to achieve this level of change in the first stage of our work, but it should be attempted whenever the potential for early change is apparent.
- 2.4 Whatever their role, all staff aim to support the child to the best of their ability from the beginning to the end of the case. We are unequivocally for the child and what concerns them.
- 2.5 The work with children and families should aim to:
- Establish what the child knows about the court application, subject to their age and understanding – they are often the last to know, despite being the centre of attention and the subject of the court case.
  - Understand the significance of the application for the child. Ideally, the child (subject to age and understanding) agrees with the application. However, this is not always the case. It is important to understand the child's starting point – their definition of the situation – and not define a situation as low risk and low key until its significance for the child is understood. Similarly, a child might be relatively resilient in a situation which seems to professionals impossible to survive in. Care and time must be taken to understand the meaning of the case to the child.
  - Communications with the child and family before work starts should be clear about the focus of the work and how it will be carried out. This can help with reducing fantasy and concern about our involvement.

### **Problem-solving practice**

- 2.6 Problem-solving practice is the Cafcass contribution to the family justice system priority of transitioning to a problem-solving court. It means we will aim to be solution-focussed, once it is clear what the problem is to solve. Our participation in new services such as settlement conferences is an example of this (see the [Cafcass/ADCS position statement on settlement conferences](#)).
- 2.7 These interventions are examples of collaborative practice, which at times needs to be authoritative. Our practice will never become 'muscular authoritarianism' – the term used to describe oppressive social work practice with families.
- 2.8 Children and families who come to our attention are nearly all transitioning. An understanding of how to successfully overcome a complex and often painful transition is central to our work, as we need to connect with each individual we work with at their particular stage of transitioning. Transitions for family members are frequently out of sync, hence the importance of focussing all concerned on the child's transition.

## Key transitions for children in a family court case

- ▶ Between one family and another
- ▶ Between one country and another
- ▶ Between one school and another
- ▶ Between one attachment and another
- ▶ Between one friendship circle and another
- ▶ Between one emotional rollercoaster and another
- ▶ Between one future and another
- ▶ And then there is the court process, which is a transition that can last months or years – and have a lifelong impact



## Working with children

- 2.9 FCAs exercise professional judgement in each case about the level of their direct contact with children. The exception is in private law cases where FCAs do not work with children before the first hearing, as the FCA role is to carry out safeguarding checks and complete an initial risk analysis. So the FCA needs to have sufficient direct contact to enable them to understand the child's situation, and to be able to be authoritative in persuading the adults around the child to change if that is what the child needs and also to reflect this understanding of the child in an evidence-informed case analysis for the court.

## Hearing the voice of the child

- ▶ The child's voice is often inaudible and lost within the noise of the adults around them
- ▶ The child's emotional and psychological timeline matters as much as the subject matter in court
- ▶ All of us have a more powerful voice if others speak up for us as well – all family court practitioners must be advocates for the child .
- ▶ The child is like a jigsaw puzzle to solve – many people hold one or more pieces which need to be fitted together to get the complete picture – friends, relatives and professionals
- ▶ Hearing the child's voice and acting upon what we hear can have a lasting lifelong empowerment outcome



### **The voice of the child**

- Depending on the child's age, developmental stage or situation, the FCA should see the child alone on a sufficient number of occasions, proportionate to the issues in each case, to ensure they have heard and understood the voice of the child, what the child is asking for and how the voice of the child can be reconciled with other factors – in a balancing exercise. The child's inner world is as important to understand as the child's outward behaviour. This holds true whether the child is a baby or a teenager. There are Cafcass toolkits to support direct work with children.
- The FCA should make sure that direct work with the child is aligned with other professional interventions so the child is not overwhelmed. If a child is not seen, the reason should be recorded on the case file.
- If the FCA decides not to act on the voice of the child, the child is entitled to an explanation of the reasons. This will usually be through a clear rationale set out in the relevant report to court, shared with the child according to the child's age and understanding.
- The child's voice can only be heard if the child is kept engaged and informed about what is happening throughout the case, directly or through a safe carer, taking the impact on the child into account at all times – including any impact of the court process or changes made to the child's environment during the court process.
- The voice of the child is not an end in itself, unless it leads to change for that child in the way it is needed.
- In public law, the children's guardian does not have a monopoly on the voice of the child. Do not underestimate the quality assurance oversight that may have already been undertaken. Safe carers inside the family network and foster carers may also represent the voice of the child accurately and sensitively. Guardian input will usually be less in cases where the voice of the child is well understood by those involved and is being heard in the court case. The guardian role is needed most where the voice of the child is unexpressed, misunderstood or inaudible.
- In private law, the voice of the child can be hard to detect because of the noise and pressure from adults. Work with adults should have a child focus and should encourage the exercise of child-focussed parental responsibility. FCAs should be alert to any undue parental influence, and assess what the child is saying accordingly.

- 2.10 Before contacting a child about a meeting, the FCA should consider whether the child has any additional communication support needs. In many cases the adult party will have told Cafcass or the court about the child's particular needs in advance of the first contact, but this may not be the case. The following should be considered to help ensure the best possible experience for the child, including being able to convey their views clearly.
- Ask the adult parties how their child prefers to communicate and whether they have any additional support needs (see below for further tips on communicating with children with disabilities).
  - Check whether the child is able to understand vocabulary typical of others their age (this is different to reading ability).

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- Check whether the reading ability of the child is typical of others their age.
- Whether there is a preferred method of communicating with the child, such as email or letter.

2.11 Cafcass FCAs work with children in various ways, including:

- Understanding the child's powerful emotional world and that their feelings of, for example, shame, fear, anger and guilt may at times be overwhelming and they may be spending most of their time managing their emotions.
- Helping children to express themselves and, subject to their age and understanding, sensitively discussing their situation. For many children, this will be the first time they have been supported to talk about their daily lived experience. To do this, FCAs identify locations and ways in which children can feel secure enough to communicate their feelings. FCAs may also use the Cafcass [Needs, Wishes and Feelings guidance booklet and tools](#), play materials or interactive software, to help a child to put complex feelings into words, drawings or pictures.
- Ensuring that children's wishes and feelings – their unique voice – are reflected in reports to court, together with advice about the weight that should be attached to them by the court. This recognises that children's expressed views may not always be in their best interests.
- FCAs help children to write letters to judges or magistrates, as well as seeing them, when children wish to.
- FCAs observe children with their parents, in order to assess parenting capacity and attachments (also taking into account children's feelings about being observed). Various evidence-informed practice [tools are available to FCAs](#) to use when working with children and adults, to support an evidence-informed case analysis.

2.12 Every visit, whether to where a child is living, a Cafcass office or elsewhere, should be necessary. The number of times we see a child in a public or private law (after the first hearing) case is proportionate to need. The framework for visiting is:

- To see and hear the child.
- To gather information that can only be gathered through a visit such as observation of the child, and obtaining evidence for a child impact analysis
- Visiting according to the objectives set out in the case plan, which will normally be for the purpose of facilitating positive change for the child.

2.13 In all types of case, use may be made of office visits and, where appropriate, video calling, to minimise non-productive travel time. The needs of each individual case will often mean some parties in a case are seen more than others. Care must be taken to explain why this is the case, so as to avoid concerns about disproportion, bias or favouritism.

2.14 Positively engaging children in their own cases can lead to higher levels of self-esteem and self-confidence, which promotes resilience when growing up with continuing emotional or psychological conflict (UNCRC, Article 12).

## **Communicating with children with disabilities**

2.15 There is no one size fits all approach when it comes to written communication with children with disabilities (including learning difficulties). FCAs need to assess and respond to the needs of each child. The below may be helpful prompts:

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- Consider whether there are any physical barriers to communication, such as visual impairments, or any other barriers such as dyslexia, autism or Asperger's syndrome.
- Consider font size (Mencap suggest a minimum of 16 point) and limit the use of colour as this can be difficult for some people to read
- Consider who, if anyone, helps the child to communicate. They might be able to support the meeting, if appropriate.
- Consider whether the adult parties can give any advice on communicating with the child
- Consider whether design or format amendments are needed to any written material

### **Child-led services (with support/facilitation)**

- 2.16 Cafcass supports child-led services. An example is mediation. Cafcass encourages mediation and mediators to be child-inclusive, subject to the child's age and understanding. We also support models such as peer mediation in which children mediate disputes between children, with support and facilitation from teachers and other professionals (see [this example](#), from West Rise Junior School).
- 2.17 Child-led services are appropriate where they are safe and empowering. Examples are:
- A child being supported to develop and put into practice their own safety plan to keep themselves safe. This could include avoiding gang activity and the associated risks, or taking steps to avoid risky adults who are predatory
  - Having an eSafety plan where risks are online, such as helping the child to build digital resilience, and to recognise and seek help with cyber-bullying, online grooming, sexting and online coercive control. This is especially important as many children 'see the real world and the online world as intertwined' (Making Child Protection Child-Centred, Lesson from Childline, Colpus and Crane, 2017)
  - Determining who they live with and spend time with in a private law dispute if the arrangements their parents reach are making them feel unhappy over a prolonged period.
  - Developing coping strategies and greater resilience living a damaging situation which cannot be changed much (see below for a sample classification about the resilience of children and young people).

#### **Checklist for resilience**

1. The child has someone who loves them unconditionally
2. The child has an older person outside the home they can tell about problems and feelings
3. The child is praised for doing things on their own
4. The child can count on their family being there when needed
5. The child knows someone who they want to be like
6. The child believes things will turn out all right
7. The child does endearing things that make people like them
8. The child believes in a power greater than seen
9. The child is willing to try new things
10. The child likes to achieve in what they do
11. The child feels that what they do makes a difference in how things come out
12. The child likes themselves
13. The child can focus on a task and stay with it
14. The child has a sense of humour
15. The child makes plans to do things

The International Resilience Project used the above items as a checklist for perceptions of resilience in children (Grotberg, 1997 – available from the Cafcass Library)

- 2.17 None of the above examples mean abandoning professional responsibility. It is clear that sometimes vulnerable children need to have decisions taken about them by others. However, unless a child is involved in the court process and the outcome, at least to the extent they can be and want to be, they will have little incentive to put heart and soul into making sure the decision is implemented. That in turn will limit the effectiveness of the whole court process.

## Children as witnesses

- 2.18 The principles applied in criminal cases are just as relevant for family courts, even though it is rare for children to give evidence directly. Here are the main points to bear in mind:
- Ensure that advocates follow the advocate's gateway and avoid long, multi-part questioning, leading questions and tag questions. Where children are being interviewed or cross-examined, questions should be simply put and expressed, however complex the issues.
  - The ground rules for interviewing children should be set early on, including about questioning approaches and also how best to facilitate the child's free narrative account.
  - Cross-examination can be hostile, such as when a case might turn on what the child says. Consider the impact of the child being accused of lying; such cross-examination must be restricted to that which is necessary to safeguard justice for the adults concerned.
  - Children can become selectively mute in court because of questioning or they can become disoriented, even if special measures are put in place. It is crucial that children giving evidence are prepared, supported and facilitated, to help to ensure their evidence is accurate and robust and so that any negative impact of the court experience can be minimised.

## Working with parents and carers

- 2.19 With limited professional time available, our first contact with parents and carers must achieve the following objectives:
- If necessary, verify we are communicating with the right person, and to ask for sufficient verification if in doubt.
  - Establish an instant rapport, by showing we are familiar with the issues being raised, and by showing empathy. Court applications bring with them high emotion, which the FCA is often pitched straight into.
  - Be clear about our focus, which will be to gather information and evidence about what has happened to the child in the past, what is happening now and what needs to happen in the future. In so doing, we must keep the focus on the child's daily lived experience, their mental health, attachments, identity and general wellbeing. These are what matter most for the child and they are different in every case.
  - We should always make it clear that the evidence base about the child we are putting together will be at the heart of any report we produce for the court and that our recommendations will flow from the evidence base we co-produce with the child, their family and with other professionals.
  - We should make it clear that much evidence in family cases is soft and open to more than one interpretation. We conclude our enquiries in every case with

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a structured professional assessment and should make those we talk to aware of that.

- 2.20 The first lines of enquiry should be: what is going on for the child; what does the child need; and what does the child want? How these questions, and all other questions, are asked, is a matter for the tone and style of the individual FCA and the context of the individual case. All interviews must be carried out with an inquisitorial focus and a motivational style. FCAs must be confident in all types of communication and interaction.
- 2.21 Even if our involvement is brief, we use a model of relationship-based social work, in which we seek to make a positive connection with everyone we work with. We should also recognise we become part of the child and family system for however long we are involved. We must use our involvement to good effect.

### **Being sensitive to parents, and keeping the focus on the child**

- Set high expectations for parents, including supporting the exercise of sensitive and child-centred parental responsibility.
- Parents can be desperate about their children and can find it hard to appreciate the brevity of our work, especially in the first stage of private law cases. This needs acknowledging.
- Parents can fear their children will be removed from them or they will lose all contact with their children as a result of a court case. Awareness and acknowledgement of such fears is important, especially as this is the reality sometimes.
- Parents who have been abused may be vulnerable so need to be seen and supported as such. This means being especially sensitive about language and tone used, and physical movements made – so that fear is not aroused or rekindled.
- Our practice is rooted in the tradition of compassionate social work.

- 2.22 Each interview with a parent or carer, whether conducted by telephone or face to face, must have a purpose. FCAs will determine who needs to be interviewed, and how many times. FCAs' questions should be clear, to the point and motivational, making the child's journey alive to the parents. Some interviews benefit from an interview plan and the use of structured or semi-structured questions, to maintain a focus. A ['toolkit'](#) is available on the intranet to support FCAs in their direct work with adults and children; the toolkit matrix provides a guide on how to match the appropriate tool to the identified needs in the case.
- 2.23 Whilst FCAs have a presumption that parents and carers reply to them in good faith, they also have to be cautious in case they are not being told the full facts, or if they are faced with 'disguised compliance' or if they are told a 'false status quo'. They also have to guard against the 'rule of optimism', in which a parent deceives social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. FCAs have to balance hope and a belief in change and communicate this to parents and carers, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.
- 2.24 In private law cases especially, parents are seeking to convey their side of the story to the FCA, including facts about who did what to whom and when. Such 'facts' are often disputed. For the FCA, it is the impact on a child that they have to assess, particularly

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the emotional and psychological impact, such as the child's static (long-lasting) and dynamic (capable of short-term change) emotions. It is for the court to determine the facts, as far as it can – many 'facts' are disputed and the truth of what happened often remains unclear and ambiguous. While the FCA will need to undertake various enquiries to ascertain what has been going on in a family, including social media enquiries where relevant and where the court agrees, it is important to keep the focus on the child's daily lived experience rather than on any dramatic scenarios put forward by either parent. A motivational interviewing style can assist that focus (see below). Using a Strengths and Difficulties Questionnaire can also help with this, as long as its use has the active support and co-operation of the child's parents in a shared quest about how best to help the child.

- 2.25 Article 9 of the UNCRC is about the right to contact with both parents if parents separate deliberately or are separated through circumstance. A parenting plan is a key element of each public and private law case. Much of our work is about assessing the benefits and risks of contact for a child, including the child's view about contact, taking into account their age and level of understanding, and the range of parental views to which they have been exposed. We cover this issue in more depth in Sections 4 and 5.

#### **Practice tips about motivational interviewing**

- Listen actively to what you are being told, encouraging reflection, problem-solving and a solution focus.
- Relate each issue to the child's perspective.
- Help those you work with to visualise the change for the child they need to bring about.
- Convey a belief in change and the practical steps needed.
- Make sure that the emotional tone of the interview is warm, non-threatening, as relaxed as possible (in what can be highly charged situations) and purposive.

- 2.26 There are no court rules or Cafcass policies that prevent a service user bringing a support person to their interview. The FCA should assess the situation and consider the possible implications of a third party attending, and can suggest to the service user that they attend alone for a particular reason, although they cannot insist on this. Further information is available in the [guidance on third party support](#).

## **Recording of interviews**

- 2.27 Service users may ask to record, or request that the FCA records, or they may covertly record a telephone call or interview with the FCA.
- 2.28 How an FCA chooses to record an interview is up to them. If the service user insists on recording their own interview, there is no legal reason to prevent them doing so, subject to any directions that the court may give about this if the FCA decides to refer the issue to court for direction. Where a recording is made the FCA will, as a matter of course, include in their report that the interview was recorded. The other party would then be aware that a recording is in existence and could make an application to the court to have a copy disclosed to them, or to listen to it in evidence. There is of course no guarantee that the court would order disclosure, but depending on the facts of the case, it is possible for the court to do so.
- 2.29 If FCAs have concerns for any particular reason, the matter can be put before the court to seek a direction, particularly if the FCA has any concerns that the recording may fall

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into the hands of individuals who are not entitled to have access to it or that it may be put onto social media such as YouTube.

- 2.30 In cases where no advance request has been made and the FCA subsequently becomes aware that they have been recorded without their knowledge, they should tell the court. In some cases, however, the FCA may not become aware of the recording until the service user presents the recording, or a transcript of it, at court. In such situations, the FCA should make clear to the court that the recording was made without their knowledge. The FCA may ask for the opportunity to listen to the recording or read the transcript before it is admitted into evidence, if the court is minded to take this step. It is a matter for the court to decide whether the recording or transcript can be included in evidence.
- 2.31 We should have nothing to fear from covert recording. Our attitude should be, *"I am doing my job and I have nothing to hide. I can explain why I said what I said or why I did what I did"*. This is within the spirit of transparency in the family courts. We should always be transparent in our work, to meet contemporary expectations, including being able to defend whatever we say or write in a court under cross-examination, because we are working to a professional standard on behalf of a child. In this sense, we should expect that everything we say or write could become public knowledge.
- 2.32 Service users may also ask FCAs to listen to or watch recordings of others that they have recorded covertly. Such material may consist of:
- A. A recording of a contact session with a child without the other party's knowledge or the consent of the court;
  - B. A recording of a telephone conversation with the other party or another person;
  - C. A recording made by concealing a device on a child.
- 2.33 There are several considerations that should be taken into account by FCAs when offered such material:
- A. There is a possibility that recordings may not be authentic, accurate or complete;
  - B. In accepting the recording, the FCA may appear to be influenced by one party over another;
  - C. Once the FCA has seen/heard the recording, it must be provided to the parties and the court, if it is relied upon.
- 2.34 If offered such material, the FCA needs to be aware that whether it is admitted into evidence will be a decision of the court and there may be issues raised by other parties about the validity of the material. While it may be appropriate to read or listen to the recordings the FCA should decline to accept it until the recording has been brought to the attention of the court and the court's directions have been obtained.
- 2.35 As Mr Justice Jackson said in a case where a father's partner had sewn a recording device into his child's clothing, so the father could monitor conversations the girl had with social workers and children's guardians during a dispute over who she would live with, 'It is almost always likely to be wrong for a recording device to be placed on a child for the purpose of gathering evidence in family proceedings, whether or not the child is aware of its presence' (M v F (2016) EWFC29). The judge criticised the father's behaviour as 'extremely damaging' to his daughter and her trust in him. FCAs

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should counsel service users who threaten actions like this that they will almost certainly harm their family relationships as a direct result.

- 2.36 Legal guidance on responding to requests from service users to tape record interviews and covert recording guidance can be found on the legal team intranet page [here](#).

### **Where a parent lacks the mental capacity to participate in the proceedings**

- 2.37 Where a FCA believes that a party, including a non-subject child party such as a 17 year old parent of a child who is the subject of care or adoption proceedings, lacks the capacity to make decisions within the context of court proceedings (known as 'litigation capacity'), the FCA should raise this with: the local authority if party to the proceedings; the court; and the party's solicitor if represented, so that a request by the court for the involvement of the Official Solicitor (OS) can be considered. The OS can act as, or appoint, an advocate or act as a litigation friend for the party (including non-subject child parties). Attention to capacity, including procedural fairness in the court process, even when a parent lacking capacity is being represented, is an important component of diversity practice. Cases will sometimes take longer because of the extra time or special arrangement that a family member with a disability needs in order to be able to participate (see Aleesha's Top Tips below about the importance of giving extra time when needed to allow a child with disabilities to participate in the court process).
- 2.38 Cafcass FCAs are not responsible for determining the mental capacity of a party or for representing non-subject children. However, in assessing the capacity to parent (which is a key task for the FCA), a FCA may comment on the capacity of the parent to understand proceedings, as there is a close link between the two. Information can be found in the March 2013 [Practice Note: The Official Solicitor to the Senior Courts: Appointment in family proceedings and proceedings under the inherent jurisdiction in relation to adults](#).

### **Vulnerable adults**

- 2.39 A vulnerable adult is a person aged 18 or over who is or may be in need of services by reason of mental or other disability, age or illness, and who is, or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. A FCA who is concerned about a vulnerable adult in either a public or private law case should establish whether, to whom, and how Cafcass should make a referral to enable the vulnerable adult to receive appropriate services, if they do not appear to be in receipt of such services already. Part of the guardian role in public law cases is to assess whether a vulnerable parent is a vulnerable adult in their own right who could look after their child or children if a reasonable level of support was made available by the local authority and other local agencies with a responsibility to do so.
- 2.40 Where possible the prior consent of the vulnerable adult should be sought prior to making a referral, though the absence of consent does not prevent a referral being made where there are serious concerns about the welfare of the adult or others.

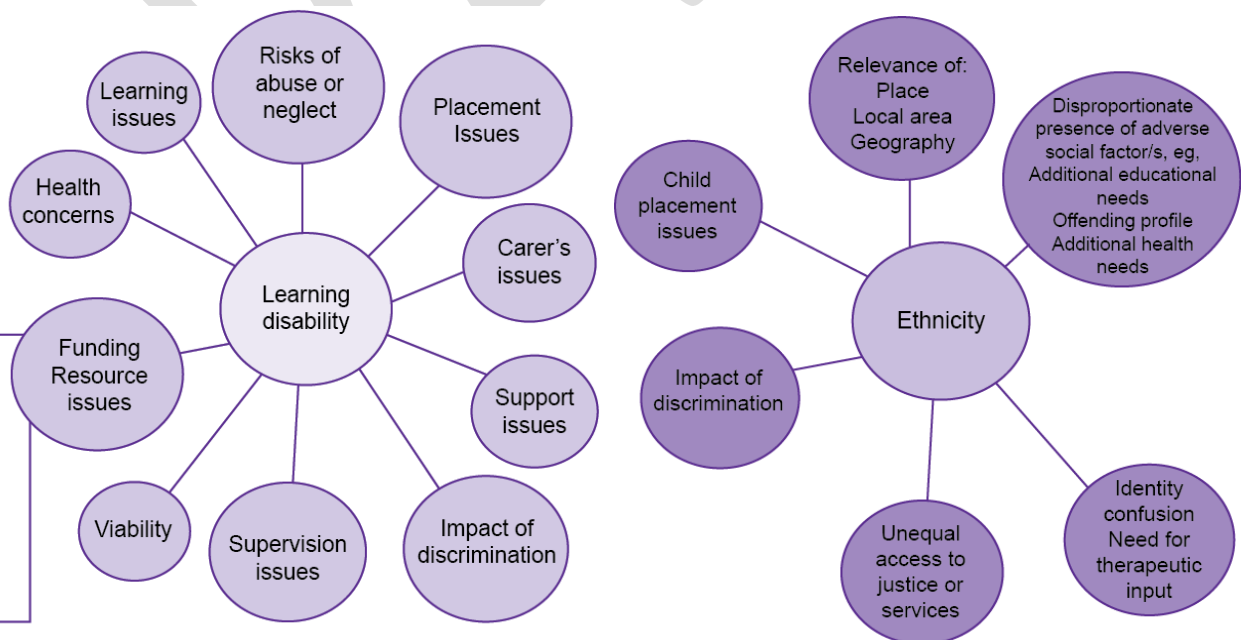
## Diversity in cases, including anti-discriminatory practice

### Our vision for outstanding practice

Each child stands out in our work and we advocate for any diversity issue for a child that is relevant to the court application and where the child's vulnerability is established. We challenge misuses and abuses of power within families and promote equality. We never knowingly act in a way that could give rise to the perception of bias or discrimination.

- 2.41 The Cafcass approach to diversity is that each child is unique and different and those differences need to be brought out in our work, understood and acted upon if they reach the threshold for relevance and vulnerability as set out below.
- 2.42 The two illustrations below explain how to approach and analyse diversity issues in cases and outline some important factors to consider in relation to relevance and vulnerability as they apply to an individual child/case. 'Relevance' means deciding whether the diversity factor makes a difference to the issue in the case or to the application. If not, it is not relevant. If it does, it is relevant and must be analysed (UNCRC, Articles 2 and 23). The use of a threshold for vulnerability means that the child is affected by the diversity issue, either directly or indirectly, in an adverse way and therefore this becomes an essential element of the evidence base in the case.
- 2.43 Whilst ethnicity and learning disability are used to illustrate this model (see below), the same framework of relevance and vulnerability applies to all our obligations under the Equality Act 2010, such as gender, religion and any LGBT issues, also making reference where needed to the welfare checklist.

### Learning Disability



- 2.44 Family Justice Young People's Board members have set out the most important issues for children with specific disabilities, like Matthew's Top Tips for working with a child with autism and Aleesha's top tips for working with a child with cerebral palsy. FCAs should understand sufficient detail of disabilities and special needs in order to be able

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to guard against, for example, undiagnosed autism, and to know about the needs of children on the autistic spectrum for services.

- 2.45 Being diversity-sensitive and culturally competent in our work is helped by our value base which emphasises not just child inclusion, but equal status as a core value of Cafcass – equal status between ourselves and those we work with: equal status between family members: and equal status for all who work for Cafcass, whatever their role, as well as with our partners and contractors. Equal status as a core value strengthens diversity practice.
- 2.46 Diversity practice is supported by learning and development modules such as the *Communicating with Deaf Parents* module on MySkills.
- 2.47 Cafcass collects diversity data nationally, in order to understand important diversity issues in our work, and so that we can build better services, both nationally and locally. It is the FCA's responsibility to identify any diversity issues in a specific case as well as to complete basic monitoring requirements of ethnicity, disability, first language, case type and child need. As well as this, each Cafcass service and service area has a responsibility to identify the diversity needs of groups of children living in their area where we are involved, and to take any action needed.
- 2.48 Diversity is one of the top five strategic priorities for Cafcass, as set out in the [2015-20 Strategic Plan](#). Progress on this priority is monitored on a quarterly basis. See also the Cafcass [Equality and Diversity Strategy \(2017-20\)](#).

# TOP TIPS



## For working with Children and Young People with Autism

Matthew is a valued and enthusiastic member of the FJYPB as well as being a part of other youth groups in his local area. He has experience of Private Law proceedings and has Aspersers Syndrome.

From his experience of working with various professionals Matthew has produced a series of TOP TIPS that help him feel at ease and able to effectively engage in services. Matthew would like to share these with all professionals who work with him and other children and young people who have Autism.

- 1 • I like professionals to talk to me calmly.
- 2 • Don't talk over me, let me finish talking first and wait for me to answer your questions.
- 3 • Don't treat me or speak to me like a baby.
- 4 • Give me simple questions so I don't get confused.
- 5 • Always use eye contact and ask me if I understand.
- 6 • Never try to force me to do things I don't want to do.
- 7 • Never make false promises. If you're doing something I will always think it is a promise.
- 8 • I like it when I am given good feedback.
- 9 • I don't tend to show much emotion if any at all.
- 10 • I am a creature of habit and I like routine.
- 11 • When I get upset I like to be left alone in a safe environment.
- 12 • Make sure you always listen to me as sometimes I get frustrated and I can lose my temper

# TOP TIPS



## For working with Children and Young People with a disability

Aleesha is a valued and enthusiastic member of the FJYPB. She has ambitions of becoming a Family Law Barrister and a British Wheelchair Tennis Paralympian. Aleesha has cerebral palsy which affects her muscles, balance and co-ordination on her right side.

From her experience of working with various professionals Aleesha has produced a series of TOP TIPS for working with children and young people with disabilities.

- 1 • Respect me and my disability.
- 2 • See me for what I can do, not what I can't do.
- 3 • Educate yourself about my disability.
- 4 • Ask me questions about my disability and how it affects me.
- 5 • Adapt your working style to suit my needs. For example, I have cerebral palsy which affects my right side. I can draw pictures with my left hand but you have to allow me time to this properly - I can do most things as long as I have support.
- 6 • Be creative with the tools you use with me.
- 7 • Do not make assumptions about me.
- 8 • Do not talk about me and do not talk down to me.
- 9 • Speak in simple language and always listen to me.
- 10 • Always Include me.

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## Section 3: Case management

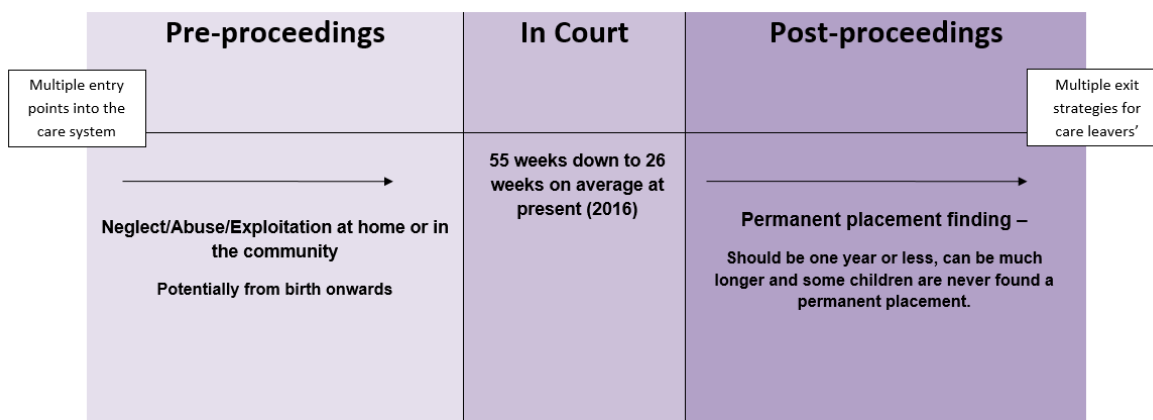
### Our vision for outstanding practice:

Outstanding frontline practice is dependent on high quality case planning, case management and case administration. Good case progression helps to resolve cases for children quickly and uses fewer resources, so that scarce resources can be freed up to support more children. Outstanding case planning includes interview plans and the focus of any intervention by the FCA in the family or with the child. It recognises that a delay in the child getting what they need is often damaging to that child. The child never gets the time back.

An example of outstanding case management is ensuring the outcome of a case is left on the record for a child. This can be done by recommending a child-friendly order to the court, which the practitioner may assist in drafting.

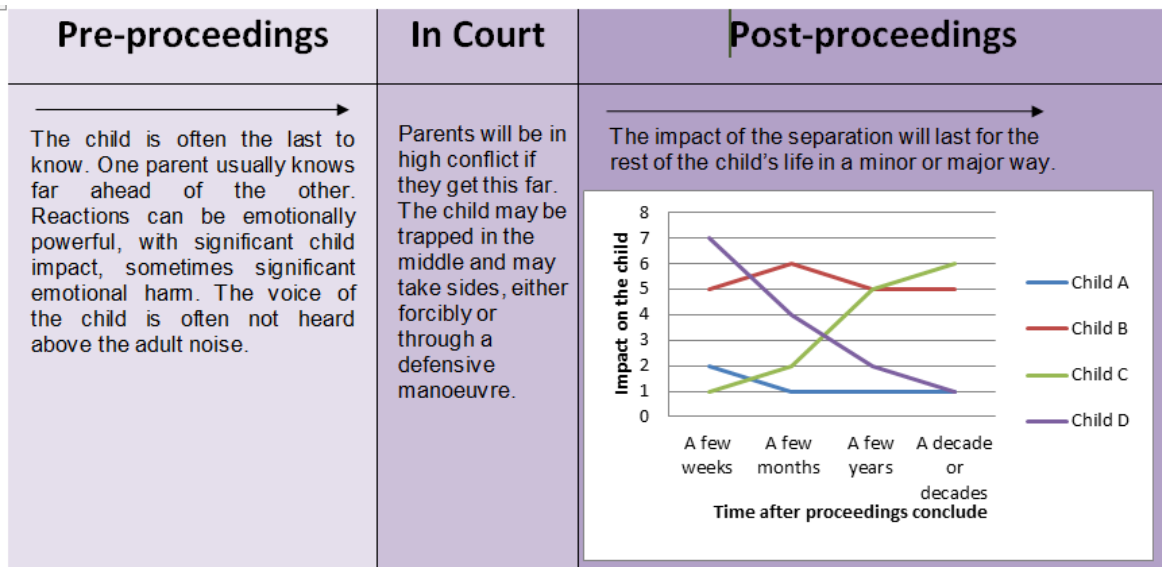
- 3.1 Case progression is the way in which a case is moved forward by all concerned between the day of the application and the day of the final court order. It is important in most cases to start and to finish the case as quickly as possible, so that the child or children at the heart of the case can have the situation around them resolved, as far as it can be.
- 3.2 Case progression needs to take place before and after court, not just during the court process. There is little benefit to the child of a faster court process if serious delay takes place in the community before the court application or in the implementation of the care plan after court (see below for the illustration of this in both public and private law).

### The Child's Journey - through an average period in care



- The in-court phase of a child's average time in care has been reducing dramatically
- Delay and drift pre-proceedings and post-proceedings is just as important for a child
- Over 4000 children on Placement Orders do not have a permanence placement identified
- 35% SGO's in one local authority: 70% Care Orders in another – excessive variation
- 35% of new applications are in respect of a parent who has had at least one previous child removed. The best local authorities aim to disrupt this cycle of loss by supporting the parent after proceedings to take the necessary steps to keep their next child.

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- 3.3 Case management and case progression is everyone's business. Professionals have a particular responsibility to be aware of the impact of a set of family court proceedings on family members, especially on children, and not to extend proceedings without good cause. Court cases can lead to an escalation of tension between parties and can cause great anxiety to individuals, especially as the outcome is out of their control. It is important at all times to check out with parties what the court case itself is doing to them and to aim in case progression to minimise risk from the proceedings themselves. Unless there is a genuine reason to put an issue before the court, professionals should take responsibility between themselves to resolve issues, for example by drafting Case Management Orders rather than always asking the court to sort it out for them, which inevitably means time will be lost. Another example is to ensure prior liaison (before a care application), to ensure an application is only marked as urgent if it really is – at present, over 50% of applications are marked urgent which leads to ineffective first hearings as there is insufficient time to carry out the work needed by court-based agencies.
- 3.4 Case progression means exercising case management grip, whatever the professional's role in the case, in some of the following ways:
- Ensure all deadlines and filing dates are met, or seek an extension from the court if delay is unavoidable.
  - Suggest earlier hearings where a need is identified, such as a consent order and to ensure ineffective hearings do not go ahead.
  - Being proactive if waiting for someone else to complete their input. Use flags to ensure progress chasing is frequent, proportionate to the issues in the case.
  - Realise the consequences of requests for more information, experts or more reports. Such requests should only be made if the case cannot otherwise move forward.
  - Communicate actively about any significant change in circumstances affecting the potential outcome of the case and seek a revision to the case management timetable if required
  - Support the judiciary in their case management role by complying with all court requests and directions fully and on time and supporting effective listing and gatekeeping practices.

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## Thresholds

3.5 Analysing whether thresholds have been met lie at the heart of good case management and case progression. The judiciary are clear that their role is to determine threshold, ours is to provide them with a threshold analysis. The key thresholds for Cafcass to analyse are as follows:

- The threshold for removal from home in a public law case;
- The threshold for contact with birth parents being safe for the child in a permanence placement in a public law case;
- The threshold for a safeguarding concern in a private law case;
- In a private law case, the threshold for recommending change in who the child lives with due to the emotional harm the child is experiencing in their current living arrangements.

## Screening

3.6 All new information coming in to Cafcass, whatever form it takes, must be evaluated within a single working day. The screening process is a discipline in which the significance of information is assessed and its degree of relevance and priority established. The journey taken by incoming documents is the start of the child's journey through Cafcass. Information must be treated with great care and processed quickly and efficiently so that the child's journey is not held up.

3.7 On the day of receipt, all public and private law applications are processed according to established procedures set out in 'swim lanes', which are standard operating procedures for both law types. Standardised systems are crucial given the high volume of cases open at any single point in time. Standardisation of processes ensures consistency and reliability. 'Workflow' is the term used to set out the FCA's end to end work on a case, including meeting filing times/deadlines and the quality assurance input to a case (see Quality Assurance and Impact Framework).

3.8 Automated scanning saves electronic documents directly into the relevant section of the case file within the Cafcass Electronic Case Management System (ECMS), with an electronic alert provided to the responsible FCA or administrator.

3.9 **Complaints** are passed to the Customer Services team. For more information about complaints and compliments, you can view our [complaints and compliments procedure](#).

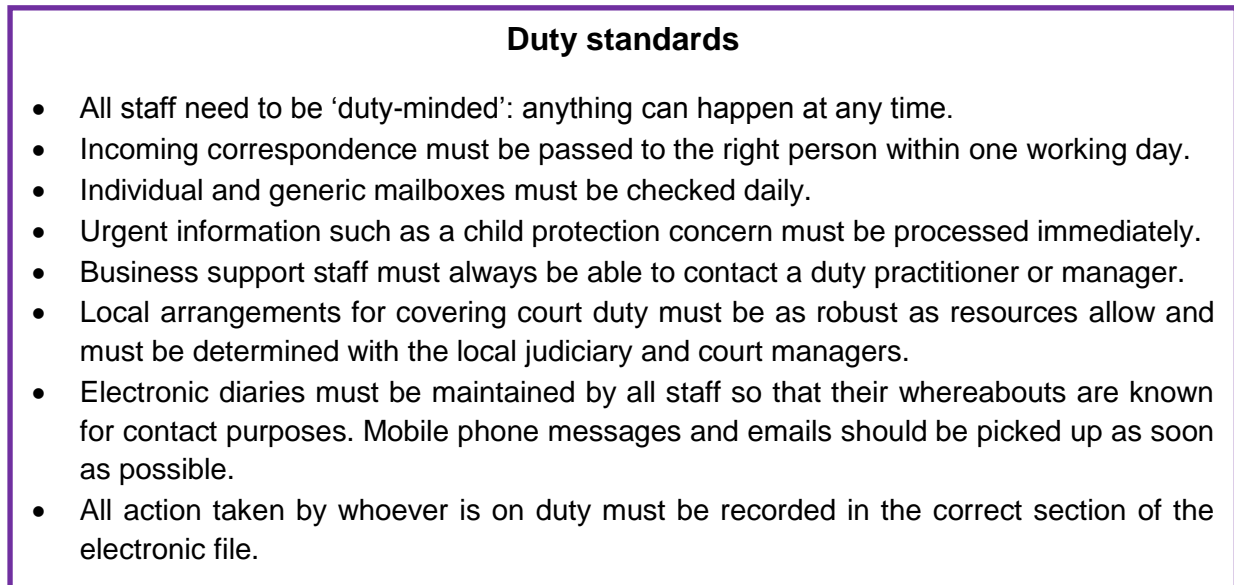
3.10 **Subject access requests (SARs)** are passed to the Customer Services team. Information on SARs is [available here](#) in the subject access request policy

3.11 **Freedom of Information (FOI) requests** are passed to the Governance team. [Click here](#) for further information on FOIs, including the policy.

3.12 **MP enquiries** are passed to the Communications team. Click here for further information on [MP enquiries](#).

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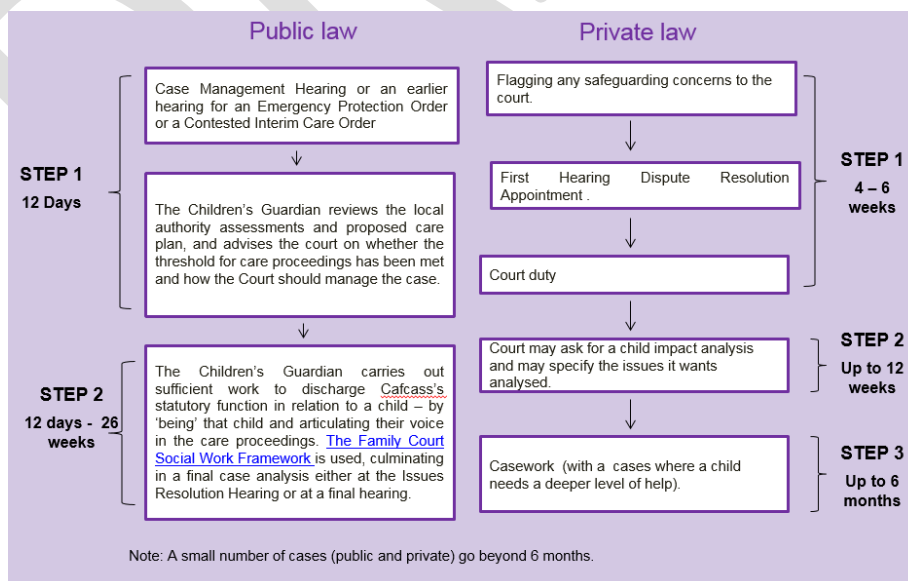
3.13 **Office/court duty:** All teams must have effective duty cover arrangements, which comply with the following standards:



### Allocation and throughput standards

- 3.14 The following allocation and throughput standards apply:
- All work is allocated as soon as possible on receipt.
  - The service level on cases takes into account the resources available.
  - We aim for FCA continuity in public law cases and in work after the first hearing in private law cases.
  - Cases are closed promptly, in line with the [case recording policy](#).

### The casework process



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- 3.15 Service managers and practice supervisors should only hold cases in the first few days after receipt, for screening and allocation purposes, or for a brief period if it becomes necessary to transfer a case from one FCA to another.
- 3.16 Our key performance indicators (KPIs), determined each year by the Secretary of State, measure the proportion of our open public law care workload allocated to an appointed Children's Guardian (KPI 1) and private law workload allocated to a Family Court Adviser (KPI 3). KPI 2 measures the timeliness of allocation to an appointed Children's Guardian for all care applications, and KPI 4 measures the proportion of private law s7 reports that meet their agreed filing times.

## Case planning

- 3.17 Case planning defines the FCA's intervention or interventions in a case. The case plan should set out an explicit list of actions, linked to timescales. Structuring social work through a case plan is a safeguard against random work. This is especially important when time is limited and when the next deadline on a case or on the next case is always imminent. Case planning is best done when the outline of a case and what is being asked of Cafcass is known.
- 3.18 As far as this is practically possible, Cafcass intervenes immediately. We aim to deal with the issues before us straightaway, with the minimum number of stages in any single intervention. The diagram below illustrates how this works in practice, across all of our functions:

### Case planning

- Case plans are needed in all cases, with two exceptions:
  - Private law cases before the first hearing. The plan for any subsequent work should be put together by the practitioner allocated after the first hearing.
  - Flexibility applies to case plan recording before the first hearing in a public law case, though there must be evidence of why certain enquiries were made, and not others
- Case planning is a way of structuring work and to determine how to allocate finite resources according to priority
- The case plan content should be shared with parties, so they know our main lines of enquiry
- 'Pause and plan' is a key requirement
- Case planning can be carried out either by the FCA once allocated, or by the SM/PS before allocation.

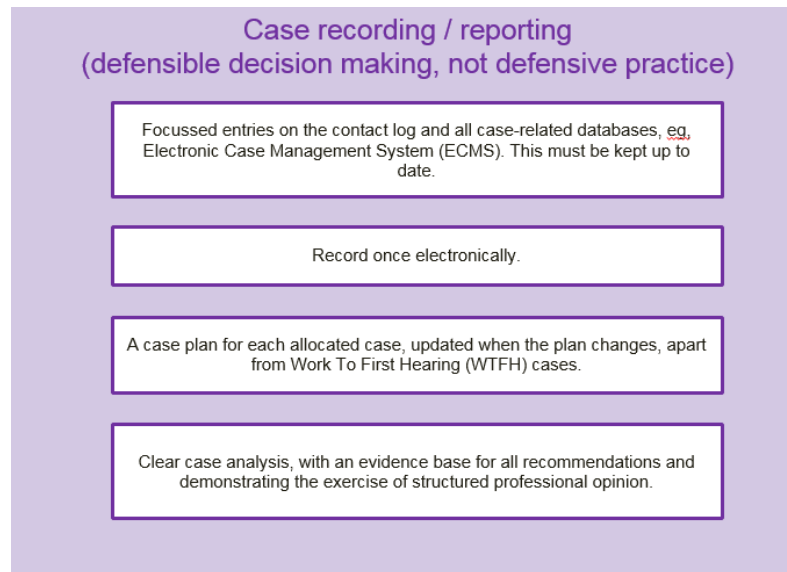
## Immediate intervention: ‘get in, get on with it, get out’

	Step 1	Step 2	Step 3	Step 4
Public and Private law casework	<ul style="list-style-type: none"> <li>Screen</li> <li>Prioritise</li> <li>Start information gathering.</li> <li>Write initial case analysis <b>(1 – 12 DAYS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Narrow the issues</li> <li>Deepen the hypothesis, refining it accordingly.</li> <li>Explore and where possible resolve issues of concern. <b>(1 – 6 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Extend Step 2 for a specific purpose/reason.</li> <li>Await crucial contributory information/assessments.</li> <li>Implement case plan</li> <li>Update case analysis if needed. <b>(6 WEEKS - 6 MONTHS)</b></li> </ul>	
Complaints	Complaint received, directly in NBC or via team	Service user contacted, case file scrutinised and FCA/SM contacted	Response sent out to service user, wherever possible prior to next court hearing (15 working days maximum)	
HR Casework	<ul style="list-style-type: none"> <li>Screen initial complaint</li> <li>Suspend or alternative</li> <li>Appoint investigator with a clear case plan</li> <li>Set hearing date within 8 weeks. <b>(48 HOURS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Carry out investigation <b>(2 – 3 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Write report</li> <li>Carry out any necessary discussion/negotiations <b>(3– 8 WEEKS)</b></li> </ul>	<ul style="list-style-type: none"> <li>Hold hearing/make decisions <b>(BY WEEK 8)</b></li> </ul>
Financial management	SA Allocation derived from weighted workload model December before new FY	HOS/AFM review before new FY commitments and agree actions to close gap	Monitor monthly exceptions against forecast including action to stay balanced	
MP letters	<ul style="list-style-type: none"> <li>Screen</li> <li>Check on ECMS</li> <li>Send holding letter</li> <li>Email staff member for a position <b>(24 hours)</b></li> </ul>	<ul style="list-style-type: none"> <li>Finalise information from local area within five working days</li> </ul>	<ul style="list-style-type: none"> <li>Draft reply</li> <li>Track changes process</li> <li>Sign off and send <b>(3 - 9 days)</b></li> </ul>	

## Case recording and reporting

- 3.19 The [case recording and retention policy](#) sets out how, when and where to record, as well as Cafcass policy on the retention and destruction of records. The case record, though recorded proportionately, must contain an adequate audit trail of work done, including notes of interviews and the inclusion of other relevant information. This is so that we always meet sound professional standards – ‘if it is not written down, it never happened’, or rather, you cannot evidence that it happened if you are challenged.
- 3.20 All recording should be committed to the file on the basis it will be read, most importantly by the child in later life should she or he wish to understand what we did in their family court case.
- 3.21 Electronic templates support all aspects of our work, in order to improve and standardise the structure of reports and to meet recording requirements. The templates have been set up to be pre-populated with data from ECMS to save time and to improve the accuracy of records.

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### Analytical writing in a case analysis

3.22 Analytical writing using plain English is the [Cafcass house style](#). Writing in this way improves the value of the report to the court because we go into more depth about the child's situation, what it means and what we think should happen next. The court can obtain information about known or disputed facts and the adult perspectives from the court application and response, submissions, Scott schedules and other documents. Our value, which cannot be obtained in other ways, is an in-depth analysis of the child. Analytical writing can strengthen other important aspects of evidence, such as diversity, by drawing out the evidence base about case factors and child factors unique to the child. Analytical writing supports defensible decision-making.

3.23 Key points:

- Set out the issues in the case and their relationship to the application. In nearly all cases, there is not one single static factor but a combination of several static and dynamic factors, so the issues are nearly always about whether damaging factors for children can be mitigated. A root-cause analysis helps to identify the underlying problem, not just the symptoms of that problem.
- When putting an evidence-based analysis together, always start with the most important point rather than using a chronological or narrative style. Complete your analysis with the remainder of your hard evidence before moving on to your structured professional assessment
- Avoid 'anchoring' or 'focalism' which is a cognitive bias that describes the common human tendency to rely too heavily on the first piece of information offered when making decisions. During decision making, anchoring occurs when individuals use an initial piece of information to make subsequent judgments rather than remaining open to new information or a changed hypothesis.
- The impact on the child must be at the heart of the case analysis, whether it is a public or private law case. Start your report with the child and report the situation through the child's eyes and perspective.
- Always form and give a structured professional assessment. A balancing exercise is often necessary, as the evidence rarely points solely in one direction. Such a 'balance sheet' approach is in line with the latest case law ([Re B-S \[2013\] EWCA Civ 1146](#)). The B-S case requires us to assess each realistic care

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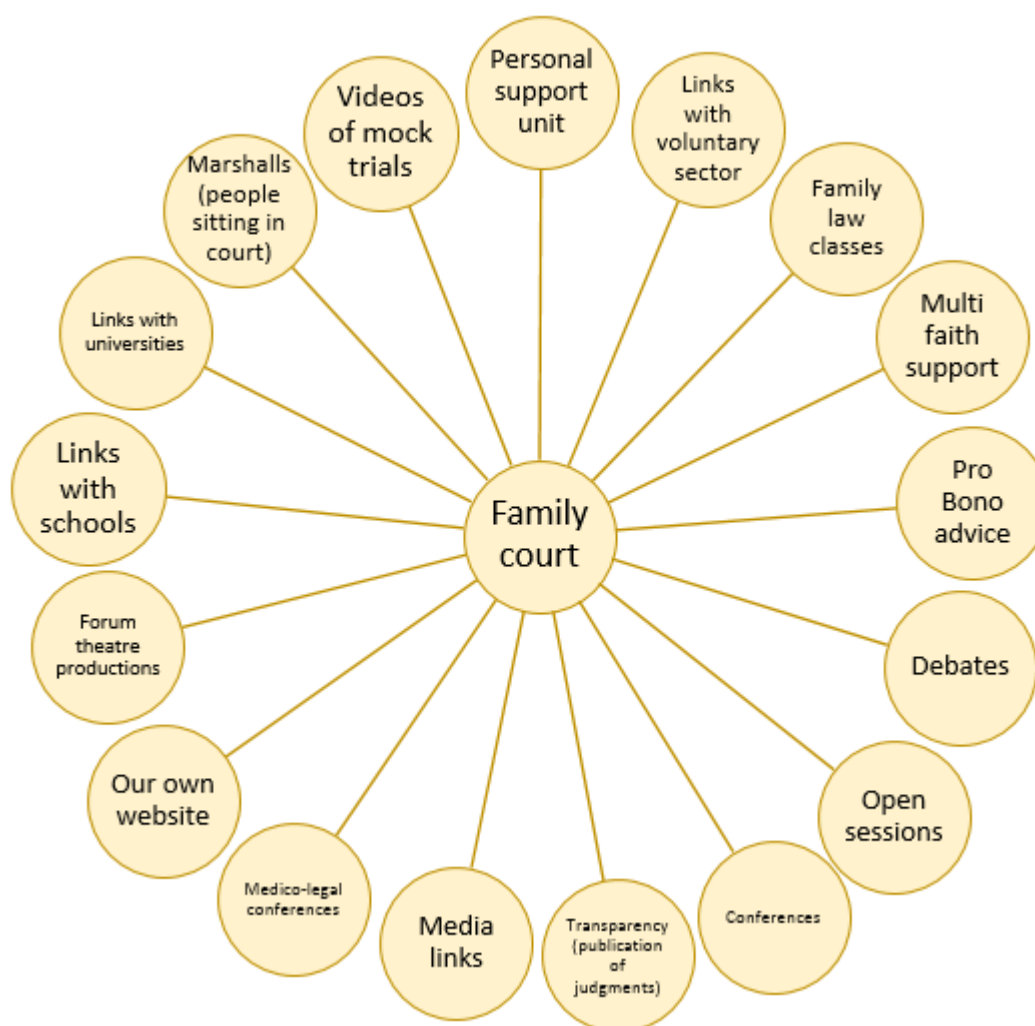
planning option for a child in care proceedings but a balancing exercise is invariably needed in a private law case too.

- Recommendations should be clear and flow naturally from the body of the case analysis
- Each report should consider and apply the relevant welfare checklist. Individual elements of the checklist must be covered when they are significant in the case.
- The analysis should ensure the child's needs, wishes and feelings are understood and that the impact on them of their situation "leaps off the page".
- There can be no page limit for a professional report, but a good analysis is always concise, with short well-planned sentences and it should be easy to read and follow. Writing too much is generally a matter of not feeling confident enough to write concisely, or there may be a fear of cross-examination or of being ridiculed for not writing at length. None of this should prevent us from producing a short expert-level written analysis.
- Consider [dictating the analysis](#) and uploading this into the relevant report template – the oral summary may be sharper than the written one
- Position statements can be used in defined circumstances with the agreement of the court and in line with the 2017 guidance between the Chief Executives of Cafcass and Cafcass Cymru, which is supported and approved by the President of the Family Division and implemented by local managers.

3.24 FCAs frequently give evidence in court to substantiate their recommendations. FCAs should attend court either to give evidence, when their evidence is pivotal to decision-making, or to hear evidence that is essential for them to hear if they are to be able to implement their case plan and to make effective recommendations to courts.

3.25 Cafcass has developed an interactive game called *My Courtroom*, which helps participants to visualise what will happen in court in a family court case. The first version supports training for professionals. A second version to support service users is being developed.

3.26 Family courts today are thinking about their role and work with families and in their local communities. The below diagram was developed by HHJ Stephen Wildblood, Designated Family Judge, Avon, North Somerset and Gloucestershire.



3.27 The following key points should be borne in mind when working in court:

- Court-based social work is a crucial skillset, including negotiation with parties about what is needed and gaining all parties' confidence in the FCA's proposals.
- Dispute resolution or conflict mediation is a core skill to use in work with families and with professional colleagues throughout the life of a case. We aim to interrupt a cycle of neglect, abuse, violence, hostility, etc. and to support rational child-focussed attitudes and strategies.
- Most parties to a case – or at least their advisers – should be aiming to work collaboratively and to narrow the disputed issues in line with the court rules, their professional codes of practice and judicial expectation. We should challenge the raising of insignificant issues or 'red herrings' by any party, which distract from the issues facing the child.
- Whilst some proceedings become adversarial or confrontational because of the personalities involved or because the stakes are so high, we should not work defensively through apprehension about being cross-examined.
- FCAs should be familiar not only with the content of their written reports, but also with the sources they draw from, including the evidence that might have been sourced by colleagues (such as duty officers).

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- It is vital to do sufficient work on each case to be able to justify our conclusions and recommendations. This must include our own evaluation of the evidence (primary evidence), as well as analysing the work of others (secondary evidence)
- We should advise courts about case management such as focussing on the effect of any direction sought in the case, and bringing to the court's attention the effect of delay at all points in the proceedings.

### **Fact finding in family court cases**

- FCAs should advise a fact finding hearing is needed only if the future arrangements for the child depend upon the truth of a specific allegation or counter-allegation being determined or 'found' judicially.
- Otherwise, like drug or alcohol testing, even finding a 'fact' or 'facts' may not be determinative in the case.
- As a rule, FCAs should not sit through fact finding hearings unless their analysis of what the child needs hinges upon hearing some or all of the evidence.
- The impact on the child of a fact finding process should be taken into account.

See the [full guidance on fact finding hearings](#) for more information.

### **Case transfer process**

3.28 The overriding principle in any case transfer within Cafcass should be what is in the best interests of the child. This should inform discussions and decision-making about the transfer of a case, with a view to avoiding delay in proceedings. To support this process the following guidance applies:

In private law:

3.29 All cases will be transferred from CIT to the EIT responsible for the court issuing the C100 (the areas where the issuing court is located) who will then complete the WTFH. No case will be transferred prior to the first hearing.

3.30 When work is generated for Cafcass after the first hearing, the area where the child lives will be responsible for completing the work. The transfer at this stage will be conducted by the EIT manager or relevant Service Manager or Practice Supervisor within two working days. In situations where this may put either one of the parties or the child at increased risk the transfer of cases to a relevant service area will be conducted between the relevant service managers for further intervention teams.

3.31 Where service managers are unable to agree transfers, the issue should be referred to the relevant Assistant Director/Head of Practice but such disagreements should only arise in exceptional circumstances.

In public law:

3.32 Agreement to a change of children's guardian should be sought from the court hearing the case, should that become necessary.

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## Section 4: Public law cases

### **Our vision of outstanding practice:**

In public law, the guardian has to start with the child and stay with the child, throughout the life of the court case. We should ensure the child will receive the future care, help and support they need in order to recover from any adverse childhood experiences.

We should be aware of competing timescales and how these work best for the child – the child's timescale, the proposed carer's timescale, and the court timescale – and advocate accordingly. While it is important to case manage public law cases within 26 weeks, this should not be at the expense of the child's future welfare.

Our work with local authorities should be based upon respectful challenge when we assess an assessment, care plan or both is flawed. Respectful challenge creates an atmosphere in which change becomes easier to agree. This must never lead to our independence being compromised or a perception of collusion.

Cafcass has an agreement with the President of the Family Division, designed to support case management in public law. This national agreement is supplemented by a series of local agreements, led by operational managers, with additional guidance available to staff.

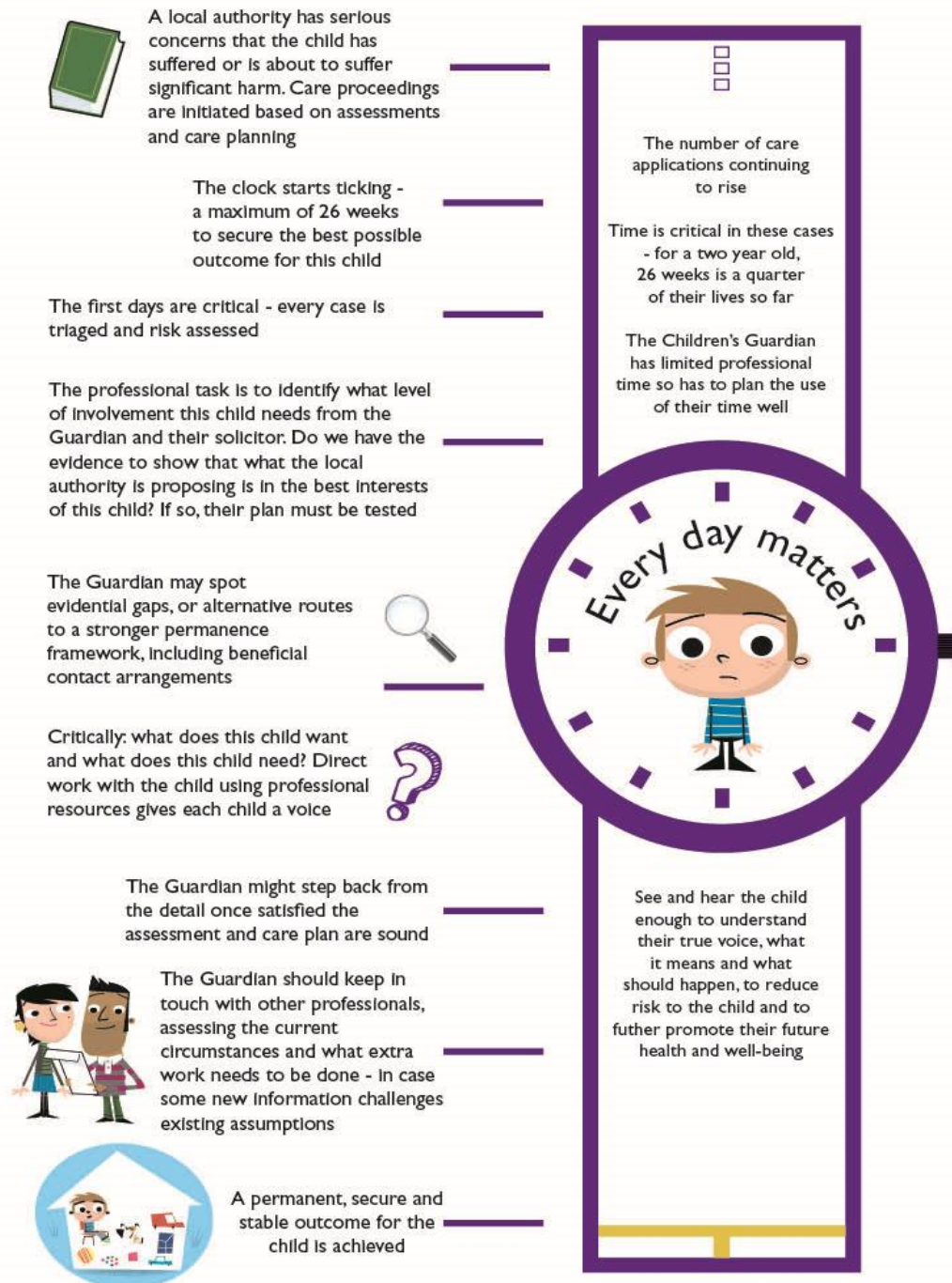
Judge De Haas, the Designated Family Judge for Cheshire and Merseyside, has set out the court's view of [robust case management](#), which we can use to support us meeting the 'outstanding' standard for our contribution to good case management.

### **Expectations of the Children's Guardian**

- 4.1 The Children and Families Act 2014 introduced a 26 week time limit for care and supervision proceedings. A revised [Public Law Outline](#) (PLO) was introduced to support this. It means that all family justice professionals should apply a culture of urgency to the child's situation. Children's guardians should frontload their work as much as possible, especially so the court has a clear indication of the guardian's position by the Case Management Hearing. Including what else is needed to complete the case within 26 weeks – if it can be. Guardian practice should always be proportionate, analytical and child focussed.
- 4.2 The guardian and the child's solicitor are statutory roles. To have a knowledgeable, sensitive and passionate guardian and solicitor is every child's right. Each child is unique and the solutions the guardian proposes should be right for that child. The role should be discharged through problem solving strategies and interactions. The guardian should demonstrate conviction leadership in the case, to the child, the family and to other professionals. This helps to achieve consistency with the relevant Knowledge and Skills Statements and HCPC proficiency standards for social workers.
- 4.3 Guardians are expert social workers in the family court and should be knowledgeable about the issues facing children and families on the edge of care. Their expert view must always be evidence based, which includes their structured professional assessment.

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4.4 Guardians are likely to have less time on cases, as demand continues to increase relative to the resources available. Cafcass as a corporate organisation – meaning the Chief Executive, National Service Director, and operational managers – recognise the risks this brings and will share this risk with FCAs, in situational supervision and in PLRs, so as not to leave any of practitioners unfairly exposed.



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## At the start of the case

- 4.5 The Practice Supervisor or Service Manager will contact the FCA and either give them a brief synopsis of the case or will put a summary on the contact log. The FCA should appoint the most suitable solicitor for the child as soon as possible. The children's guardian has to work out the quickest way to get up to speed in the case.
- 4.6 Where appropriate, and according to the child's age, stage of development and situation, the guardian may choose to share an introductory, explanatory letter with the child. Here is an example:

This letter is for, [REDACTED] to explain what being a Guardian means. My name is [REDACTED]. I am a Children's Guardian.

Sometimes families get into difficulties, and the social worker goes to the family court to ask a judge or magistrate for help for the family. When that happens, the family court will appoint someone called a Guardian for the children in the family. I have been asked by the court to be the Guardian for you. I will help you understand about the family court.

It is my job to help the court to understand what has happened, so I will talk to the people who know you. These will be people like your family, your teacher, and your social worker. I will make sure the judge or magistrate knows what you want to happen in your family. At the end I will go to court to talk to the judge about what seems to be best for you. Your parents and your social worker will also be telling the judge what they think should happen.

Everyone who has something to say in court can have a solicitor, who is someone who knows all about the law. I have found a solicitor for you, they are called [REDACTED]. You will not be asked to come to court. The solicitor will speak in court on your behalf and will make sure that the judge or magistrate listen to what people think is best for you. Your solicitor will want to come and meet with you. You can tell him or her anything you think is important. You can ask any questions you want.

I will write a report for the judge. I will write about everything that has happened, what you want to happen and what everyone thinks is best for you. I will talk to you about what is written in my report. If there is something that you want to talk to me about please ask your foster carer or social worker to contact me, and I will come and visit you.

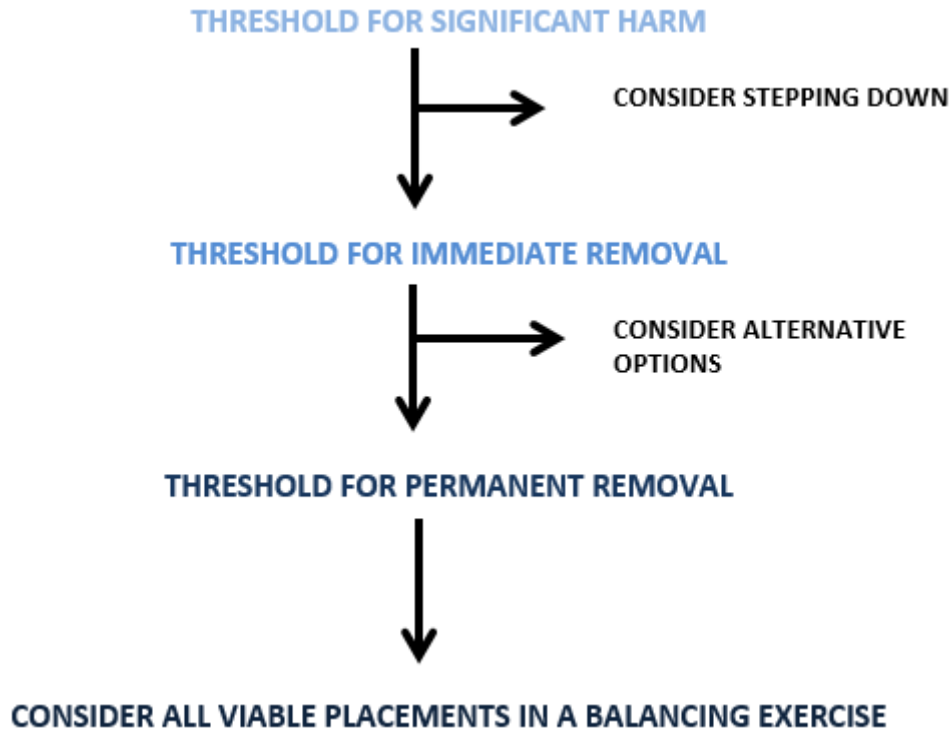
When the judge or magistrate has decided what will happen, I will come and explain the decisions to you and will also make sure that those looking after you know what decisions have been made. I only work with children that are having decisions made about them in court, so after this has happened it will not be me that you stay in touch with

If you have any questions for me now, you can ask your [REDACTED] to call me.

My telephone number is: [REDACTED]

## Thresholds

4.7 The three key thresholds for a children’s guardian in a public law case to analyse are:



## Case typologies

4.8 Early case planning should be used to differentiate between well-managed local authority cases and those with significant gaps. There are three types of case to plan for:



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## Prior to the Case Management Hearing (CMH)

4.9 Cafcass has a national agreement with the President of the Family Division that, in most cases, the guardian will produce one case analysis - for either the CMH, the IRH or the final hearing - depending on the circumstances of each case. At other times, the child's solicitor will file a position statement when needed. This is to support local agreements between Cafcass and the judiciary, led by operational managers, which take into account the situation and preferences of local courts. Staff receive advice and guidance locally on how to put this agreement into practice.

### Analysing the local authority case

- 4.10 Carry out a gap analysis of the local authority case at the outset. Do not assume there is or will be a gap, but if there is, negotiate the extra work needed with the local authority or seek a court direction to get it done. Relations with local authorities should at all times be cordial and constructive, but never cosy or collusive.
- 4.11 The guardian should make an early call to the child's social worker and IRO, in order to share information, evidence and perspectives.
- 4.12 The guardian should analyse the local authority assessment and care plan as set out in the Social Work Evidence Template (SWET). The guardian should be familiar with each section of the SWET.

#### Three types of public law case

**First type of case:** Applications where the local authority has carried out and coordinated sufficient assessments and where the outline care plans are sound. In this group of cases, the guardian should carry out sufficient enquiries to be able to provide the required independent evaluation of the local authority case to the court. The court may also need our assistance much less in certain types of case such as straightforward discharges from care, which may be subject to a local accelerated procedure. In this type of case, parental responsibility will be exercised well by the local authority and potentially by the family.

**Second type of case:** Applications where the local authority work is good, yet more work is needed, perhaps because of a difficulty engaging with the family or because a specific expert report is not yet available. A case analysis can be written along these lines, ready to be updated if all goes to plan. Parental responsibility for the child is likely to be exercised well in this type of case, by the local authority and potentially by the family.

**Third type of case:** The third group of cases is those where the guardian needs to be intensively involved on behalf of the child because the assessments, care plans, or both, have glaringly obvious flaws. In this type of case, the exercise of parental responsibility may also be poor, requiring more input by the guardian to work on behalf of the child to secure a good enough assessment and the best possible care plan.

- 4.13 The guardian should check that any viability assessments have been undertaken or are planned in line with the joint ADCS and Cafcass guidance within the SWET. The care plan should show how the child will be supported to recover from any trauma experienced as a result of abuse, neglect or exploitation.

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## **Threshold and parenting capability in the future**

- 4.14 The guardian must critique the local authority's threshold analysis, namely the level of harm (if proven) and what should be done about it, especially if the proposal is to remove the child from their family on a short-term or on a permanent basis. This is the first key threshold (see above).
- 4.15 The guardian's analysis should include a root cause analysis of any significant harm a child has experienced or is likely to face; whether any parenting capacity or capability gap can be bridged or not; and what actions the local authority has taken to reduce risk and to step down their level of concern where possible. The risks the child faces and the strengths in the family system should always be set out and analysed and given equal weight; there should be no negative presumptions about parenting capability. Equally, guardians should guard against the 'rule of optimism' by ensuring at all times they remain child-focussed. Analysis of the static and dynamic risk factors are relevant when assessing capacity to change, though caution about a deterministic approach should be exercised as the shelf life of an assessment about an individual is time-limited – circumstances can and do change, which is why the child's timescale is so important. The parent or parents may have changed but it may be too late to resume the care of the child, either because the child is settled and attached elsewhere or because the child's needs are of such magnitude, specialist carers outside the family are needed. Include the views of the parents where possible. Always consider whether the parents see the child as a separate person with needs of their own, and show an understanding about how those needs can be met.
- 4.16 The guardian should carry out their own child impact analysis as well as reviewing the local authority analysis.

## **Prior to the issues resolution hearing, settlement conference/IRH, or final hearing**

- 4.17 Re-visit the points above in the completion of the definitive case analysis. Legislation and case law require the local authority to consider in care proceedings whether a looked after child can live at home, in kinship care or whether they should be placed outside the family network on a permanent basis. The guardian should evaluate the local authority's evaluation of the welfare alternatives. The care plan presented to court should be the preferred local authority option after all realistic options have been considered. It should focus mostly on placement and contact with the importance of contact issues not being minimised or subject to any bargaining – the child's needs and emotions about the level and type of contact built into the permanence framework are the starting point. The care plan should be 'sufficiently firm and particularised for all concerned to have a reasonably clear picture of the likely way ahead for the child for the foreseeable future' (Per Nichols LJ in re: S, re W (2002) UKHL).

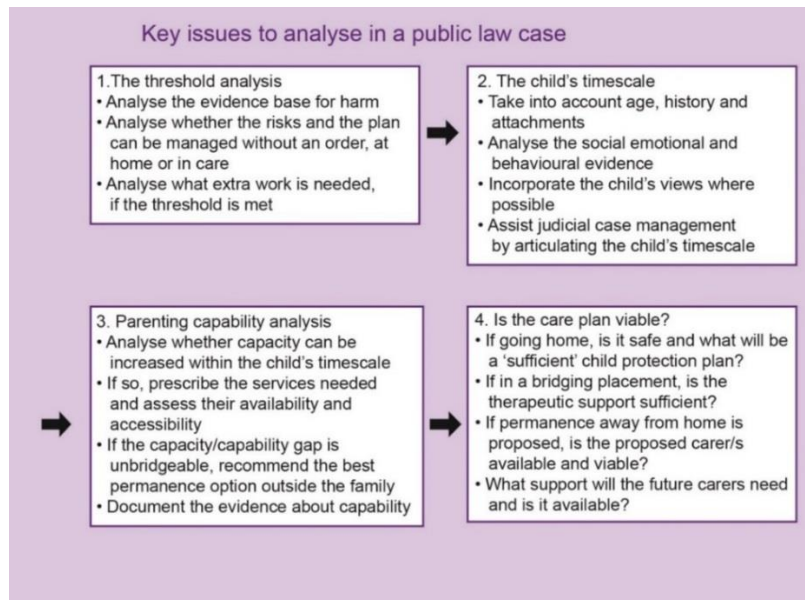
## **Contact**

- 4.18 Once proceedings conclude, who the child spends time with and the quantum of contact will usually be a decision for the local authority within the child care reviewing framework, so extensive arguments about contact during proceedings should be avoided, instead concentrating on the contact framework that will best support the preferred permanence option. This should include an examination of any proposal for indirect contact as well as direct contact, as indirect contact is experienced differently by different children. It can also have a profound impact.

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## Social work oversight after the court case

4.19 Specific recommendations about their future focus should be made for the child's social worker and the Independent Reviewing Officer (IRO), especially if permanence for the child is not resolved within the 26 week limit and if the local authority seek a care order with an assumption they will return to court at a later date for a SGO or placement order.



## Priorities during times of high demand

4.20 Difficult choices have to be made when operating under time pressure due to rising workloads. Cafcass is committed to keeping FCA workloads at a manageable level, and will continue to use the workload weighting system as the evidence base for this. FCAs will determine the work to be carried out on a case. It is important to avoid a degradation of the guardian role, where the guardian's input to the case is too little or too late to be of value. To avoid this risk, this priority system should be used, even though this means the guardian role is at times more of a quality assurance role and a second social work opinion and not the full traditional guardian role in every single case. This reflects the reality of the situation we can be in, in some parts of the country, during times of peak demand.

- Guardians may only produce one case analysis, as set out in the agreement with the President. The needs of the child's timescale and preferences in the local court will determine how this is implemented in each case.
- Guardians will only attend court to give or hear crucial evidence. Courts have agreed to enable this. The child's solicitor will attend on other occasions throughout the case.
- Guardians will prioritise cases where fundamental change and improvement for the child is needed. The criteria for a deeper involvement will be the extra value we can add for the child.

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- However, cases where all professionals agree on a particular course of action will be rigorously analysed, to reduce the risk of confirmation bias.

### **Case management in public law**

- The guardian should not attend advocates meetings – these are housekeeping meetings for advocates only. Advocates meetings are usually held via a conference call. The guardian should provide instructions to the solicitor beforehand, unless the children are directly instructing their solicitor and the guardian is representing themselves.
- Use of the non-standard track should be recommended when it is right for the child but only where there is a ‘specific justification’.
- The guardian should be aware of competing timescales and how these work best for the child – the child’s timescale, the proposed primary carer’s timescale and the court timescale. They should advocate accordingly.
- The guardian should only recommend the appointment of an expert where this is necessary for the completion of the case.
- The guardian must self-regulate a case file and keep it up to date with high quality proportionate, analytical recording.

#### 4.21 Guardian practice

- Make sure that if the child needs immediate protection, the local authority has put this in place. The window for safeguarding may only be a matter of hours.
- Work actively with the child’s ‘significant others’ who know the child well and can be relied upon such as safe carers (family, foster carers) or professionals in regular contact with the child, to build up a working knowledge of the child before the case management hearing or the first contested hearing, as far as possible.
- The local authority’s Social Work Evidence Statement (SWET) will normally contain an ecomap, listing risky and protective contacts for the child. The guardian should ensure the child has sufficient protective contacts to keep them safe. Listing reliable protective contacts in your case analysis can keep the focus on this.
- Establish instant rapport with parties and professionals to maximise the potential for positive impact and added value.
- Meet the parents, foster carers and the child’s social worker – use observations where necessary to gain a critical insight
- Contact and discuss the case with the child’s Independent Reviewing Officer
- Whilst s42 of the Children Act allows Cafcass to look at all local authority material on the child, requests should always be proportionate to the main lines of enquiry. Extra information should be sought if there is a glaring omission from the local authority bundle; work with the grain of public policy, which stipulates that cases will be heard using a small amount of high quality paperwork.
- Analyse and challenge the local authority assessment and care plan, improving them where possible. Be professionally curious in considering whether alternative competing explanations have been adequately explored. Apply proof of concept principles to the hypothesis about what is needed, testing assumptions until they are safe and secure assumptions which can be put before the court.
- Allow for positive uses of s20, but not where it leads to delay and planning blight. The [ADCS/Cafcass guidance](#) is a useful framework for reference.
- Ensure the local authority has explored all viable permanent carers, whatever their legal status, so that the child has the best possible restorative parenting experience.

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This may mean scrutinising and challenging assumptions about relatives being part of a toxic birth family network when there is evidence that the carers in question can resist any toxic influence. Given the overall shortage of permanence options in practice on the ground, it is important to keep all options for the child open, at least for a viability analysis, unless any superficially plausible options can be eliminated on the basis of clear evidence.

- Critical challenge should be applied irrespective of the local authority’s most recent Ofsted grading. Poor practice can be found in the best organisation just as outstanding practice can be found in the worst.
- Never sit on the fence – always come to a view and express this as soon as possible once confident.
- Ensure that where a child needs to recover from trauma abuse or neglect, that the parenting proposed is reparative or restorative and that it creates and maintains a healing environment for the child for as long as that will be needed.
- Children who have been hurt by a parent or carer may already be managing a long-term emotional and psychological condition. Their care plan needs to ensure sufficient support is built in.
- Support improved relationships and stronger relational capability in the child’s network such as between parents, between parents and their child, and between parents and the local authority
- Think of recommendations being children’s recommendations to those in power – their parents, the local authority. Such recommendations can also set out specific changes that will benefit the child such as how the behaviour of a particular parent should change to help the child. This could be that a parent with a drink problem does not drink in the 24 hours before a contact session, or that the child’s current carer teaches the birth parent to understand the specific care needs of the child during a contact session.
- Agree with the social worker and the Independent Reviewing Officer the future social work oversight needed for a child after the court case ends especially if permanence for the child is not yet resolved.
- Contribute to post-case reviews and any other learning exercises about case performance and feedback mechanisms in operation locally.

### How a guardian can add most value for the child in a public law case?

Type of change (examples)	How can the guardian ‘act on the system’ to deliver that change? (examples)
<b>1. Stronger attachments</b>	By identifying the carers who can develop a lasting, strengthening attachment, or the care plan that will facilitate this.
<b>2. Less exposure to risk and harm</b>	By recommending how best to remove threats, fear or potential risk from the child’s life.
<b>3. Stability</b>	By understanding the type of stability the child needs and ensuring this is at the heart of the care plan, such as helping the child through their current transition.
<b>4. Emotional and psychological wellbeing</b>	By being emotionally aware and intelligent and by recommending a care plan for the child which safeguards and promotes their emotional and psychological wellbeing over time
<b>5. More opportunities/life changes</b>	Accessing an important resource or resources for the child or the child’s permanent carers

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<b>6. Reducing delay</b>	Forging a 'straight line through complexity' and taking active steps to remove one or more delaying factors in the court case or the care plan – 'justice delayed is justice denied'
<b>7 Helping children in a way they will remember positively (where applicable)</b>	Active listening, connecting with and supporting the child

4.22 The guardian is a statutory independent social work role:

- The guardian is independent of all other parties in a case and should produce an independent social work analysis of what the child needs
- Independence is not an end in itself. The guardian should still work in partnership with others in the case, whilst maintaining a respectful 'statutory distance'.
- It is essential to work closely with others as professional equals whilst remaining independent – many statutory roles for vulnerable children and adults require this. If the guardian is to be effective, it will invariably be through positive liaison.
- Independence for a children's guardian means being able to stand alone if need be, arguing a different care plan for the child, using an evidence base that withstands scrutiny, challenge and which is defensible. The role of the guardian is to ask difficult questions and to make vital challenges on behalf of the child.
- The guardian should check that her or his position in the case is not susceptible to confirmation bias or rubber stamping. If the guardian agrees with the majority or someone else's position, it will be as a result of sufficient independent analysis to justify that support.

4.23 Essential knowledge needed for the guardian role is as follows:

- Understanding the interface between the family justice system and other relevant systems like the criminal justice system and the immigration system, including how international cases have to be worked in line with caselaw and regulations.
- Understanding the family justice system and how children's social care works locally.
- Being up to date with legislation, regulations, case law, research and practice, as it applies to each child and each case.
- Whatever the models used by the local authority for assessment and help, having an up to date working knowledge of the main family interventions in use by local authorities such as Signs of Safety, systemic family work, programmes to disrupt patterns of neglect arising from substance misuse
- Expertise in reviewing and analysing parenting assessments
- Expertise in trauma-informed practice
- Expertise in care planning for vulnerable children, including on attachment issues and the impact on children of various types of contact arrangement.
- Expertise in court craft, including presenting with gravitas; using the court spaces and time before and in between hearings to carry out interviews and negotiations with key people in the case; networking responsibly and not chatting gratuitously; giving evidence impressively, including being able to withstand hostile cross-examination through personal and professional resilience; being able to maintain a focus on the child and the child's needs, whatever the pressure; and to be up to date and fluent with contemporary case law such as Re: B (permanence options). Re: B (thresholds). Re; S (use of the non-standard track).

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- Expertise in permanence options. It is best to refer to the assessed needs of each individual child in a balancing exercise, than to quote research or to become involved in any local or national politics about a particular option.

### **Cafcass role pre-proceedings: policy statement**

4.24 Cafcass works with local authorities in the pre-proceedings space in a variety of ways. Managers in both agencies will frequently discuss applications in the pipeline, and how these might be best be handled, for example to avoid bunching where it is possible to schedule applications over a period of time. In some local schemes such as Cafcass Plus, FCAs work on individual cases with local authority staff, aiming to either divert the case from court if appropriate, or to narrow the issues if the case does come to court. A dispute resolution approach is often taken so that the court case, if it is required, can proceed without easily resolvable disputes about the social work evidence base. The range of pre-proceedings interventions are locally determined. Schemes like FDAC, Pause, the New Orleans Project, as well as Cafcass Plus, may be successful locally with the right regime, demography and resourcing.

<b>The pre-proceedings process in the revised PLO</b>	
Where the threshold criteria appear to be met, the following steps are to be undertaken in all cases nationally, in accordance with the Revised PLO, unless the urgency of the matter demands an immediate application to the court. The Bristol and Chester pre-proceedings protocols set a 26 week target for completion of these steps. Time runs from the date of the Legal Planning Meeting.	
<b>1. The Legal Planning Meeting ('LPM')</b>	LPMs are private meetings held by a local authority to consider cases at the pre-proceedings stage. The purpose of the LPM is to determine whether the threshold criteria <sup>1</sup> are met in principle and, if so, whether it is in the best interests of the child to provide a further period of support and assessment with the aim of either avoiding proceedings or ensuring that sufficient and relevant evidence is gathered to support an application to court, or whether proceedings should be issued immediately in order to ensure the child's welfare and safety and safeguard from immediate harm.
<b>2. The pre-proceedings letter ('PPL')</b>	Where, at an LPM, the decision is made to arrange a pre proceedings meeting the Local Authority will prepare a letter before proceedings which adopts an analytical approach to the issues that arise and pays attention to the matters that are identified in the annexed draft statement.
<b>3. The pre-proceedings meeting ('PPM')</b>	The purpose of the PPM is to enable the local authority social worker, team manager and legal representative to meet with the parents/those with parental responsibility and their legal advisers to agree next steps agreeing an assessment process and timescale, setting clear expectations and timescales for improvement, ensuring that interim protective arrangements are in place, agreeing a contingency plan for the children if appropriate, and reinforcing the steps that the local authority may take at the end of the process.

<sup>1</sup> See *Re A (A Child)* [2015] EWFC 11, *Re J (A Child)* [2015] EWCA Civ 222, and *N (Children: Adoption: Jurisdiction)* [2015] EWCA Civ 1112

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## Secure accommodation cases

- 4.25 Children's guardians have a role to play in all secure accommodation applications, both initial applications and reviews. Cafcass' secure accommodation Guidance can be found [here](#). Guardians are often called into applications at short notice and need to give a view about whether the criteria for secure accommodation is met and whether on what is known, the child's best interests (or that of the public) cannot be adequately protected in a less restrictive setting. Where the guardian has more time to consider the issues, they should analyse the role of secure accommodation in the context of the child's overall care plan.

## Emergency Protection Orders

- 4.26 Guardians should be aware of the case law related to Emergency Protection Orders (EPOs) and Police Protection Orders (PPOs), and their link to an application for an Interim Care Order. The Guardian's task is to review the immediacy of the child's need, and the threshold for removal from the family if this is being sought. Please see relevant case law for ICOs [here](#). The process for urgent ICO applications is set out [here](#).

## Special Guardianship Orders

- 4.27 The Special Guardianship Regulations (January 2016) introduced a tougher test for the assessment of Special Guardians and the matching of an approved Guardian with a specific child - who is most likely to be a relative. Whilst the 'tougher test' falls short of the detailed requirements of an adoption assessment and placement, the more stringent requirements follow a string of high profile placement breakdowns, in which some children were killed or seriously harmed shortly after being placed.
- 4.28 Guidance on special guardianship is available in a [practice note](#) issued by Cafcass and ADCS.

## Practice tips for working in a Family Drug and Alcohol Court (FDAC)

- 4.29 Family Drug and Alcohol Courts are problem solving courts operating in a number of local areas in which parents are more directly helped by the judge in the case at court to become drug or alcohol-free, so as to be able to resume parenting of their child. Children's Guardians are a crucial part of the FDAC process and should attend the first Intervention Planning Meeting (IPM) held by the FDAC team in the first two weeks of proceedings. Subsequent IPMs are discretionary, according to availability and the needs of the case, and Guardians should not attend lawyer's meetings or reviews.

## Human Rights Act cases and compensation claims

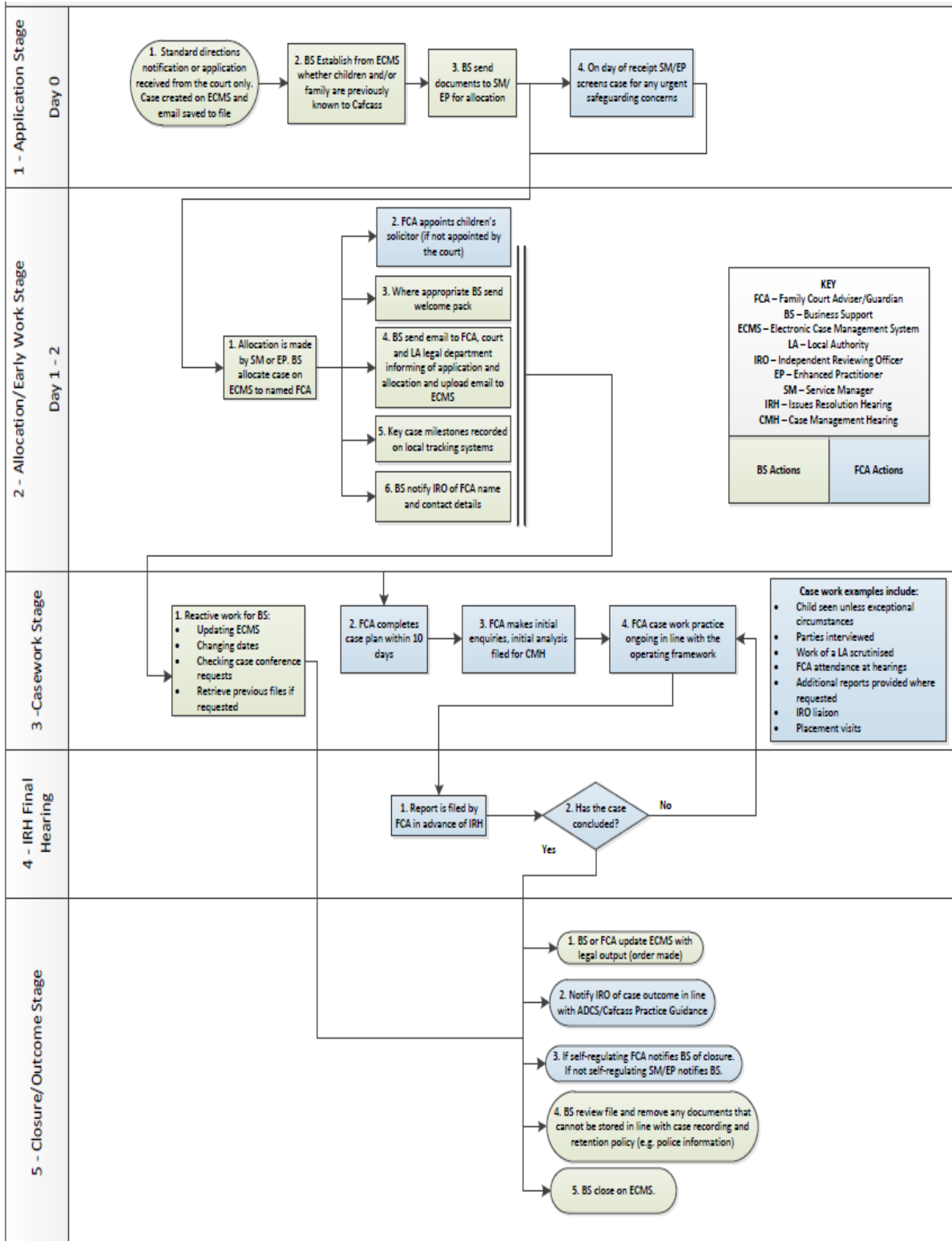
- 4.30 It is not within the FCA role to initiate a child's potential Human Rights Act claim against a local authority, by acting as a litigation friend or by 'fronting' the claim. Such claims must be referred on to the Official Solicitor. See the [Cafcass guidance](#) on compensation for complaints.

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# Public law orders

4.31 Details of all orders available in public law [can be access here](#).

## Public law process map



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# Evidence Based Timeline - Public Law

## Background Reading

The Work of Guardians [http://www.cafcass.gov.uk/media/187312/the\\_work\\_of\\_children\\_s\\_guardians\\_in\\_care\\_cases.pdf](http://www.cafcass.gov.uk/media/187312/the_work_of_children_s_guardians_in_care_cases.pdf)

Improving Care Proceedings: Can the PLO Resolve the Problem of Delay? Masson, J. (2008)

Research review. Child care proceedings under the Children's Act 1989 Brophy, J.

## Threshold Analysis

Making threshold decisions in child protection: a conceptual analysis Platt, D. & Turney, D. (2014)

Interpreting the threshold criteria under Section 31(2) of the Children Act 1989 – the House of Lords decision in Re B Cobley, C. & Lowe, N. (May 2009)

Contemporary risk assessment in safeguarding children Calder, M. C. (2008)



## Child Protection

Learning from Serious Case Reviews [http://www.trixonline.co.uk/website/news/pdf/policy\\_briefing\\_No-73.pdf](http://www.trixonline.co.uk/website/news/pdf/policy_briefing_No-73.pdf)

The Voice of the Child in the Child Protection System [http://www.ncb.org.uk/media/756988/research\\_summary\\_7.pdf](http://www.ncb.org.uk/media/756988/research_summary_7.pdf)

Munro Review of Child Protection— <https://www.gov.uk/government/collections/munro-review>



For up to date copies of all the above research and further information please contact [library@cafass.gsi.gov.uk](mailto:library@cafass.gsi.gov.uk)

## Placement and Permanence

Permanence and 'permanence': outcomes of family placements Beckett, C. et al (2014)

Health and well-being of children adopted from foster care Zill, N. (2014)

Outcomes of concurrent planning: summary of findings Coram (2013)

Predictors of psychological adjustment in early placed adopted children with lesbian, gay, and heterosexual parents Goldber, A. & Smith, JA. (2013)



## Application

### CMH

### Contact in Ongoing Care Proceedings

'Papers! Papers! Papers!': contract notes in care proceedings Collier, C. (2012)  
Interim contact during care proceedings Baynes, P (2010)

### IRH

### Fact Finding / Final Hearing

## Final Order

## Assessment and Analysis

Putting Analysis into Assessment: Undertaking assessments of need. Dalzell, R. & Sawyer, E. (2011)

Social work practice: assessment, planning, Intervention and review Exeter: Learning Matters (2010)

Assessment in Childcare: Using and developing frameworks for practice Calder, C. & Hackett, S. (2013)

Child Protection Assessment Following Serious Injuries to Infants Dale, P. et al (2005)

Framework for the Assessment of Children in Need and their Families Dept. of Health (2000)



## Neglect

Neglecting the Issue: impact, causes and responses to child neglect in the UK. Action for Children (2011)

The Munro Review of Child Protection: Final Report. A Child Centred System. DfE (2011) (link above)

Neglect Matters: A Guide for Young People About Neglect Childline (2010)

The child's world: the comprehensive guide to assessing children in need Horwath J. (2010)

## Child Impact Analysis

Child Rights Impact Assessment: A Tool to Focus on Children Uni. of Ottawa (2013)

Belonging and permanence: outcomes in long-term foster care and adoption Biehal, N. & Ellison, S (2010)

Making good assessments: a practical resource guide Beesley, P. (2010)

Assessment: changes in thinking and practice. Adcock, M. (2010)

## Care Planning

Evaluation of Permanence Options for a Child in Care Proceedings Harris (2014)

B (A Child) [2013] UKSC 33

Re B-S (Children) [2013] EWCA Civ 1146

Assessing risk of further childhood abuse Dartington Research in Practice

## Sexual Abuse

Sexual violence against children with disabilities Save the Children (2011)

A Source book on child sexual abuse, Finklehor, D. et al (1986), Theories on sexual offending - Ward, T. Polascheck, D. Beech, AR. (2006)

Sexual Abuse Assessments; Calder, CM. (2009),

Preventing Child Sexual Abuse: Evidence, Policy and Practice Smallbone, S. Marshall, W. & Wortley, R. (2008)

Research into the impact of sexual abuse on children/neglect (multiple) Bentovim, A.

**Cafcass**  
Children and Family Court Advisory and Support Service



## Section 5: Private law cases

### **Our vision of outstanding practice:**

We see the dispute through the eyes of the child, not through the respective narratives of the parents about each other. For us, it is the child's story that needs telling. We promote children being seen and heard by those with parental responsibility, so that the issues and problems leading to a court case can be turned into a new opportunity to co-parent responsibly.

We do not judge who is right or wrong after a relationship breaks down. Our role is to establish the impact of what has happened on the child or children concerned and to recommend to courts – and to the child's parents and carers – what should be done to end or lessen any harmful impact. The Operating Framework has been updated to include a specific focus on the impact on children of high conflict and parental alienation. This follows on from the launch of our Domestic Abuse Pathway late in 2016 and our current work to develop a pathway for high-conflict cases.

Our updated welcome letter, sent to parents upon receipt of the C100, help us to see the case through the eyes of the child in our work before the first hearing. Our risk screening telephone interviews with parents should develop an evidence base about child safety and impact, and we should encourage parents to co-produce that evidence base with us, assisting their emotional readiness to problem solve together. If – and only if – child safety is established in the proposals by the parties, the focus of the call should move onto dispute resolution, with the focus being the impact on the child.

In our practice after the first hearing, we promote active case management by the court, on behalf of the child. All FCAs should possess a good knowledge of the common types of family dysfunction, and how to work with children and families in these situations.

The evidence-informed practice tools we use for working with children and families should be used to tell the child's story accurately and persuasively. If the FCA decides not to act on the voice of the child, the child is entitled to an explanation of the reasons. This will usually be through a clear rationale set out in the relevant report to court, shared with the child through the family, according to the child's age and understanding.

Solutions in private law cases often require emotional regulation and emotional intelligence, leading to changes in behaviour. Sometimes there are real risks in cases and individuals need protection. But generally, we work to change the way family members think about each other, and we recognise that emotions can be powerful and dominant, such as the feeling of losing control. We work with family members, trying to achieve breakthroughs either in dispute resolution or in protection for the child.

### **Expectations of Family Court Advisers in private law cases**

- 5.1 Most separating or divorcing parents make their own arrangements for how they are to share care after they split up. Huge efforts are often put into making quite detailed agreements which stand the test of time, despite changing circumstances and even though communication is often difficult and painful. Another group of separating parents separate completely, with one of the parents either disappearing or losing touch with their child or children. When a court application is being made or contemplated, this is the way Cafcass thinks and responds.

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### **Priorities in times of high demand for private law cases**

- FCAs will attend court for First Hearing Dispute Resolution Appointments (FHDRAs) to assist the court and resolve disputes. Attendance at FHDRAs is a priority, to assist parents and courts to resolve the maximum number of cases at that early stage.
- No other hearings will be attended without instruction from the court, for the purpose of providing evidence in a case where the outcome turns on the FCA's evidence, rather than for routine cross-examination.
- If an FCA is ordered to attend a hearing routinely, the request should be raised with the local DFJ as it is outside the scope of the national guidance with the President of the Family Division. Likewise for requests for second or subsequent reports on cases.
- The report to court will include a structured professional assessment. The purpose of Cafcass' intervention is not only to resolve the dispute but to identify risk and advise on case management.
- A report or other specified service from Cafcass will only be ordered in cases with a current safeguarding concern. Cafcass can be ordered to provide the following interventions after the FHDRA:
  - A report with a focus on reducing harm to the child
  - Brief child-focussed casework, usually aimed at safe dispute resolution
  - A commissioned service to facilitate resolution or the start-up of safe contact between a parent and child

### **New ways of working in private law**

*This section concerns pilot projects currently underway within Cafcass. It does not reflect current national practice in some parts of the country, though it is a direction of travel approved by the senior judiciary.*

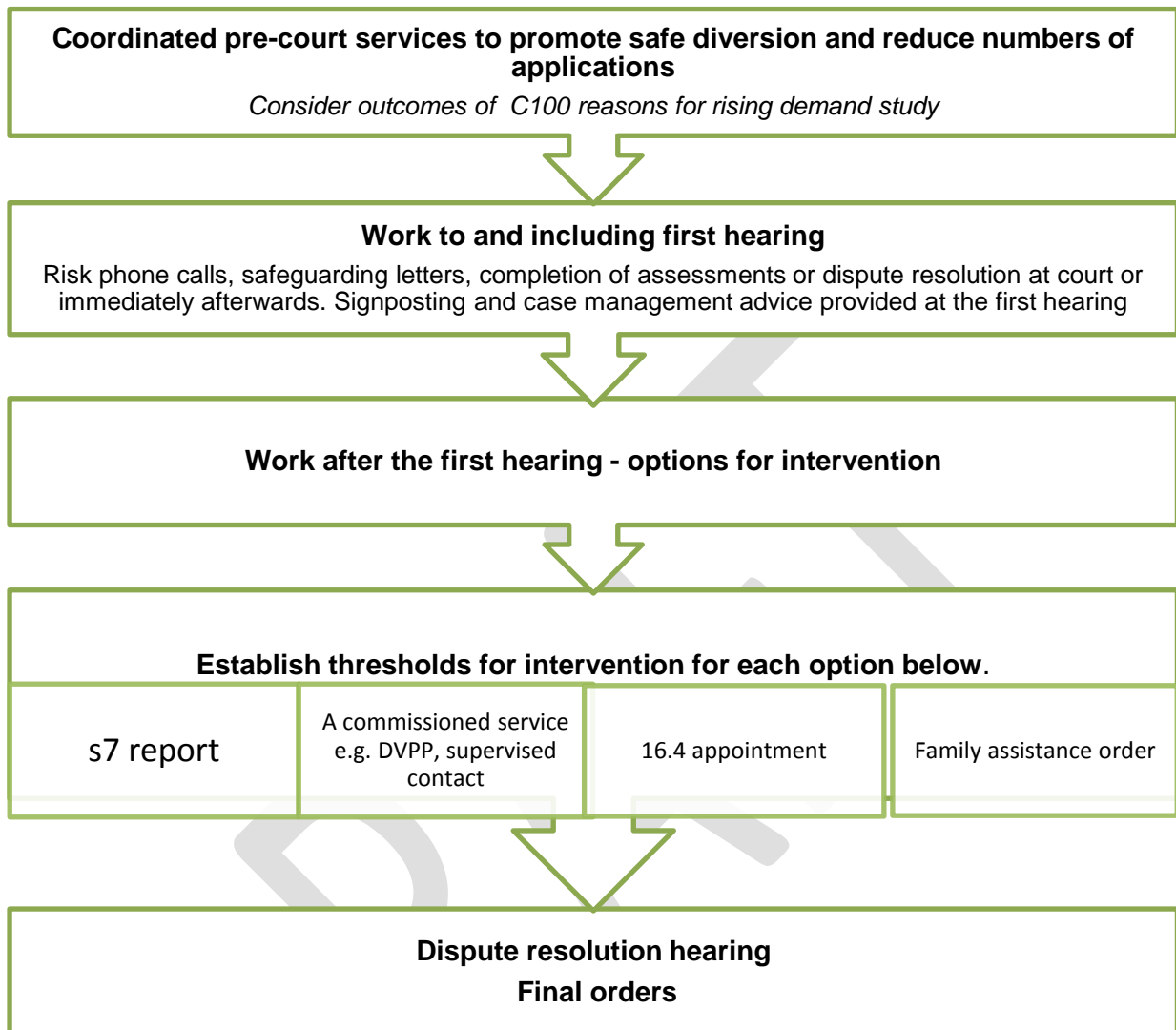
The child impact project aims to provide additional options to FCAs and the courts in cases where parents have become entrenched in their own conflict and have lost sight of the impact of this on the child. The project is being piloted in Essex, York and North Yorkshire, and North Wales, and will be evaluated at the end of 2017.

A separate working group is looking at high conflict cases, to develop a structured intervention programme for parents in high conflict changes aimed at promoting change, improving communication, and reducing emotional harm. A new reporting template would support FCAs in relevant cases. The project will be piloted towards the end of 2017, with an evaluation to follow.

We are working towards introducing a child impact framework, moving away from the 'traditional' s7 model and instead providing courts with more focussed child impact analysis reports, for cases where the key issue is safeguarding, enforcement, or high and intractable conflict.



## Sequencing of work



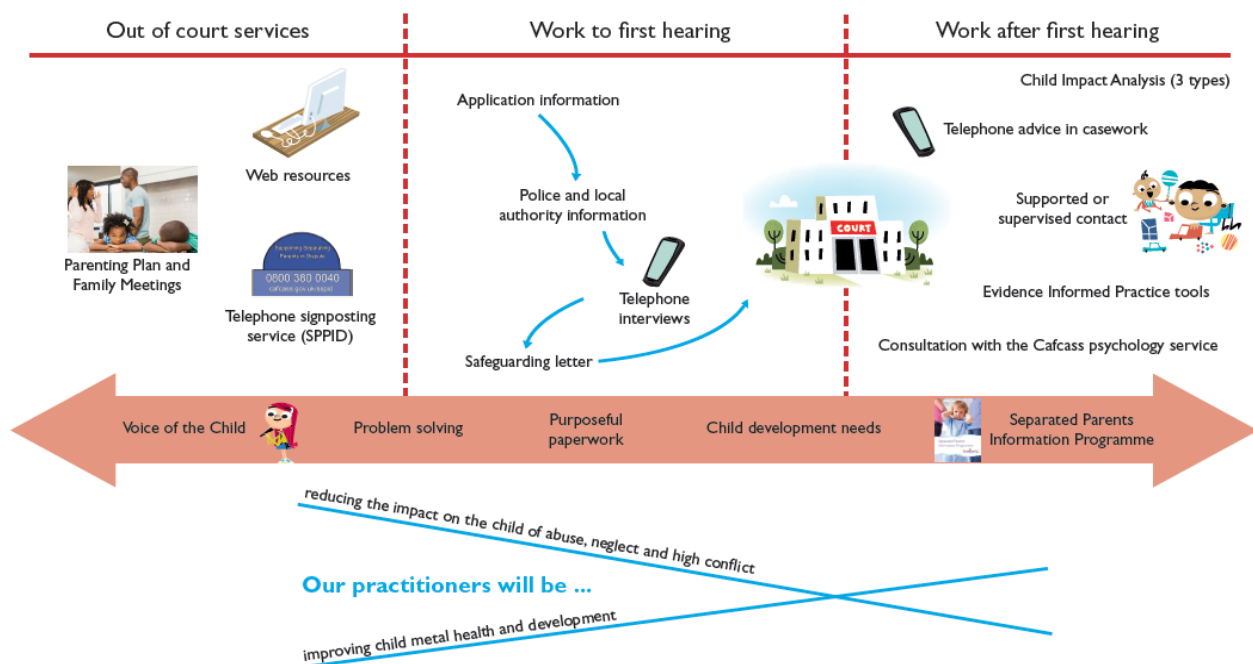
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## Work to first hearing (WTFH)

- 5.2 In accordance with the [Child Arrangements Programme \(CAP\)](#), our role before the First Hearing Dispute Resolution Appointment (FHDRA) is to identify any safeguarding or serious welfare concerns affecting a child or a vulnerable adult. The importance of safeguarding checks is now widely recognised and was built into the CAP. This is called the Work to First Hearing stage (WTFH) of the case. This stage begins with the screening of the C100 (or other) application form in the Cafcass Intake Team (CIT), based in the National Business Centre (NBC) in Coventry. After the C100 is entered onto the Cafcass Electronic Case Management System (ECMS), the local authority and police checks have been sought, and the case papers have been screened for any urgent child protection need, the file is passed to the relevant local early intervention team (EIT) in each service area – or to the EIT hub covering a wider area - to undertake phone calls to parties and then to write a safeguarding letter to the court.
- 5.3 Where C100s received by Cafcass are missing important information, it is not the responsibility of Cafcass to seek and obtain that information, beyond the request in the welcome letter which requests that the parties contact us. In cases where the missing information has prevented Cafcass from completing all WTFH tasks, the safeguarding letter should both inform the court of the missing information and report on the outcome of the work that Cafcass has been able to do.
- 5.4 Full information for practitioners is available in the [Standard Operating Principles and Standards for WTFH](#).

Working to build safe and positive relationships between the parents and the child/children after separation

While each child has individual needs where parents are in dispute after separation, there are common lines, or journeys, in our private law cases. The destination is the same: safe and healthy outcomes for children. It is the role of the Cafcass practitioner to help guide parents to this destination, using their social work skill set at specific junctions, to be the voice of the child in the family court and pointing parents to the resources they can access to focus on the needs of their child/children after separation.



NB Children's emotional and psychological wellbeing can improve quickly in the right environment.

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- 5.5 Around two-thirds of private law cases feature welfare concerns, and in the remaining cases a child may still be vulnerable following relationship breakdown. Distinguishing between these two main types of case is the basic work to first hearing professional task.
- 5.6 Local office managers, practice supervisors and service managers should make contact with their opposite numbers in Her Majesty's Courts and Tribunals Service (HMCTS), in line with the protocols and procedures in place, to ensure that the court lists cases on dates where an FCA can attend, when checks are back and when Safeguarding letters have been produced. This minimises the need to adjourn the case and reduces the risk of making an unsafe consent order. However, in order to meet deadlines, the initial risk assessment phone calls to parties will often have to be carried out before the checks are back. In these cases, court orders should be interim until the position about risk is clear.
- 5.7 Cafcass has access to the police national computer (PNC) for Level 1 checks. Enhanced Level 2 checks are requested through local police forces when the circumstances of the case warrant it. Guidance and other useful documents about carrying out checks, including the importance of checks on other individuals in the households in some cases and checks abroad, can be accessed on the intranet in the [Police Checks Handbook](#). In reporting to court, past convictions or offending behaviour should be scrutinised for relevance and reported accordingly. Information from enhanced police checks should be integrated into the FCA's own words and analysis, wherever it is relevant. The information should not be cut and pasted verbatim. Wider checks on parties, and checks on other relevant adults, will either need the consent of the individual or a direction from court.
- 5.8 The safeguarding letter plus any direct work in court carried out at the FHRA must ensure that the court is informed about any safeguarding or serious welfare concerns.
- 5.9 The telephone script for risk identification phone calls can be found by clicking [here](#).
- 5.10 Safeguarding letters must be completed using the current judicially approved framework, which is:
- A summary of Cafcass' screening actions and outcomes
  - A summary of any risk identification contacts made by Cafcass
  - Issues arising from screening or risk identification
- 5.11 Diversity, as it relates to each child will always be considered at the WTFH stage, using the relevance and vulnerability test set out in Chapter 2. An example of what can be said in a case with no apparent welfare issues is as follows:
- “Through the risk screening process and telephone calls to the adult parties, no child welfare concerns have been identified. The parties disagree about a change of schools. This is a specific issue application. Cafcass suggests they have no further role as there are no identified welfare issues and they cannot usefully assist the court further in making its decision/s”*
- 5.12 Advice to court should be made once the information received has been analysed, up to the limits of the professional judgment possible (on limited information).
- 5.13 The safeguarding letter template provides a standard form of words for letting the court know if we have given the parties a copy of the letter. Though this should be our general

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practice, letters should not be shared with other parties where to do so would put either of the parties or the child at risk. Where it is not appropriate to share the letter, the court's directions about disclosure should be sought. [Rule 12.73 of the 2010 Court Rules](#) sets out the list of those to whom information can be generally disclosed. All letters sent to solicitors should be sent in a manner that is compliant with the Cafcass [Information Assurance Policy](#).

- 5.14 Disclosure of information to outside bodies such as Multi Agency Risk Assessment Conferences (MARACs) may also need the agreement of the court, unless a child is in imminent danger when [Working Together](#) principles justify the release of relevant information. Referring a child to another agency for help requires parental consent, but is an important part of our work, so that children in private law cases and their parents receive help from appropriate local support services (UNCRC, Article 18). The court should be advised when such referrals are made. All teams should maintain an up to date local resource directory for this purpose.
- 5.15 The safeguarding letter, combined with attendance at the first hearing, completes the work to first hearing phase of private law work. Depending on the nature and level of concerns that are identified, it may be necessary to make a child protection referral to the relevant local authority, in which case the court should be informed. Further information on writing the safeguarding letter is contained within the [letter writing guidance](#).

## Work at the first court hearing

- 5.16 The court will consider:
- Risk identification followed by active case management including risk assessment and compliance with the [Practice Direction 12J: Child arrangements and contact orders: domestic violence and harm](#).
  - Whether the Applicant has complied with the requirement to attend a MIAM and, if not, whether proceedings should be adjourned to enable the Applicant to attend a MIAM, with or without the respondent.
  - Whether, and the extent to which, the parties can safely resolve some or all of the issues with the assistance of the FCA and any available mediator.
  - The avoidance of delay through the early identification of issues and timetabling, subject to the Allocation Order.
  - The appropriateness of any consent order agreed by the parties.
  - If agreement is not reached, whether it is appropriate to order a contact activity, particularly a [Separated Parent Information Programme](#) (SPIP), in cases where safe and beneficial contact is an achievable objective.
  - In cases where a Cafcass report is required the court will direct, in the order, which specific matters relating to the welfare of the child are to be addressed. General requests for a report on an application should be avoided. In many ways, this is similar to a letter of instruction.
- 5.17 This is what the FCA should do in court:
- The FCA will try to achieve a safe and positive resolution of the parental dispute for the benefit of the child.

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- Time permitting, the FCA will carry out a limited amount of ‘shuttle mediation’ between the parties
- Litigants in person will be supported as much as possible, within the confines of the FCA role and the court process (this is our role as ‘Explainer’).
- The FCA may provide information on the availability of local programmes, such as supported or supervised contact centres, to support improved outcomes for children.

## Work after the first hearing (WAFH)

- 5.18 An increasing number of private law cases have similar features to public law. The court will specify which matters relating to the welfare of the child are to be addressed within the s7 report, setting a timescale proportionate to the issues in the individual case.
- 5.19 Cafcass offers defined interventions after the first hearing - brief child-focussed casework with a s7 report; a 16.4 appointment; a family assistance order; or a specific child contact intervention normally delivered by an external provider, such as a Domestic Violence Perpetrator Programme or a number of supervised contact sessions that would normally, if they go well, lead to an increase in the time the non-resident parent spends with their child.

### **Brian Cantwell: typology of parents in conflict**

**Temporarily dysfunctional** – history of good parenting; collaboration; some awareness of impact of conflict on children; some willingness to accept help;

**Significantly conflicted** – quite volatile; history of poor communication; genuinely wish resolution but find it difficult to achieve; need tight clear contracts/written agreements;

**Stuck in conflict** – unconscious interest in keeping the conflict going; great difficulty in putting children’s needs first; usually needs firm court and social work control.

- 5.20 Any serious continuing risks to the child must be set out in the evidence base of the report, followed by the FCA’s structured professional assessment. Evidence is usually drawn from what the child says or shows: what reliable and trustworthy adults say about the child’s situation; or physical evidence such as signs of danger. In these cases, whilst it is important to be balanced and to use a signs of safety framework, the risk, threat or danger to a child must not be compromised. The recommendation to the court will usually be that which minimises future risk to the child.
- 5.21 Cafcass evidence informed practice tools should be used where appropriate. The Cafcass domestic abuse pathway should be used and followed where domestic abuse is a feature in the case, and there is also training on ‘contemporary practice in domestic abuse and assessment’. The pathway is available on the Cafcass website for wider use by professionals.
- 5.22 While some courts have expressed concern that Cafcass safeguarding policies and practice go too far, and that the threshold we use for ‘spending time with’ should be less cautious, it is important to remember that in some private law cases, children have been killed or seriously injured by an unsafe or a dangerous parent during a conflict about contact such as in filicide/suicide events, or during ‘separation rage’, an overwhelming feeling of loss of control by the potential perpetrator is a main factor in what has subsequently happened.

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### **Liz Trinder: typologies in private law**

**Conflicted.** Intense competition or chronic levels of mistrust between the parties meant they were unable to work together to implement the court order. Both parents had some responsibility for the conflict. Parents were unable to negotiate relatively insignificant changes to contact arrangements to accommodate illness, family events etc. Minor incidents became flashpoints. Everyday challenges became insurmountable problems that, given lack of trust or communication, could not be resolved without external intervention. [55% of cases in the sample].

**Risk/safety.** One or both parents raised significant adult and/or child safeguarding issues, most commonly Domestic Violence, Child physical abuse or mental health issues. The risk cases were not the only ones with safeguarding issues but they were categorised as such because it was the safety concerns that were the primary driver of the case, not parental conflict or competition. [31% of cases in the sample].

**Refusing.** An apparently appropriate & reasoned rejection of all or some contact by an older child (10+). The refusal appeared to reflect problematic behaviours/lack of sensitivity by the non-resident parent. The resident parent may have been neutral or negative about contact but the child's decision appeared genuinely to be their own opinion rather than a simple reflection of the resident parents' position. [10% of cases in the sample].

**Implacably hostile/alienating:** sustained resistance to contact by the resident parent. The resistance appeared unreasonable & was not a response to significant safety concerns or the problematic behaviour of the other parent. In some cases the resident parent may have influenced the child so that the child refused all contact but without the well-founded reasons that characterised the refusing cases.

Enforcing contact orders: problem solving or punishment? *Liz Trinder, Joan Hunt, Alison Macleod, Julian Pearce, Hilary Woodward* (December 2013) University of Exeter & Nuffield Foundation

- 5.23 Assessments of family violence must include all types of violence including child to parent violence. Domestic abuse can be bi-directional or omni-directional within families.
- 5.24 FCAs should demonstrate a zero tolerance of safeguarding risks and threats when there is evidence of continuing child impact. Our policy is not to promote 'contact at all costs' or to see contact with as a parent's right, including through a time-based calculation or a 'contact calculator' approach. Our statutory responsibility is to promote the type and level of spending time with arrangements that is in the best interests of the individual child. The default recommendation with unresolvable or irreducible safeguarding concerns is that contact should be indirect or supervised, until such time as risks reduce or the child feels safe.
- 5.25 The appropriateness of indirect contact should also be assessed. Receiving letters and phone calls from a person or parent they fear can be terrifying for a child, even though most of the time indirect contact is a positive way to keep in touch. The child impact of a particular recommendation can never be generalised to 'children'. The impact of the recommendation on each individual child must be considered.

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- 5.26 The working definition of high and intractable conflict is that the intensity of post-separation conflict shows no sign of lessening, either with the passage of time or after one or more dispute resolution interventions have been made. Alienating behaviours that damage the child may continue regardless. The occurrence of inter-parental conflict is the single best predictor of child and parent maladjustment following separation (Saini et al, 2017). Research suggests that high conflict can be demarcated from other conflictive divorces not only by the intensity and duration of the conflict but also by the underlying factors that likely precipitate and perpetuate the conflict between ex-partners, including attachment factors (Saini et al, 2017; Polak & Saini, 2015; Fidler et al, 2015).

### **The impact on a child of living with intense conflict at home**

- Home can be a living hell
- The child is recruited as a child soldier or tries to be the peacemaker. Many such children are forced into the role of being young carers for one or both parents
- Re-traumatising becomes endemic
- Learning at school can be badly affected
- Relationships outside the home can also become distorted
- It can lead to the child feeling unattached and separate throughout their life

- 5.27 The way in which the child is affected, such as by an attachment injury, should be approached through understanding their daily lived experience and the impact of this. Evidence will usually be collated by speaking to the child or observing the child using one or more of the Cafcass evidence informed practice tools designed for this purpose.
- 5.28 Where there is prospect of resolution with a little more time being made available, or where the FCA feels a specific service may benefit the child either directly or through the parents being supported to change, FCAs may recommend a final hearing date that allows time for the intervention to be completed. Keeping cases under long-term review is not an option within the framework of the Child Arrangements Programme. Where there is no prospect of sufficient resolution, the report to court will usually need to address how best to bring the case to a conclusion, by recommending to the court the least detrimental alternative to the child in accordance with the paramountcy of the welfare principle.

### **Typology of approaches by courts**

**Pure settlement approach.** Court sanctions prior agreement [19% of cases in the sample].

**Co-parenting support approach.** Court frames the dispute as interpersonal conflict not as purely obstruction by one party. SPIP likely outcome. [46% of cases in the sample].

**Protective approach.** The Court manages the risk through eg drug testing, restricting contact, behaviour modification [17% of cases in the sample].

**Participatory/child led approach.** The Court seeks to answer the question 'what does this (older) child or young person want'? [10% of cases in the sample].

**Punitive approach.** S11 orders & other sanctions. [9% of cases in the sample].

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- 5.29 Ending long-running private law cases in the best interests of the child usually requires a careful balancing exercise, with the following options considered:
- Accepting with reluctance that the situation cannot be changed without causing the child further stress and damage. This may mean recommending the status quo continues in order to stabilise a bad situation.
  - Recommending no further hearings or court applications if the court process itself is damaging the child and is not productive.
  - Considering a change of residence for the child, if that change allows the child to maintain healthier relationships with both parents. Like all options, this option needs carefully assessing for its potential short and long-term impacts
  - Defining the case as a safeguarding case which meets the public law criteria for significant emotional harm. The recommendation would normally be for a s37 investigation by the local authority and a possible Care Order or Supervision Order, to give the local authority shared parental responsibility to make safe long-term plans for the child or children concerned.
- 5.30 The impact on the child of long-running family court proceedings is rarely positive so cases should usually be brought to a conclusion within six months of the first application being made. Options such as a court order for no contact or a s91(14) order being made to prevent future applications for a defined period time can enable the child's daily lived experience to improve, thereby minimising the risk to the child of developing significant emotional, psychological or mental health problems developing as a result of living in a situation of high conflict without being protected over a long period of time. Other options to consider are a change in who the child lives with, unpaid work or imprisonment. The preferred option should flow from an evaluation of those realistic options which help the child.

### **Delivering a child contact intervention (CCI)**

- 5.31 The types of child contact intervention available locally are within the group of services set out in the [Contact Intervention Factsheets](#) and the [Glossary of Contact Terms](#). These services are commissioned and delivered through a range of national and local contracts, aiming to provide an accessible local service. Most CCI providers are diversifying and able to provide more customised services according to need, rather than a fixed service irrespective of individual needs. With resources being finite and under pressure, it is also important to use graduated inputs, so that more people can be helped, whether this is a specialist domestic abuse service or a small local supported or supervised contact facility.

### **Social work methods to be used with other court-ordered frameworks besides s7 reports**

- 5.32 All work set out here can be delivered under s7 of the Children Act 1989, which is a broad enabling clause. The social work reporting and interventions set out for s7 work can also be adapted to the individual child and case if a Court orders a Rule 16.4 appointment or makes a Family Assistance Order (FAO). Guidance for 16.4 cases and FAOs can be found [here](#).

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- 5.33 Cafcass also funds the national DNA service in private law cases, and commissions laboratory services which takes in samples collected via a supervised self-sampling methodology.

### **Addendum or sequential reports and adjournments**

- 5.34 Addendum reports should be rare and only requested or commissioned if a case needs a short piece of follow-up work. Recommendations for adjournments and reviews should also be short-term and for a specific purpose where a short piece of work can resolve the issues in the case without the need for a specific order. The use of an adjournment with liberty to restore can be a positive alternative to a review hearing.

### **Extensions to filing times**

- 5.35 An extension to an agreed filing time for a s7 report should only be requested with the agreement of a Service Manager where there are last minute unavoidable factors. This could be the need for additional enquiries, either because of a late change in circumstances, the absence of cooperation from one or more of the parties, or because relevant information becomes available at a late stage.
- 5.36 Early communication with the court by the FCA or business support staff is essential. If agreement to an extension is not granted and communicated to parties, the report should be filed based on the information available at the time, noting gaps where there has been a lack of co-operation or where further information is awaited.
- 5.37 Liaison with courts is crucial as it is hard to meet filing times if we are only notified of the need for a report some weeks after the order for us to report has been made. Liaison over hearing dates is also important to avoid frustration if a particular date cannot be made because of clashing commitments, which could have been avoided with prior consultation.
- 5.38 Where a lack of communication on the part of Cafcass with courts and/or parties leads to a hearing not being able to take place or being ineffective, a wasted costs order may be made against Cafcass, for example where we have not communicated in advance that we cannot do the work, or we do not attend court when directed to do so. Wasted costs must not be incurred as they divert funds away from frontline services where they are most needed. Staff must take the steps outlined in the note – [Costs Orders: How to avoid them and what to do about them](#).
- 5.39 For guidance on contact activity directions and conditions and the monitoring of child arrangements order, please [click here](#).

### **Risk assessment**

- 5.40 Cafcass has a duty to assess risk, under s16A of the Children Act 1989. In our private law work, we may consider it necessary, as a result of our involvement in cases, to pass information about children to local authority children's services, where it appears that their duty (under s47(1) Children Act 1989) to investigate child protection concerns appears to be engaged. These steps are set out in the Cafcass [Child Protection policy](#), and in the [guidance document on our 16A duty](#). In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself, exercising its s37 Children Act 1989 power, directs a local authority to undertake and provide to the court a welfare investigation report. In private law cases, we have the duty to carry out a s16A risk

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assessment and to return the case to court if we feel a court has made an unsafe decision which has placed a child at risk. The court must then re-consider.

- 5.41 A MARAC is a non-statutory meeting of local agencies whose purpose is to identify the highest-risk victims of domestic violence, and to produce a safety plan to reduce the risk to victims, their children, and any other vulnerable person in the household. Participants at a MARAC do not all come within the categories of people specified in the Family Procedure Rules (FPR) 2010, to whom disclosure can be made without the court's permission. Cafcass will therefore not routinely participate in MARAC discussions, nor will it sign MARAC information sharing protocols. We do work with MARACs on cases where we hold important information. Guidance is available to FCAs in ['MARACs and disclosure from Family Court Proceedings'](#) (2013). Where a child is suffering, or is likely to suffer, significant harm, the FCA must ensure that relevant referrals are made to local authorities or to the police.

**Private law case management pathway**  
 'for children, with parents'

**CHILDREN**

**PARENTS**

Parents are encouraged to seek their child's views and asked neither to exert pressure nor to manipulate the situation for their own ends.

Parents are encouraged to involve their child in the dispute resolution sensitively without asking them to take sides. This is so the child's views can be taken into account

Improving the child's well-being

Reducing harmful impact on the child

Agreed actions supported by the child

**CLARIFYING EXPECTATIONS**

**TRIAGE**

**Safeguarding concerns continue**

**INTERVENTIONS**  
 Report to court  
 Direct work

**RECOMMENDATIONS AND OUTCOMES**

Parents are asked about their child's needs, wishes and feelings through the EIT phone call, and reinforced throughout the life of the case

Parents are asked for their side of the story but encouraged to see this through the eyes of their child.

Resolution at, or before, the FHDRA

Reducing risk

Reducing the level of conflict

Agreed outcomes with parents

An agreed outcome (check out)

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## Adding value for the child in a private law case (after the first hearing)

Type of change	How can the FCA 'act on the system' to deliver that change?
<b>1. Stronger attachments</b>	By persuading the child's parents to lower the temperature in their dispute in their child's best interests, thus reducing conflict for the child and thereby promoting stronger long term attachments.
<b>2. Less exposure to risk and harm</b>	By recommending how best to remove threats, fear or potential risk from the child's life – the child deserves no less a standard.
<b>3. Stability</b>	By understanding the type of stability the child needs and ensuring this is at the heart of the agreed actions with parents and the recommendations to court.
<b>4. Resilience</b>	Empower the child such as helping them to tell their story for the first time, including to their parents, or to facilitate the level of involvement in their court case they want (taking more control).
<b>5. More opportunities/life changes</b>	Identifying the need for and accessing an important resource or resources for the child and the child's parents, to support them going forward.
<b>6. Reducing delay</b>	Forging a 'straight line through complexity' and taking active steps to remove one or more delaying factors in the court case or the disputed plans for the child – 'justice delayed is justice denied'

5.42 Factors that facilitate a child's adjustment to family breakdown include competent and warm parenting, low parental conflict, and co-operative parenting post-separation and social support.<sup>2</sup>

### Private law orders

5.43 A detailed list of all available private law orders and relevant caselaw [is available here](#).

### Practice issues in private law cases

5.44 Domestic abuse and parental alienation are covered here. Other issues will be added to the Operating Framework as they are developed.

5.45 Cafcass has developed a domestic abuse practice pathway as a practice tool. All FCAs have been trained on the application of the pathway.

<sup>2</sup> Amato, P.R. (2000). The consequences of divorce for adults and children. Journal of Marriage and Family: Blackwell Publishing. For more recent studies, contact the Cafcass Library.

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### **Possible child impact of domestic abuse**

- Risk or violence in pregnancy can lead to a low birth weight for the child, just as substance misuse by the parent can cause foetal distress or addiction.
- Witnessing severe domestic abuse triples the likelihood of a child having a conduct disorder (Meltzer, 2009) but experiencing domestic abuse within the family can be just as corrosive for a child. 'Witnessing' implies passivity; the focus should be on what the child has experienced.
- Children can feel forced or obliged to adopt defensive strategies in the face of domestic abuse which risk becoming a lifelong, costly and painful defence against anyone getting close.
- Being around domestic abuse can cause the child to experience powerful negative emotions like anger, shame, and guilt as well as a raised stress, anxiety or depression level.
- Children can feel the same as vulnerable adults around domestic abuse; the child saying they feel they are walking on eggshells.
- Younger children aged six and under appear to be most affected by witnessing domestic violence (Meltzer, 2009)

**For further reading, contact the Cafcass Library**

### **Possible child impact of parental alienation**

- The debate about parental alienation being a syndrome or a disorder is a sterile one. The main point is that alienating behaviours are common in many of our cases. Alienating behaviours include irrational contact denial - trying to make the ex-partner an ex-parent as well, and spreading fake news about the other parent.
- What matters most to us is the child impact of parental behaviour, including the development of distorted attachments and a distorted way of relating. The impact can be usefully classified as severe, moderate or mild.
- It is important to intervene early, before alienation becomes a way of life and the relationship between a parent and child breaks down irretrievably.
- We are skilled in assessing the indicators of alienating behaviours. For example, we have 'the impact of parental conflict tool', a list of behaviours that indicate the child may be subject to alienating behaviours such as complaints being rehearsed, and describing respective parents unrealistically in either wholly positive or negative language.
- The impact on children of parental alienation can be stress, attachment difficulties – being stuck in childhood. Whilst this is more widely true of an unresolved separation or divorce, alienating behaviour can intensify the emotional harm to children.
- Parental alienation is part of separation or divorce weaponry in high conflict cases. Usually all family members, including the child, feel that each other is a weapon against them – and they will usually see and experience the family court in the same way – as an extension of the battlefield.
- It is an insult to children's intelligence to simply say they have been put up to thinking in a certain way. They clearly can be unduly influenced and in a small number of cases, they take on the alienating completely and it becomes a false identity. But usually, family life is more nuanced and complex and children will have strong legitimate views and feelings of their own which must be respected.
- There are wholly wronged parents who become 'othered', a shadow of their former selves and lacking in confidence. We should recommend ways they can become part of the child's world again.
- Criminalising parents can backfire on them and drive their children further away, alienating them more and causing stress. Children often feel – wrongly – responsible. Responsibility lies fairly and squarely with parents.
- In enforcement proceedings, it may become necessary to consider a change of residence as the ultimate sanction, in order for a child to maintain a relationship with both parents. However, this has to be subject to careful assessment and analysis of whether the child is able to make that transition, with support.

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# Evidence Based Timeline - Private Law

## Background Reading

Outcomes of Applications to Court for Contact Orders After Parental Separation or Divorce Hunt, J. & Macleod, A. (2008)

Behavioural Analysis of Child Development Bijou, S. (1993)

## Domestic Abuse -

Contact and Domestic Violence—The Expert's Court Report Sturge, C & Glaser, D. (2000)



## 16.4 Cases -

Engaging with Family Conflict in Rule 9.5 Casework. Cantwell, B. (2010)

A Guide to the Assessment of the Needs of Children Whose Parents Become Involved in Private Law Proceedings Following Separation Cantwell, B. (2009)

Stages of Change Model Prochaska & DiClemente (1983)



For up to date copies of all the above research and further information please contact library@cafass.gsi.gov.uk

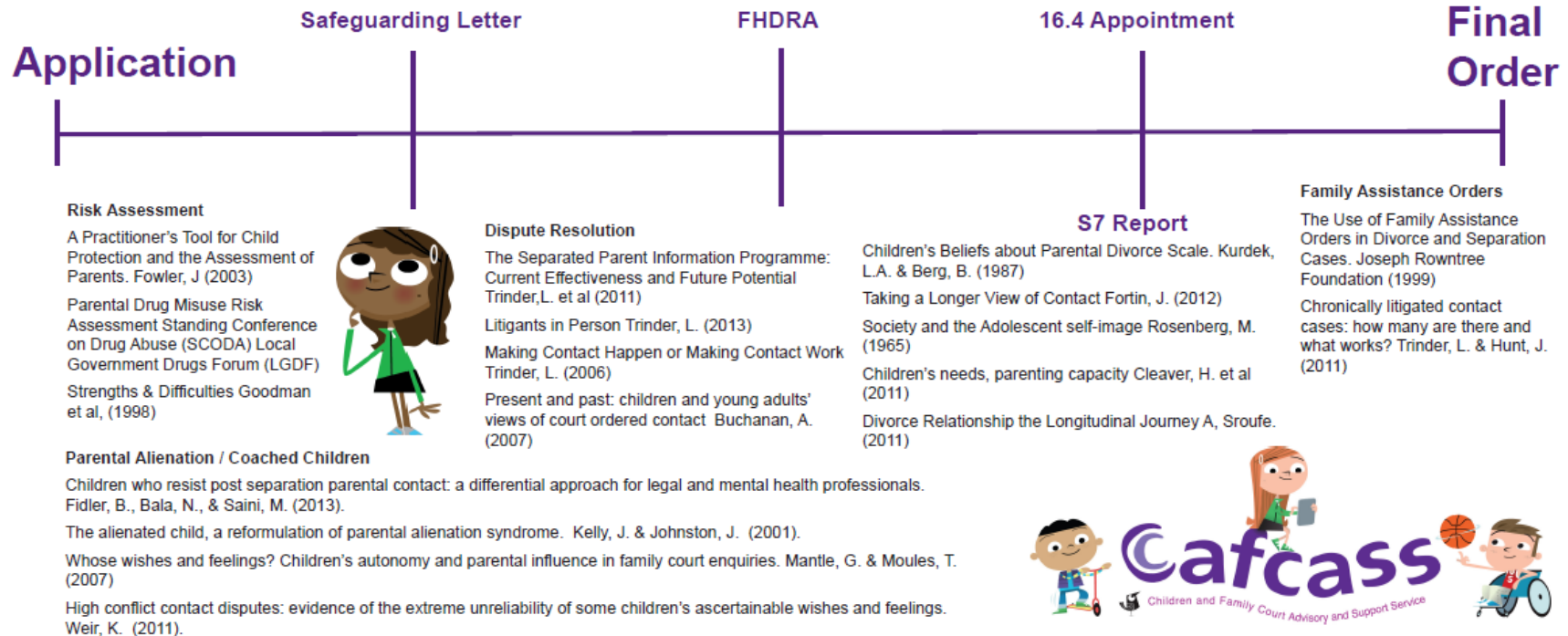
## Enforcement -

Enforcing child contact orders: are the family courts getting it right? Trinder, L. et al (2013)

Enforcing contact orders: problem solving or punishment? Trinder, L. (2013)

Present and past: children and young adults' views of court ordered contact Buchanan, A. (2007)

Enforcement of contact orders Wall, N. (2005)



## Section 6: Adoption

### **Our vision for outstanding practice:**

We explore and analyse the impact on the child of the potential adoption. If the child needs to recover from trauma, the adoption plan sets out how that recovery will be actively supported.

Adopted children are one of the most likely groups in later life to seek access to their records, to understand why the decision for adoption was taken, and why they could not be looked after by their birth parents. Our reports and case analyses should be written with that in mind.

- 6.1 The [Cafcass Adoption Handbook](#) contains a full range of practice guidance and other documents relating to adoption.
- 6.2 Section 4 of the Operating Framework deals with adoption as a permanence option in care proceedings in some detail, so this aspect of adoption work will only be briefly summarised here. Adoption law and practice has changed considerably over the years but the attachment and identity issues for children remain much the same (also see below)

### Adoption: then and now

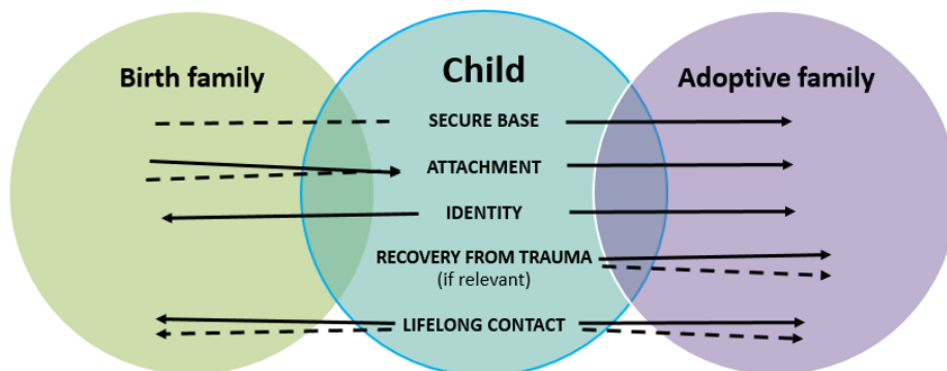
	Then		Now
1950s	The biological pretence – “he’s better off not knowing”	-----	Adoption with contact
1950s/60s	No support needed	-----	All concerned: adoptee, adoptive parent and birth parent may need lifelong support
1970s	Children should not be advertised for adoption	-----	Children featured in The Sun newspaper during National Adoption Week
Today	Social work led matching	-----	Adoption parties and adoption activity days

Then and now – forced or illegal adoptions, sometimes for profit

Then and now – child centred, altruistic adoption

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## The adoption triangle over a lifetime



- Adoption sets up a false binary opposition between birth parents and adopters – a Venn diagram is more realistic.

### Placement Order applications

- 6.3 If the local authority does not have the consent of the parents, it must apply to court for a placement order before placing a child for adoption. This application will often be made at the same time as the application for a care order and the care plan for adoption will be the relevant document for the Guardian to scrutinise. However, with the 26 week limit in care proceedings, courts are more inclined to make a care order only and to ask local authorities or relatives to return to court at a later date to apply for either a Placement Order, a Special Guardianship Order or a Child Arrangements Order. This pragmatic approach should be challenged if it is in the child's interests for the care proceedings to be extended for a short period to allow for the permanence option to be ready to be signed off at court, rather than for permanence to be delayed for much longer.
- 6.4 The Children's Guardian in the care proceedings will be appointed Guardian in the placement proceedings, whether this is simultaneous or sequential, and will make a recommendation to the court based on a welfare determination taking account of the welfare checklist set out in section 1 of the Adoption and Children Act 2002. This is a different welfare checklist to the checklist for use in care proceedings.
- 6.5 If a Guardian is recommending that the court make a placement order, this must follow an assessment of each viable permanence option in a balancing exercise which shows the basis upon which the Guardian has concluded that adoption is in the best interests of the child.<sup>3</sup>

### Practice considerations

- 6.6 Adoption proceedings can involve adoption following a placement order, partner adoption, adoption by a relative in a private law case, inter-country adoption, or

<sup>3</sup> Following the balance sheet approach outlined in *Re B-S* [2013] EWCA Civ 1146

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adoption of a relinquished baby. Depending on the requirements of the case, the court may appoint an officer of Cafcass to act as Children's Guardian, Child and Family Reporter or Reporting Officer.

- 6.7 The role of Cafcass in adoption can include obtaining pre-proceedings consent (for children who are to be relinquished for adoption before any application is made), or obtaining the consent of a parent to adoption or placement once proceedings have started.
- 6.8 If the case is not to proceed by consent, the role of Cafcass is to advise the court as a Child and Family Reporter or to represent the child in the court proceedings as Children's Guardian if the child is joined as a party. It is not common for a child to be joined as a party in adoption applications but there are some circumstances in which the child will automatically be joined (see the Adoption Handbook).
- 6.9 The main tasks of the FCA in cases which do not proceed by consent are to:
- Keep in mind the overriding responsibility to safeguard the interests of the child and to avoid delay.
  - Scrutinise the key documents such as assessments, Adoption Panel minutes or the local process carried out by the Adoption Decision Maker (the ADM) in the local authority.
  - Where a care order has been made or applied for, to read the care plans made at the time of the care order and placement order. If substantial changes have been made, and especially if these appear to be contrary to the wishes of the child or parents, these should be discussed with the IRO and the court alerted to these changes
  - Identify if a particular child needs a permanent placement and if adoption is the placement of choice
  - Consider the implementation plan for adoption, including adoption support, and assess the likelihood of implementation within the child's timescale
  - Make sure adequate information is provided by the local authority or adoption agency to all concerned, so that cases can be dealt with without delay
  - Write to the relevant individuals in the application. The letter should set out the nature of the FCA's appointment, what enquiries the FCA intends to make, the proposed arrangements to meet and the FCA's contact details. If writing to birth parents, letters should be marked private and confidential and sent securely
  - Ensure work is undertaken within the timetable for the child (where relevant, as set by the court)
  - Take account of the Welfare Checklist set out in section 1 of the [Adoption and Children Act 2002](#), which includes consideration of the effect on the child of becoming an adopted person and ceasing to be a member of the original family. The consequences for wellbeing and personal identity are crucial factors to consider, including the potential value of continuing contact with a member of the birth family and, if so, whether such contact will be facilitated by an order for contact made at the time of the placement order or an order for contact to be made at the time of the adoption order.
- 6.10 The adoptive parents' relationship with each other and their own significant others, as well as the quality of any parenting they may have already undertaken, are key areas of the adoption agency's work to be quality assured.
- 6.11 The same considerations apply to the adoption of a relinquished child, a step-parent adoption or an inter-country adoption. Increasingly, whatever the nature of

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the adoption, a welfare determination has to be made, having taken into account the different legal and procedural frameworks that apply. In each case, here are the main practice considerations:

- Is adoption likely to be in the child's interests throughout their life? This is almost impossible to assess, because so much can happen to all of the participants in the adoption triangle or network in the years and indeed the decades ahead. The shelf life of an assessment can rarely make predictions beyond 2-3 years ahead. Nevertheless, the FCA should be satisfied both about the long-term viability of the placement, that adoption is the best legal framework and that the potential adopters have thought through contingency plans should something unforeseen and untoward happen in their lives. This is to minimise the risk of children coming back into care again after they are adopted – going 'in and out of permanence'.
- For this reason, assessments have to consider whether the adoptive family has sufficient carers either within the adoptive extended family or network to ensure the adopted child will be well looked after whatever happens.
- A structured professional assessment must be given about whether the child's attachments, identity, and the possibility of the child having/living a relatively safe and happy childhood will be strengthened over time as a result of the adoption.
- The framework for the child spending time with their birth parents, or the birth parent following separation and divorce, must be assessed for long-term benefit, and clear recommendations made to court. This includes recommendations for indirect contact or no contact at all, if need be. A lifetime perspective should be taken.

## Section 7: Surrogacy

### **Our vision for outstanding practice:**

Children born through surrogacy are safeguarded within the framework of the applicable legislation and regulations. Where a parental order is appropriate, the child's parents are supported to understand its benefits to a surrogate child's lifetime identity.

We support the right of children to know about their genetic heritage and also for children to have a strong and secure base legally as they grow up. In our view, parental orders provide the most appropriate legal security for children born through surrogacy.

- 7.1 The definition of surrogacy is contained in the Surrogacy Arrangements Act 1985 and involves an arrangement made before the pregnancy that intended parents will become the legal parents of a child, carried by the woman acting as a surrogate, born as a result of artificial insemination of sperm, egg or fertilised embryo.
- 7.2 Commercial payments or brokering of surrogacy arrangements are illegal in the UK and surrogacy contracts drawn up in advance are not enforceable. There are many countries where commercial surrogacy is lawful and applicants may bring their child into the country after being born abroad. In England, only reasonable costs can be paid and the Parental Order Reporter will need to scrutinise these and include an evaluation of whether what has been spent is 'reasonable' in their report.
- 7.3 To confirm their legal status, parents need to apply for a Parental Order under section 54 of the Human Fertilisation and Embryology Act (HFEA) 2008.

### **Parental orders**

- 7.4 Cafcass FCAs may be appointed as Parental Order Reporters (PORs) in cases where an application has been made to court for a parental order following the birth of a child through a surrogacy arrangement. Cafcass' guidance for PORs is in the [Surrogacy Handbook](#).
- 7.5 The duties of a POR are set out in the Handbook.

### **Top tips for FCAs**

- 1) If unfamiliar with parental order cases, read the Surrogacy Handbook when the case is first allocated to you.
- 2) Consider whether safeguarding checks are required. Where checks are sought, make sure you obtain consent from the parties for these first.
- 3) For a parental order to be made, at least one party must be genetically related to the child; consider the evidence provided in this respect and whether a DNA test may be necessary.
- 4) Be aware that the surrogate may be married or in a civil partnership and, if so, their legal partner will hold parental responsibility for the child and will need to give consent for the parental order.

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- 5) Be alert to the specific issues in cases with an international element, such as whether at least one applicant is domiciled in the UK, and the level and nature of payments made to a commercial surrogacy agency or the surrogate abroad.
- 6) Ask the applicants to have key documents ready for your visit or sent to you in advance, for example, evidence of payments made in relation to the surrogacy, e.g. to surrogate, to surrogacy agency abroad etc., marriage certificate etc.
- 7) Where it is not possible to meet with the surrogate in person, consider the best way of obtaining their consent. If the surrogate is based in another part of the country, consider asking if an FCA at a local Cafcass office can witness consent on your behalf. Where a surrogate is based abroad, she may provide consent witnessed abroad in specific ways which are set out in the relevant Rules. In both cases, consider the use of the telephone or Skype to speak to the surrogate directly.
- 8) Discuss with the applicants how they intend to make their child aware of the circumstances of their birth and any plans to keep in contact with the surrogate mother, her family and, where applicable, the egg donor. A Cafcass factsheet [‘after the surrogacy process’](#) provides advice for service users on these and other related issues.
- 9) Whilst most surrogacy cases are straightforward (legally and in terms of social work opinion), a small minority of cases feature high conflict between various parties to the original arrangement, such as where one party has changed her or his mind. In these cases, a fuller set of enquiries will become necessary, as directed by the court once it knows the facts or what is alleged.
- 10) If in doubt about any legal issue, contact Cafcass Legal.

## Section 8: International cases

### **Our vision for outstanding practice:**

Practitioners and Cafcass Legal understand the technicalities of international cases, including relevant case law, in order to intervene appropriately and proportionately. The needs of children across borders are understood and that this knowledge enables protective action to be taken.

### **Identifying cases with an international element**

- 8.1 Increased global movement of individuals and families has contributed to a rise in the number of cases with an international dimension being dealt with by Cafcass. A failure to investigate such matters within the right legal and practice framework can lead to significant delays and mistakes for the child concerned.
- 8.2 The working assumption must always be that child protection services and the judicial system in other jurisdictions is no more and no less competent than our own. Thus, the professional view of experts in our jurisdiction must never be elevated over those in another jurisdiction.
- 8.3 When allocated to a new case, FCAs should consider whether there is any reason to believe that any child, parent or potentially significant adult in the child's life may be habitually resident in another country. It is the responsibility of all parties to draw the attention of the court to any such issues and in public law cases where there is a risk of a child's removal from their family, the local authority should notify the relevant consulate of an 'international child', so as to keep within the spirit of the Vienna Convention. Disputes about jurisdiction should be resolved prior to any final decisions being made about a child's future. Welfare issues only become relevant once any jurisdictional issue is determined by a court.

### **Addressing jurisdictional issues at an early stage in the case**

If proceedings involve a child with links to another country, the court must address the issue of which country has jurisdiction to hear the case. FCAs should raise any jurisdictional issue with solicitors and the court at the earliest opportunity to avoid delay. The case should be transferred to the High Court if jurisdiction is a complex issue.

Within the [European Union](#) (excluding Denmark) there is case law to state that jurisdiction should be decided as a preliminary issue in the case, before substantive issues such as the child's welfare are considered ([Thorpe LJ, Re K \(Brussels II Revised, \[2014\] 1 FLR 749\)](#)). The basic principle under the Brussels II Revised Convention is that jurisdiction is based on "habitual residence" (see below). In determining questions of habitual residence, the courts will apply the principles explained in [A v A and another \(Children: Habitual Residence\) \(Reunite International Child Abduction Centre and others intervening\) \[2013\] UKSC 60, \[2013\] 3 WLR 761](#), of which paragraph 80 may be of particular use. Also see the legal alert titled [How should children's habitual residence be determined?](#)

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## Private law cases

- 8.4 Private law applications that may have an international dimension include the wrongful removal or retention of a child, or the wish of a parent to take a child to live in another jurisdiction without the agreement of someone with parental responsibility.
- 8.5 In cases of wrongful removal or retention, proceedings are issued under the Hague Convention (discussed further below) with the object of securing the prompt return of children wrongfully removed to or retained in any country which is signed up to the Convention.
- 8.6 There are European Regulations (Brussels II Regulations (BIIIR)) which apply to all European member states apart from Denmark about how disputes should be resolved, in particular in which country they should take place. The courts in the country where the child is habitually resident (see below) generally have jurisdiction, but there are a number of exceptions to this general rule. An applicant wishing to change the child's country of residence without the consent of the other person or persons with parental responsibility must be able to mount a coherent defence and rationale for their actions or proposed actions. If the child is not represented, you can contact [Cafcass legal](#) for advice.
- 8.7 The key issue to be aware of is that the same welfare of the child test must be applied to a relocation case, whether it is domestic or international. No presumptions operate, whether by the 'removing' parent or the 'blocking' parent'. FCAs must balance the arguments in favour of removal with the arguments in favour of blocking the proposal. FCAs should use the same child impact analysis framework as for other types of private law case. Potential impacts are on attachments, education, and emotional and psychological wellbeing. The relevant case law is more recent than *Payne v Payne* and based more on *Re: C (Older Children: Relocation)* (2015) EWCA Civ1298, building on *Re: K v K (International Relocation: Shared Care Arrangement)* 2011 EWCA Civ 793. There is a [legal alert](#) on the issue.
- 8.8 One of the important factors in the regulations dealing with private law international cases is establishing whether the child has been 'heard' in the proceedings. This may be something a Guardian is directed to consider, often at short notice if removal from the jurisdiction is imminent. The UK Supreme Court has identified three ways of ensuring the court is fully aware of the child's views, these are:
- Having direct access to the Judge;
  - Communicating through Cafcass;
  - Writing a letter to the Judge.

## Habitual residence

- 8.9 The general rule is that proceedings about children will take place in the jurisdiction in which they are habitually resident. This is a legal concept, and conclusions are based solely on the facts of each individual case. Factors such as the length of time the child has been present in the country, the child's attendance at school, the child's integration into the country, their linguistic knowledge and the family and social relationships of the child can all be considered. The child's state of mind is also relevant when assessing the 'degree of integration', which should be considered

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both from the perspective of the country from which the child has been removed and the country to which they have been moved.

### **Stranded spouse cases**

- 8.10 'Stranded spouse' is the term used to describe the deliberate and forcible abandonment abroad of a spouse and parent, often with the assistance of in-laws. The stranded spouse is nearly always the mother of the subject child, and the 'strander' is nearly always the husband. Whilst most cases are from the sub-continent, abandonment of this type is becoming more common and more known about throughout the world. Such abandonment is a form of domestic abuse.
- 8.11 During WTFH, FCAs need to be professionally curious when considering potential stranded spouse cases and consideration should be given to aspects including but not limited to: the explanation given for the parent's absence; the efforts made by the family in the UK to regain contact with the spouse; and the missing parent's immigration status. Guidance was issued by the High Court regarding stranded spouse cases, which can be found [here](#). This contains further information regarding the role of the FCA.
- 8.12 The Cafcass focus has to be on the child, while giving as much support and advice as is practical to the stranded parent. The child may be equally stranded, emotionally and/or physically. We should be seeking the restoration of stability and positive attachments for the child, in line with our main casework principles, subject to the limitation of our role in some of these cases (see below)

### **Child abduction**

- 8.13 The Hague Conventions of 1980 (Child Abduction) and 1996 (Child Protection) provide a legal remedy for parents when a child has been wrongfully removed from their home country or retained in a different country, without consent. Such removal or withholding without consent of everyone with parental responsibility is a criminal offence under the Child Abduction Act 1984. The Convention provided for the creation in each member country of a Central Authority, as the organising principle for a system of co-operation and a rapid procedure for the return of a child to the country of the child's habitual residence. The list of countries who have signed up to the Hague Convention can be found [here](#). The UK Central Authority for this purpose is the International Child Abduction and Contact Unit (ICACU), based with the Official Solicitor. They act as a clearing house for international requests on an incoming and outgoing basis. The main advice line in the UK is Reunite (0116 2556 234), who also have an out of hours emergency service contactable via the same number. The Child Abduction Service at the Foreign Office may also be able to help in some situations. The ICACU has published a form and guidance notes about how working together under either Brussels IIa or under the 1996 Hague Convention is required in care proceedings. Information about this guidance and what it should be read in conjunction with can be found [here](#).
- 8.14 This procedure is intended only to restore the status quo which existed before the wrongful removal or retention, so that decisions can be made in the most appropriate jurisdiction. Unlike most other cases dealt with by Cafcass FCAs, the welfare of the individual child is not the paramount consideration, but is one of a number of factors

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to be taken into account. The court should be made aware of any safeguarding issues which arise from the enquiries made.

- 8.15 Cafcass will not usually become involved unless the removing parent intends to defend the case. If the parent wishes to submit a defence that the child objects to a return, the court may order Cafcass to provide a report, within a very short time, to assess the extent of those objections and the level of maturity of the child. In a small number of cases, the court will join the child as a party to the proceedings and the children's guardian will advise the court on matters such as whether the child has settled in the jurisdiction. The format of reports prepared for proceedings under the Hague Convention is unlike other reports and FCAs should direct queries to [Cafcass legal and/or the Cafcass High Court Team](#).

## Public law

- 8.16 An increasing number of children and families subject to care proceedings in this jurisdiction have familial links outside the United Kingdom. It is essential that the English courts accept jurisdiction before making decisions about the child. The primary consideration for the court when establishing jurisdiction is whether the child is habitually resident in England & Wales (see above). Local authorities should have considered any jurisdictional issues before issuing proceedings. The children's guardian must remain alive to issues which may have been missed when conducting further investigations, in this country or abroad.
- 8.17 Article 15 of the Brussels Regulations (BIIR) allows a court to transfer cases (excluding adoption cases) to a court in a different country which is better placed to hear the case. In public law cases involving a European dimension, the Guardian should consider whether a transfer under Article 15 is in the child's best interests; cases being heard in the Family Court will be transferred to the Family Division of the High Court for consideration of this issue.

## Considering permanence options

- 8.18 There have been a number of cases in which permanence decisions have been made about children who are nationals of other countries although they live in England. When making long term decisions, consideration must be given to the cultural heritage of the child as a factor within the overall welfare assessment.

- [Article 8 Human Rights Act 1998](#); the right to respect for private and family life.
- [Article 20 United Nations Convention on the Rights of the Child](#) (UNCRC); when considering care outside of the family, due regard shall be paid to the child's ethnic, religious, cultural and linguistic background.
- [Article 30 UNCRC](#); children belonging to ethnic, religious or linguistic minorities who are indigenous shall not be denied the right, in community with other members of his or her group, to engage with his or her own culture, religion or language.
- [Section 1\(1\) Children Act 1989](#); when a court determines any question with respect to the upbringing of a child, the child's welfare shall be the court's paramount consideration.
- [Section 1 of the Adoption and Children Act 2002](#): the child's welfare throughout his life is the paramount consideration when coming to a decision relating to adoption. In [London Borough of Merton v. LB \[2014\] EWHC 4532 \(Fam\)](#), Mr

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Justice Moylan stated: “In determining these applications, I have borne well in mind the loss which CB will sustain in terms of her national and cultural identity and, critically, her connection with her birth family. CB's welfare needs, both in the short term and, critically, throughout her life, come down powerfully in favour of [adoption]”.

## **Involving extended families**

8.19 Account should be taken of the significance of the role of the extended family when considering future arrangements for a child with links to a foreign country. The contribution of extended families can be an important factor in long-term decision-making, and therefore consideration should be given to including them during the assessment stages. Cross-jurisdictional family group conferences are possible and the use of technologies such as video conferencing may provide practical alternatives to travel. Within the EU member states, the Central Authority can help to identify potentially viable family members in country of origin.

## **Avoiding parallel proceedings**

8.20 Where the court in England and Wales has declared it has jurisdiction but proceedings are commenced overseas, this is termed “parallel proceedings”. Parallel proceedings should not exist and Brussels II Revised regulates to safeguard against them. In rare cases, however, such proceedings have continued. Parallel proceedings may result in delay and conflicting judgments, creating further uncertainty for families. Once the court determines it has a jurisdictional issue, welfare planning cannot go ahead until the issue of jurisdiction has been addressed.

8.21 Cases involving parallel proceedings are complex and advice can be sought from [Cafcass Legal](#). Such cases will rely on effective judicial liaison and the [Office of the Head of International Family Justice for England](#) assists with this process. Any requests for international liaison should be made to the court.

## **Evidence**

8.22 Cafcass receives requests for evidence from foreign courts who are dealing with cases in their own jurisdiction; these come in the form of orders addressed to the Queen's Bench Division.

8.23 The type of evidence Cafcass is often asked to provide includes home study reports (also known as home circumstances enquiries or ‘Enquiries from a foreign court’), safe and well checks, wishes and feelings reports, and in some cases full welfare reports. FCAs can also obtain information from other jurisdictions to help inform their conclusions. Most requests come from within the European Union. It is helpful to read the Family Code or the major policy document about the nearest equivalent service from the country in question, so as to be aware of any major legal, social or cultural differences when producing a case analysis and recommendations. The Hague website has useful country profiles and the European Union Agency for Fundamental Rights has mapped child protection systems in the member states. It is important to be clear that in the UK, UK jurisdiction and guidance apply. For example, Sharia Law is of great importance in some UK communities, yet has no status in UK law or in how a family court case will be handled. The same benchmark applies to other forms of religious law.

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8.24 All requests for home study reports are made either to the Queen’s Bench at the Royal Courts of Justice or to one of the other six Designated Family Courts, including Bristol and Manchester.

8.25 More information is available in the [Legal Roadshow presentation on ‘Taking of Evidence in other jurisdictions.’](#)

### **Making a request from other countries**

8.26 Information that FCAs can request from other countries includes children’s services involvement with a family, school records, medical histories, information from the police and from family members.

8.27 The procedure for making an application to a foreign court for evidence to be obtained from abroad is complex and it is the role of the Child’s Solicitor to draft the request.

8.28 If it is necessary to obtain information and assessments from abroad, the [Travel Abroad Procedure sets](#) out the process FCAs should follow and matters for consideration. The Travel Abroad Procedure should be consulted before making any arrangements to travel abroad. One consideration is whether English social workers are permitted to undertake work in another country. Countries take different views about this and the point must always be checked out first to ensure any overseas visit and assessment will be viable.

8.29 Children and Families Across Borders (CFAB) operate a free advice line for assistance when considering overseas assessments.

### **Central authorities**

8.30 The Central Authority in each country provides an invaluable resource for co-operation and the provision of information between countries when required. The Central Authority should always be the first port of call when seeking information on children and their families abroad. Central Authorities are also required to facilitate communication between countries, transmit agreed solutions and assist in locating children. [Working with Foreign Authorities- Child Protection and Care Orders](#) contains guidance on information sharing and data protection in international cases. The sharing of information about proceedings should be processed with the permission of the court.

### **Considering immigration issues**

8.31 [Working with Foreign Authorities- Child Protection and Care Orders](#) addresses immigration matters. Immigration is an issue that FCAs may need to consider. The court can seek information from the Home office about the status of a party in proceedings by completing the EX660 form and the information is then provided to the court before being disclosed to the parties. If there are relevant immigration issues these should be raised with the court as soon as possible

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- 8.32 If the Home Office requests information from Cafcass about a family or individual involved in proceedings, permission of the court will have to be obtained before the information is provided.
- 8.33 In cases where a party is being prevented from entering the country, it may be appropriate to ask the court to liaise with the Home Office's Border Force, Immigration Enforcement and UK Visa and Immigration Officials.

DRAFT

## Section 9: Working with children and families in cases of exploitation

### **Our vision for outstanding practice:**

All practitioners understand and act upon the abuse and exploitation of children. We play a part in the multi-agency response to child sexual exploitation, child trafficking, radicalisation, female genital mutilation and other forms of exploitation.

It is important that FCAs continue to use and demonstrate professional curiosity in their work, as the signs and symptoms of child exploitation can be hard to read. Core safeguarding skills remain the most relevant in assessment and analysis.

9.1 This section covers working with children and families in cases where exploitation is a particular or added vulnerability for a child. Cafcass' child exploitation strategy was developed in light of submissions to serious case reviews where children had been victims of sexual exploitation (CSE). The strategy was later extended to include other forms of exploitation. The main elements of the strategy are:

- **Training:** training modules, hosted on MySkills, are available to all staff. Managers are able to mandate modules in response to the local context.
- **Child protection policy:** The [child protection policy](#) includes a section on exploitation.
- **Dedicated management resource:** Two service managers have dedicated time (the equivalent of about one day a week) to support the delivery of the strategy at a national level.
- **Ambassadors:** An ambassador has been nominated within each service area to support staff, to promote awareness, and to cascade information between the service managers and Local Safeguarding Children Boards.
- **Collation of data:** FCAs are required to indicate on ECMS when a case features different forms of exploitation. This allows us to conduct further research into these areas.
- **Specialist input:** We commissioned two clinical psychologists, based in the North West, to present at management forums and to undertake workshops with staff.

### **Child sexual exploitation**

9.2 Child sexual exploitation (CSE) happens when a young person receives something as a result of them taking part in sexual activity. It can feature in both public and private law cases.

- The reward might be presents, money, alcohol, a phone or simply emotional attention.
- It can happen to any child or young person.
- It might seem like a normal friendship or relationship to begin with.
- It can happen online or offline, and without the young person being aware they are being manipulated or groomed.

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- 9.3 High profile cases and enquiries show how children can be drawn into CSE without realising it. Invariably however, there are push and pull factors – a ‘push’ away from home and a ‘pull’ towards risky people and activity (Baljit Thandi, 2016). It is important to be aware of signs of CSE so that children at risk can be assessed and supported. A multi-agency framework is nearly always the right one to use.

#### **Child sexual exploitation: key considerations**

- The most striking feature of CSE victims known to Cafcass is their extreme vulnerability. This may include:
  - Highly unstable backgrounds including maltreatment, substance abuse, parental mental health and/or violence within the family
  - Severe child mental health, emotional or behavioural problems
  - Children being hard to engage
- In most cases, CSE will be known to safeguarding agencies before Cafcass becomes involved, but the CSE may not have ended and the child may not be safe.
- Some victims may describe the perpetrators of abuse as their boyfriends, and may not see themselves as a victim of exploitation.
- Children can be helped to develop a ‘child safety plan’, made up of the steps needed to keep themselves safe.

### **Child trafficking**

- 9.4 Cafcass’ child protection policy defines trafficking as being moved from one place to another into conditions of exploitation or servitude by deception, coercion or the abuse of power. The legal framework and response is set out in the Modern Slavery Act 2015. Children can be trafficked across borders or within a country for:
- Child sexual exploitation
  - benefit fraud
  - forced marriage
  - domestic servitude such as cleaning, childcare, cooking
  - forced labour in factories or agriculture
  - organ harvesting
  - adoptions which bypass the legal process
  - Criminal activity such as pickpocketing, begging, transporting drugs, working on cannabis farms, selling pirated DVDs, bag theft.
- 9.5 As with child sexual exploitation, concerns about trafficking are likely to be known to safeguarding agencies before Cafcass becomes involved. This may not be the case in private law work. Trafficked children do not stand out from the crowd, so being trafficked and subsequently exploited is likely to be invisible. Some trafficked children are being held ‘in plain sight’, and speaking out is impossible for fear of retribution.

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<sup>4</sup> Kohli, R.K.S. (2006) *Social work with unaccompanied asylum-seeking children*. Basingstoke, Hampshire: Palgrave Macmillan.  
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### **Child trafficking: key considerations**

- A story about a child's past may not seem plausible. Kohli calls this story a thick or cover story (Kohli, 2007 – available from the Cafcass Library).
- Unverifiable claims to being a parent or relative such as an adult seeking leave to dispense with parental permission when they are not genetically related to the child.
- Any allegations that the child's parents are dead, abroad, or otherwise unable to engage in proceedings.
- Often, immigration issues need to be clarified as part of the court process – use the Family Proceedings Protocol with the Home Office, via an order for disclosure of information.
- Any additional vulnerabilities the child is expressing or displaying.
- If your structured professional assessment is that a child is being trafficked, you should make a referral to the local authority, asking them as a First Responder to refer the child via the National Referral Mechanism.

### **Radicalisation**

- 9.6 The threshold for radicalisation in the family court context has been defined as “negatively influencing [a child] with radical fundamentalist thought, which is associated with terrorism” (M (Children) [2014] EWHC 667 (Fam)).
- 9.7 Due to the complex and dynamic nature of such cases, it can be difficult to evidence threshold in the context of s31 proceedings. Much of the evidence that forms the basis of professional concern may be controlled by the police (rather than the local authority) who may not produce all of their intelligence due to parallel criminal investigations and the sensitive nature of the evidence. The High Court's wardship jurisdiction may be used to protect children at risk.
- 9.8 There is no obvious profile of a child likely to be radicalised or a single indicator of when a person might move to adopt violence in support of extremist ideas. The process of radicalisation is different for every individual and can take place over an extended period or within a very short time frame.
- 9.9 Three main areas of concern were identified for initial attention in developing the awareness and understanding of how to recognise and respond to the increasing threat of children being radicalised:
- Increasing understanding of radicalisation and the various forms it might take, thereby enhancing the skills and abilities to recognise signs and indicators amongst all staff working with children and young people;
  - Identifying a range of interventions - universal, targeted and specialist - and the expertise to apply these proportionately and appropriately;
  - Taking appropriate measures to safeguard the wellbeing of children living with or in direct contact with known extremists.

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### **Radicalisation: key considerations**

- It is not possible to create a standard profile of children at risk of radicalisation, especially when radicalisation happens online
- The need to identify the nature and extent of the risk is key in determining whether a child needs to be removed or can remain within the home with safeguards in place, for example the electronic tagging of parents to prevent travel.
- Impact on brothers and sisters – emotional/psychological harm is often more difficult to establish than other forms of abuse
- Disclosure will need to be carefully considered as will the role of the media in reporting such cases.

See the Cafcass eLearning module and the 2016 [Legal Roadshow on radicalisation](#).

### **Honour based violence**

9.10 The Crown Prosecution Service and the National Police Chiefs Council define honour based violence as “a crime or incident, which has or may have been committed to protect or defend the honour of the family and/or community”.<sup>5</sup> The definition is supported by further explanatory text which sets out that: honour based violence is a fundamental abuse of human rights; the simplicity of the definition is not intended to in any way minimise the levels or violence, harm and hurt caused; it is a collection of practices used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs or power dynamics within the family – almost exclusively within a context of gendered power dynamics.

### **Honour based violence: key considerations**

- Abuse can occur in what otherwise appears to be a ‘good family’.
- Professionals may only have a small window of time in which to intervene before the risk disappears under the radar again or before the victim is removed from sight.
- Honour based violence often involves multiple perpetrators both within and outside of the immediate family.
- Disclosure issues must be considered carefully due to sensitivity of information and also family and community exposure. Much is at risk for the children concerned and may mean the child risks losing contact with family members and their community, including close friends.

### **Female genital mutilation**

9.11 Female genital mutilation (FGM, also known as cutting, circumcision or initiation) is a grave and illegal violation of the human rights of girls and women. FCAs have a mandatory duty<sup>6</sup> to report to the police known cases of FGM in under 18s, identified in the course of their work. Non-social work staff should raise concerns about FGM with the relevant service manager. The procedure to be followed, and further information for FCAs, is set out in Cafcass’ child protection policy.

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<sup>5</sup> [http://www.cps.gov.uk/legal/h to k/honour based violence and forced marriage/](http://www.cps.gov.uk/legal/h%20to%20k/honour_based_violence_and_forced_marriage/)

<sup>6</sup> Section 5B Female Genital Mutilation Act 2003 [SV – Link to the child protection policy instead. This sets out the duty]

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- 9.12 Any agency identifying, supporting or responding to children/families subjected to FGM should act on the basis that:
- The safety and welfare of the child is paramount
  - The right of the child, as detailed by the UN convention of 1989 and the World Health Organisation (WHO) classification of FGM by type (2015), and the criminal code set out in the Female Genital Mutilation Act (2003) (as amended and strengthened in the Serious Crime Act 2015) and the Anti-Social Behaviour, Crime and Policing Act (2014) are complied with.

#### **Female genital mutilation: key considerations**

- The local authority should consider the use of s43 Children Act for a Child Assessment Order so that the child can be medically examined.
- FGM always meets the threshold of significant harm, but it does not follow that orders will be made. That has to be a welfare determination on a case by case basis. For example, the care of the child may be good enough apart from the risk or actual FGM
- Use should be made of undertakings to the court, for example undertakings not to send a child abroad for FGM, or to have contact with a known 'cutter' in the UK
- FGM protection orders can be made by the family court, to place restrictions on individuals, and can be made in relation to conduct outside England and Wales. The provisions are similar to forced marriage protection orders.

A Home Office leaflet on '*Female genital mutilation: the facts*' can be found [here](#).

#### **Case example, FCA in Manchester:**

*"This case was allocated to me at the first hearing. The mother had not been interviewed before the hearing so I did this at court. When we were discussing passports, the mother indicated that the paternal grandmother held the children's passports. When asked why, she said it was because the grandmother planned to travel to Africa with their daughter, for the purpose of FGM. This had not previously been mentioned despite numerous other safeguarding allegations being raised. The mother also alleged that the children's father supported the FGM, which he disputed.*

*I alerted my Practice Supervisor and referred the information to the local authority (LA). I notified the court of the allegations as the outcome of the LA referral would be needed before a safe decision could be made. The Judge ordered Cafcass to complete a s7 report, against my advice. Cafcass challenged this order and it was rescinded. The LA convened an FGM strategy meeting and the outcome of this was to complete a core assessment and determine whether a FGM protection order was needed.*

*The case was closed to Cafcass on the basis that the order for work had been suspended and the LA assessment was ongoing. The court subsequently asked the LA to form a view about whether they would complete a s7 report if ordered."*



## Section 10: Evidence informed and knowledge based practice

*“Assessments and reports need to be appropriately detailed, evidence based and clear in their arguments.”*

Family Justice Review, final report, 2011.

### **Our vision for outstanding practice:**

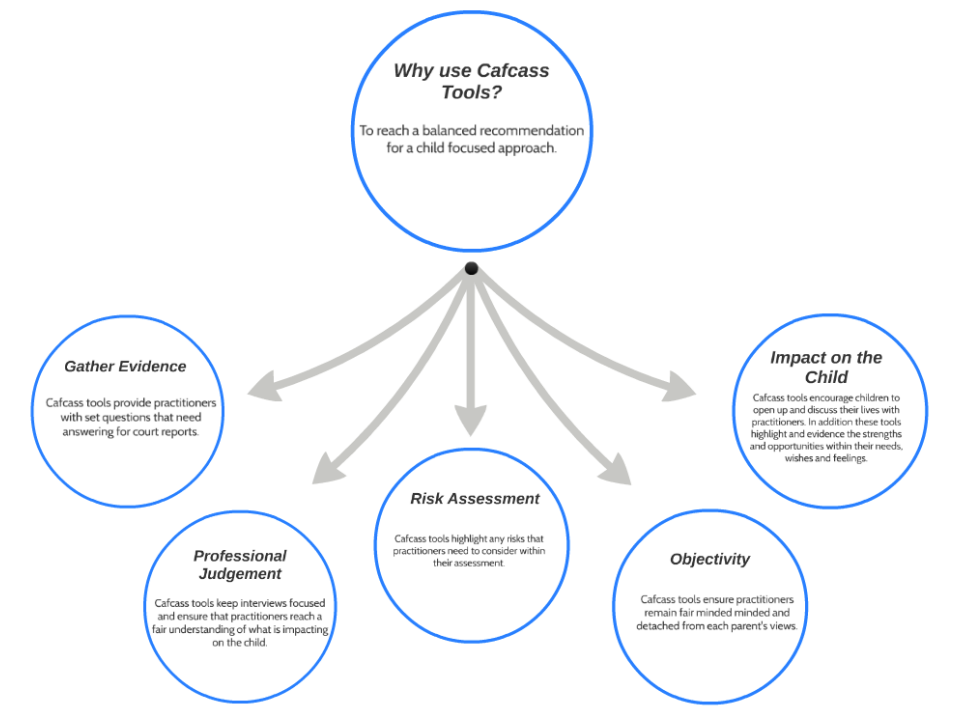
Cafcass supports outstanding frontline practice by providing FCAs with the tools, resources, guidance and support to make regular outstanding work possible. Our practice is always evidence-informed and knowledge-based.

### **Cafcass data**

- 10.1 The currently available analytics and metrics used by Cafcass are summarised [here](#). Data is available to partner agencies, such as carrying out PNC checks on behalf of Cafcass Cymru and working with local authorities through data sharing in order to develop lines of enquiry about service gaps and improvement needs.
  - The key measures dashboard provides an overview by law type and service area
  - The public law dashboard provides infographics on key information by service area or local authority
  - The private law dashboard provides infographics on key information by service area
- 10.2 The Cafcass electronic case management system (ECMS) records all case information (such as service users' personal data, the type of court application, and any reports that have been ordered). ECMS is a nationally networked system enabling staff anywhere in Cafcass to access case details via their laptops, tablets or smartphones. [Guidance](#) is available for staff on the intranet.
- 10.3 ECMS contains a reporting function that can be tailored to produce in-depth information, from national data right through to service area, team and FCA-specific data. Area performance summaries are produced on a monthly basis for Assistant Directors and Heads of Practice. Training and guidance is available for managers on how to make the most effective use of the data available. A range of other information and reports are also produced at regular intervals for internal performance management purposes and for external partners who wish to understand whole system performance.
- 10.4 ECMS is also used to record and monitor management and organisational information, on:
  - Complaints and compliments
  - Enquiries from MPs
  - Enquiries from the Parliamentary and Health Service Ombudsman
  - Freedom of information requests
  - Subject access requests
  - The current workloads of our social work staff

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## Tools for evidence-informed practice



10.6 We offer staff a suite of customised and bespoke evidence informed practice tools and resources, which build on their existing knowledge-base to improve practice and to support their continued professional development. The image below shows how the tools can be used for specific lines of enquiry.



10.7 A key resource is the evidence-informed practice '[toolkit](#)', developed to improve the quality of analysis within court reports. The tools are intended for use primarily, but not exclusively, in private law assessments after the first hearing. However, there

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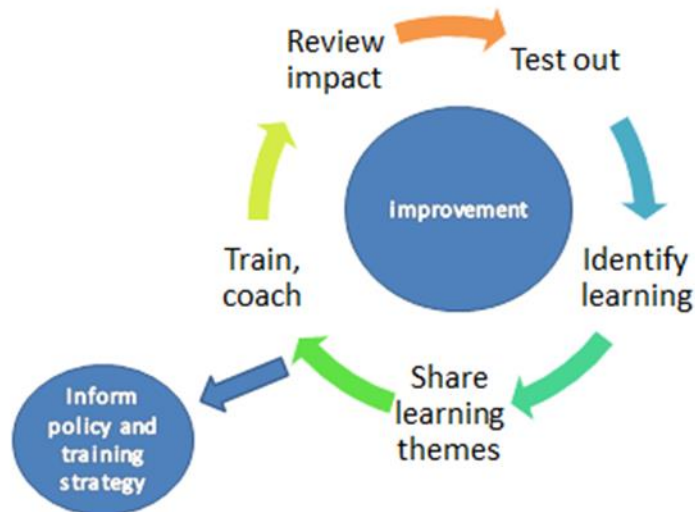
may be occasions when the tools can be used by Children's Guardians in public law proceedings. FCAs are encouraged to use appropriate tools, matched to the identified needs in the case; for example when assessing the impact of domestic violence, or when ascertaining the wishes and feelings of children. A toolkit matrix provides a guide to which tool can be selected in which circumstance and for what purpose. Training materials are also available.

- 10.8 The tools are reviewed regularly following feedback from FCAs. The last review was in October 2016 when a graded care profile tool was added to assess neglect; new tools on working with children; and new guidance on assessment. The matrix is colour coded to differentiate between law types.
- 10.9 A set of 'knowledge bites', jointly developed and maintained by the Cafcass Library and the National Improvement Service, offer high quality, up to date and manageable chunks of research information on relevant topics including cumulative neglect, evidencing safe reunification, cumulative emotional harm, and coached/manipulated children. The resources are available in MySkills.

### **The National Improvement Service**

- 10.10 The National Improvement Service (NIS) supports practice improvement through a team of Improvement Managers. Improvement Managers are commissioned by local managers to drive up standards and to support quality improvement, to disseminate learning and best practice and to provide coaching and training to staff.
- 10.11 NIS also provides specialist training on contemporary practice issues arising as development needs in the organisation.
- 10.12 NIS promotes consistency through a national overview of practice and provides a national assessment of the organisation, drawing out local variance and best practice. NIS also plays a key role in quality assurance by standardising practice through operational benchmarking sessions with local managers. Its role supports the organisation to define and understand what 'good' looks like including developing the Quality assurance and impact framework (QAIF) with a view to achieving standards of work that are outstanding. NIS delivers a range of tasks such as providing an overview of and cascading learning from individual management reviews and serious case reviews, as well as developing and delivering core training to meet changing needs.
- 10.13 Managers and practice supervisors regularly review case files and observe practice to ensure that it is of the required standard and to support FCAs to continuously improve. Cafcass periodically conducts national local and individual audits, to ensure that practice continues to improve.
- 10.14 The learning identified by NIS is incorporated into the quarterly learning log and is reflected in the national training plan. This completes the cycle of continuous improvement (see below).
- 10.15 NIS also supports the National Psychologist Service, which provides specialist case consultation to FCAs by phone. Case consultation is appropriate for both

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public and private law cases. The service aims to enhance the risk assessment skills of FCAs and their professional confidence by increasing understanding and the application of psychological perspectives on risk management.

10.16 The intention is not to replace existing social work knowledge and practice, but rather to complement this with psychological theory and its application to risk. Any case can be referred for consultation, however ongoing evaluation has evidenced particular added value in cases of complex risk, including radicalisation, CSE and familial sexual abuse.

10.17 The service is delivered by four clinical psychologists. There are five slots that last up to 75 minutes available each week. Consultations are booked via the completion of a brief referral form. Referral processes and FAQs are available [here](#).

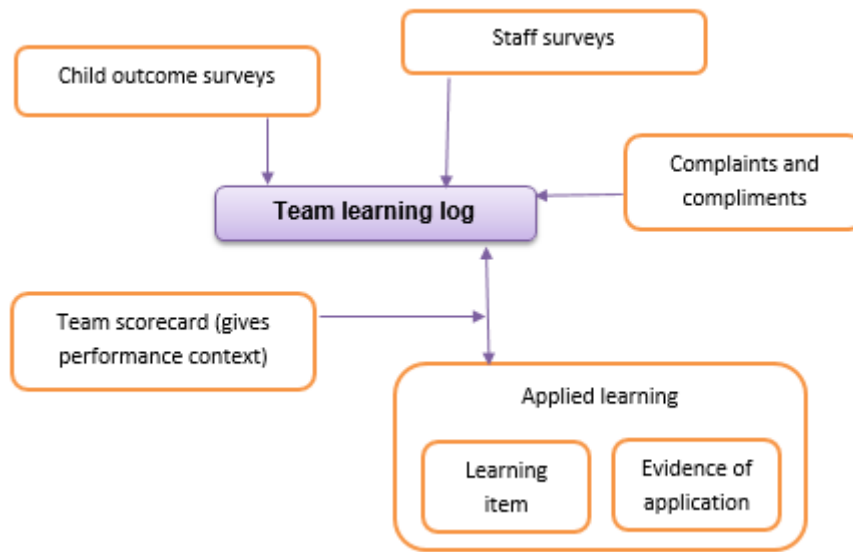
### The quarterly learning log

10.18 The [quarterly learning log](#) is a tool, maintained by NIS, which collates learning points from across the organisation to promote knowledge and ensure consistency across teams. Issues included in the log should be of national, rather than local or individual, relevance and should not already be the subject of policy or guidance. Service areas are expected to apply the learning highlighted and demonstrate that they have done this through the QAIF or AQR process. The emphasis is on applying learning effectively. Learning is incorporated from:

- Complaints and compliments
- Individual management reviews and serious case reviews
- Investigations by the Parliamentary and Health Service Ombudsman
- Ofsted
- Internal audits and health checks

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## Team feedback loop



## The Cafcass library

- 10.19 The Cafcass Library contains over 23,000 items (journal articles, books, reports and links to online content), many of which are available electronically. More than 1,000 subject-specific resource lists have been created using both the Library catalogue and a number of external databases, including Social Care Online, Medline and PsycInfo. These lists have been compiled in response to specific requests from Cafcass staff and are updated regularly. Further literature searches can be conducted on request. Access is available to a number of journals including Family Law, the British Journal of Social Work, Child and Family Social Work, Child Abuse Review and the CoramBAAF Adoption and Fostering quarterly journal.
- 10.20 Cafcass is a member of Research in Practice and staff can access their training days, elearning and webinars. RiP resources are available in PDF format predominantly, although a small number of printed resources are available on a first-come, first-served basis.

## Research

- 10.21 Cafcass has a commitment, detailed in our Business Plan, to publish at least four studies a year into issues affecting children and how children's cases are handled by us and others. ECMS provides data to support this process. [Research published by Cafcass](#) is available on our website.
- 10.22 In addition, through the Research Governance Committee (a sub-committee of the Cafcass Board) we ensure that Cafcass participates in and engages with high quality research of benefit to Cafcass, the wider family justice system, and the children and families we work with. The Committee considers research applications submitted by Cafcass staff and by external researchers. The [research governance framework](#) sets out how researchers can apply for access to Cafcass data, and the process by which a decision to approve the request can be made.

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## Advice on case law

10.23 Cafcass' Legal team supports FCAs by providing advice, training and legal updates to staff. A Legal helpline is available to clarify any point of law on a case, and the team delivers legal roadshows to FCAs across the country, responding to contemporary practice issues and developments in family law. Legal alerts in respect of key judgments within family proceedings are sent by email to all staff. An archive of alerts is available on the [intranet](#). New case law with sector-wide significance is issued by Cafcass to the whole sector

## Performance standards and data

10.24 The Analytics team collects, analyses and reports on performance management information for Cafcass.

10.25 Using information from teams, Cafcass Analytics produce the following:

- Monthly performance reports to corporate and operational management teams and the Cafcass Board
- Information for corporate teams to answer Parliamentary questions
- Information for the Communications team to answer press queries
- Information for the finance team to produce workload budgets
- Information for the Annual Report, Business Plan, Corporate Plan and Service Standards
- Information for MoJ, DfE and other external stakeholders
- Information to support internal and external inspections

10.26 The main areas of work that are reported on in the above include: KPIs (key performance indicators); requests, allocations and completions of public law and private law; unallocated backlog of public and private law; and customer services (complaints, compliments and subject access requests).

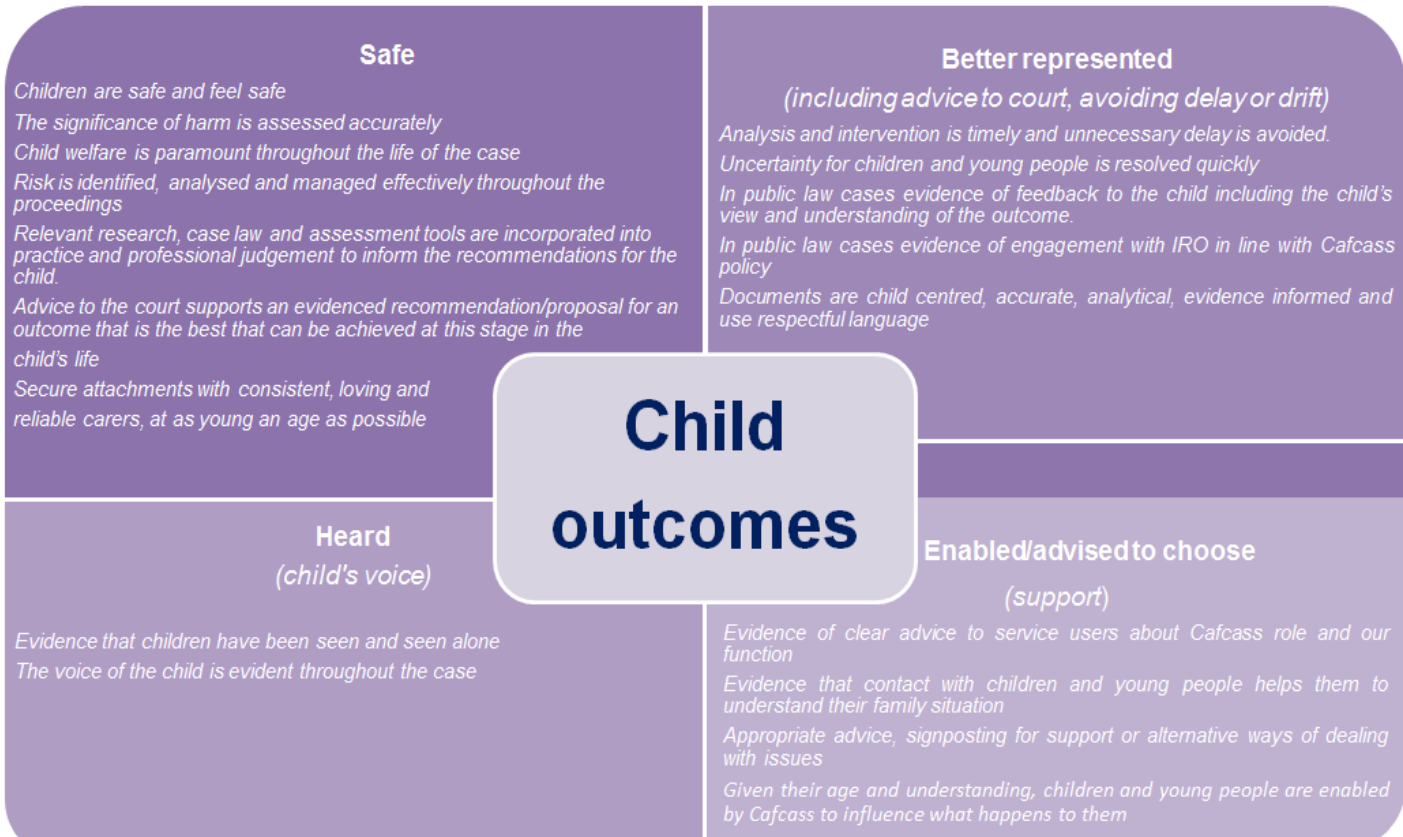
## Outcome measures and metrics

10.27 We currently use a range of measures to assess the impact of our work. This includes operating an immediate learning model, and an immediate learning loop arising from complaints and compliments. The measures we currently use are:

- National quality assurance audit
- Thematic audits
- AD/HoP monthly audits
- Area quality reviews
- Ofsted inspection
- Children's feedback
- Feedback from stakeholders
- Complaints and compliments
- Individual management reviews and serious case reviews

In addition to these, we have introduced the Quality assurance and impact framework (QAIF). The model grades the quality of work based on the impact and outcomes for the child. The process includes identifying learning and actions within all aspects of *This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*

the case. A new grade of 'outstanding' is applied to cases where the impact and outcomes domains are assessed as good, alongside all other aspects including policy and procedural compliance being free from learning or actions required. In making decisions about grading, four domains of practice are assessed (see below):



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## Section 11: Professional development and regulation

### **Our vision for outstanding practice:**

Delivering the best possible outcome for children is what matters most to us and we are committed to developing outcome measures that are open to scrutiny and challenge. The dominant language is the needs of the individual child we are working with, and how best to help them. Cafcass is a managed service and all staff are performance managed effectively. We support staff to carry out difficult professional work, and encourage self-starting and self-regulation.

Everyone in Cafcass is expected to demonstrate continuous improvement as individuals, teams, and as an organisation. Business services understand how their role directly affects frontline practice. Our transactional services are integrated into frontline services. We see this as a great strength and as a common purpose.

Our aim is to make the organisation a secure base for practitioners, in the same way we strive to help children find a secure base.

- 11.1 We seek to continuously develop our staff, equipping them with the skills and resources to meet the complex and varied demand for our services, while at the same time developing our capacity to meet the challenges we face in the future. We do this within an environment in which high levels of support and a focus on staff health, wellbeing and resilience remain key priorities for the longer-term.
- 11.2 As an organisation we are inspected by our inspectorate, Ofsted – at present every three years - and we can be audited and inspected by the National Audit Office (NAO), the Health and Safety Executive (HSE), and other inspectors and regulators. Our sponsoring Government department, the Ministry of Justice, also assesses our performance on a quarterly basis in Business Accountability Meetings. As a condition of employment, Cafcass FCAs and operational managers at every level must maintain their registration with the Health and Care Professions Council (HCPC). Other personal requirements include the requirement on all social workers registered with the HCPC to notify them as well as Cafcass about any new criminal convictions.

### **Current industry standards and framework**

- 11.3 As part of the bi-annual renewal process social work staff are required to compile a chronology of continuous professional development (CPD) ensuring they meet the five HCPC standards. These are:
- maintain an up-to-date and accurate record of CPD activities;
  - demonstrate that CPD activities are a mixture of learning activities relevant to current or future practice;
  - seek to ensure that CPD has contributed to the quality of practice and service delivery;
  - seek to ensure that CPD benefits the service user; and
  - upon request, present a written profile (which must be their own work and supported by evidence) explaining how they have met the standards for CPD.

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- Cafcass systems are designed to support the recording of a learning log, although staff are individually responsible for providing the record if requested.

## Our knowledge base and practice competencies

11.4 The knowledge base and practice competencies for an FCA in the majority of situations, in either public or private law, are:

- **Child development** – the FCA must understand the principles of child development. If you don't understand family dynamics and child development, you can't assess a child and family properly.
- **Risk analysis** – the FCA must understand child protection signs and symptoms and how to diagnose the right level of concern, as far as this is possible – it is notoriously difficult. The FCA must bring a coherent framework of understanding of risk to their work on a case.
- **Child impact** – the FCA must re-work a lot of what they are told or find out to the impact on the individual child and to take enough time to understand the impact accurately. Woolgar (2013) has used the term 'differential susceptibility' to explain (the difference in) children's sensitivity to positive and negative environments, with some children being particularly vulnerable to relatively low levels of adversity while others are less affected by such environments. Differential susceptibility to risk, therefore: ... *limits our confidence to know with certainty what negative consequences may or may not have followed from early maltreatment for any individual child.*<sup>7</sup>
- **Advocacy** – we advocate for children who are unable to advocate for themselves, with those 'in charge' of them, and in court.
- **Use of authority** – in some cases, it is important to convey the authority of the court, the authority and expertise of the social work profession, and to convey this with gravitas, personal authority and emotional intelligence. This constitutes authoritative practice.
- **Negotiation** – an ability to understand opposing positions and to reconcile them. The FCA will be in the negotiator role with many people and organisations. Key associated words are persuasion and influencing.
- **Compromise** – in a family court case, there are rarely winners and losers. It is important to create a solution which allows no one to win outright and no one to lose comprehensively, unless extreme danger for the child is present when a more one-sided outcome may be needed. Compromise is a crucial core competence, in making life tolerable for vulnerable family members in messy and ambiguous family situations where there is rarely a right and wrong, just strong feelings and multiple and frequently opposed perspectives – everyone's behaviour makes sense to themselves even if it makes no sense to anyone else. However, compromises and negotiated solutions must not lose sight of the child and must not ignore the child's perspective. This is child-focussed problem-solving.

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<sup>7</sup> Woolgar, M. (2013) The practical implications of the emerging findings in the neurobiology of maltreatment for looked after and adopted children: recognising the diversity of outcomes. *Adoption and Fostering*, 37 237-252 (p.240).

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## Workforce development

- 11.5 Cafcass' [Workforce Development Strategy](#) explains our vision for workforce development. We emphasise the importance of a stable workforce. A stable workforce is a sign of a good service. We continue to build a range of workforce development initiatives to place emphasis on improving the health and wellbeing of our employees, as well as supporting and advising FCAs about how to become more resilient. We remain committed to promoting self-regulation within supportive (secure base, see below) teams. We also remain committed to building and maintaining stable and permanent teams of staff who are clear about their role and main professional tasks.
- 11.6 The secure base model can be used by individuals to reflect on how they can behave in a way to promote a secure base for their team across five different domains: availability; sensitivity; acceptance; cooperation and team belonging.

**Availability:** Teams work well as a secure base when members of the team are available either in real time or virtually and that members of the team can also rely on other members to be available to them.

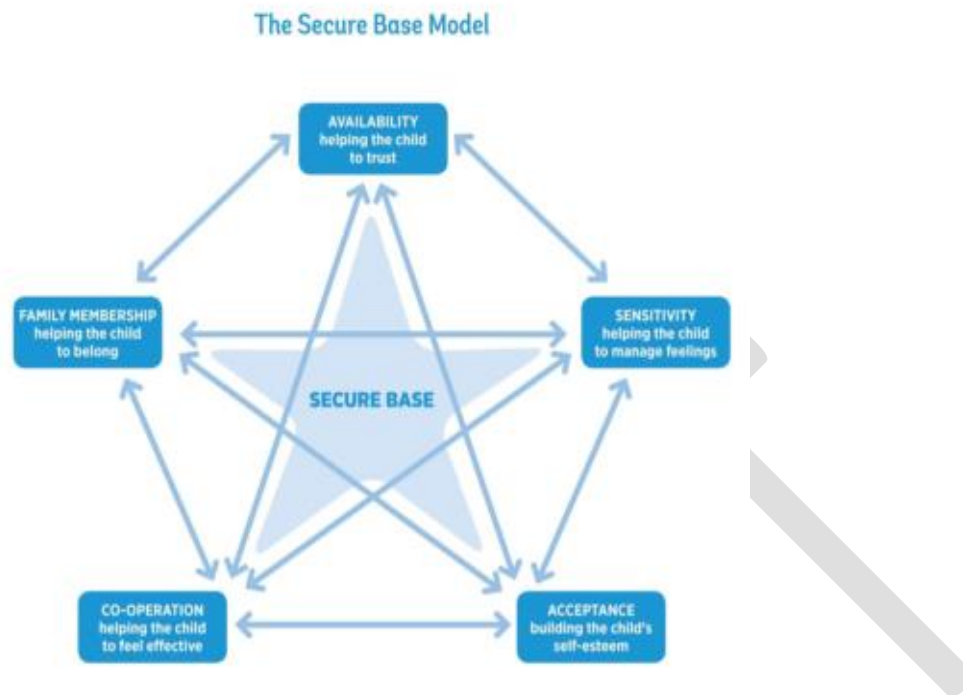
**Sensitivity:** Team members who show interest and sensitivity to how others of the team might be feeling and show that they care (by noticing your feelings, offering opportunities to talk or providing advice, sympathy, tea, food) help each other believe that they can manage their feelings.

**Acceptance:** Team members who can provide constructive help and advice when things go wrong show an understanding that everyone makes mistakes and that it is unrealistic to expect to be perfect all the time. Beliefs around the need to be seen as 100% competent at work can create unrealistic expectations which can create stress.

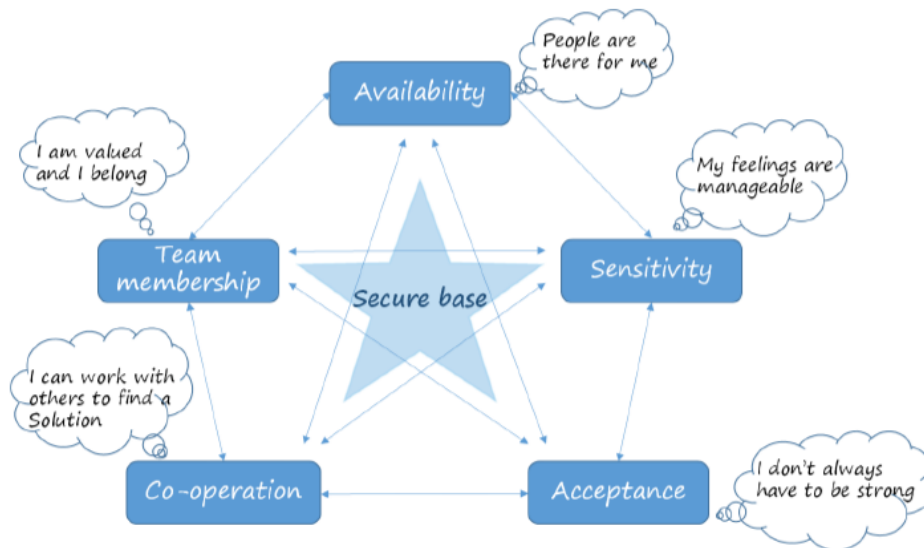
**Cooperation:** Teams who work together to solve problems and provide direction and advice help give social workers confidence that if they encounter a problem that others will work with them to find a solution. This helps alleviate feelings of isolation which can be a source of stress.

**Team membership:** Shared ownership of work and the recognition by the team of each member being both a colleague and a person helps contribute to social workers believing that they are valued and belong which helps sustain self-worth.

A child's need for a secure base<sup>8</sup>



The team's need for a secure base<sup>9</sup>



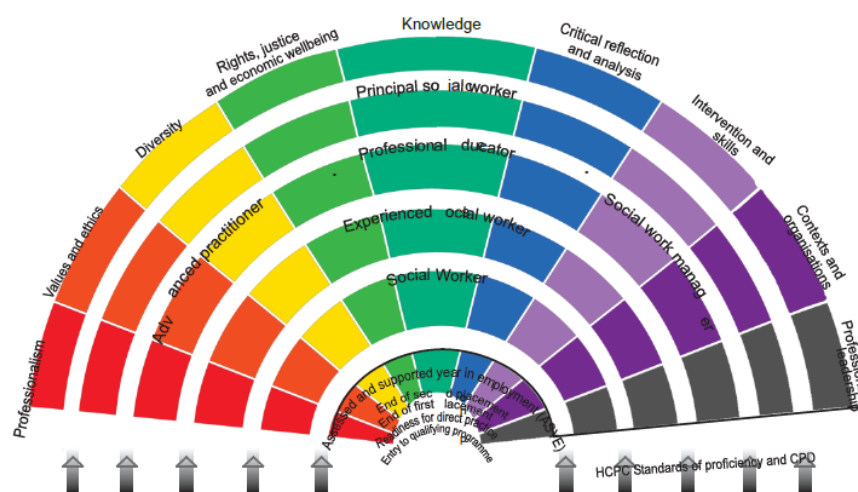
<sup>8</sup> Gillian Schofield and Mary Beek from the University of East Anglia and the BAAF practice guide, Schofield, G. and Beek, M. (2014) *The Secure Base Model: Promoting attachment and resilience in foster care and adoption*, London: BAAF

<sup>9</sup> Biggart, L., Ward, E., Cook, L., Stride, C., Schofield, G., Corr, P., Fletcher, C., Bowler, J. Jordan, P., Bailey, S. (2016). *Emotional Intelligence and Burnout in Child and Family Social Work: Implications for policy and practice. Research Briefing*. Norwich: Centre for Research on Children and Families, UEA. *This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*

- 11.7 Cafcass' [Equality and Diversity Strategy](#) sets out how we support and enable our workforce to be diverse in knowledge, skills and experience; so that we ensure equality and diversity is understood and integrated into everyday working practices. For example, we have recently delivered learning on dyslexia awareness to help staff understand the impact it has on children and adults and further learning on other topics are being developed. The role of the Diversity Ambassador has also been created and embedded to further develop the understanding and importance of equality and diversity in our front line practice (see the section on diversity in Chapter 3).
- 11.8 The Employee Wellbeing strategy outlines our intention to foster a healthy organisational culture, team cultures and personal cultures, supporting staff to maximise their capabilities to make lasting and positive differences to the children they work with. Our innovative wellbeing package and other bespoke approaches to workforce development have been recognised in a number of awards such as winning the "Best for flexible working" award at the Working Families Awards in 2015. The panel of judges described Cafcass' approach to flexible working as 'outstanding' and were particularly impressed with the way we have embraced technology, meaning that our FCAs can dedicate more time to their important work with children and families. To avoid the risk of staff becoming disconnected from their potential sources of support, we insist staff attend team meetings and also come into local offices and hubs on a regular basis. We also run sessions on remote working at team development days to provide an opportunity for all staff to think about how they can make flexible working operate well for themselves and their teams.
- 11.9 The flowchart below shows Cafcass' social work career pathway, supporting the delivery of a career structure within Cafcass which is aligned with the Professional Capabilities Framework for social work. We continue to provide early career opportunities for those who are seeking to combine work with study towards a qualification (student social workers), or those who have recently qualified and are undertaking their first social work role (Newly Qualified Social Workers). Our career path provides two available routes for those aspiring to develop their careers beyond the role of FCA. Those aspiring to management roles may do so as a Practice Supervisor and then Service Manager. Staff are supported to develop leadership skills through leadership development programs provided in partnership with Henley Business School and Sheffield Hallam University.
- 11.10 The Professional Capabilities Framework for social work features five clearly demarcated stages of professional development and nine professional capabilities (see the diagram below). Cafcass supports staff to progress through these stages and to maximise the number of practice educators in the workforce.

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## Professional Capabilities Framework for Social Workers



### FCA confidence

- 11.11 To meet the high standards expected of us, everyone in Cafcass needs to feel confident in their role, in the quality of what they are doing and they need to feel empowered. It is the responsibility of the team around each member of staff, especially our FCAs, to do their utmost to instil an ever-greater level of confidence. Usually this will come with experience but that process can be quickened if confidence is thought about more and consciously boosted.
- 11.12 FCA confidence can be undermined by negative or difficult experiences at work, especially if a situation remains unresolved. This can be confidence-sapping rather than confidence-boosting. This can be when a FCA is made to feel scared by an intimidating service user or if she or he is belittled by a fellow professional or experiences the organisation as their employer behaving destructively towards them. All efforts must be made to build and not sap confidence, even if difficult messages are being given – this can still be done in a way which respects the individual concerned.
- 11.13 As part of our [Employee Wellbeing Strategy](#) we are committed to supporting staff to understand and enhance their personal resilience levels. We have partnered with Robertson Cooper, market leaders in supporting workplace resilience and wellbeing. The Robertson Cooper [‘i-resilience’](#) tool is available to all to use on a self-access basis. In addition, the Robertson Cooper ‘snapshot survey’ is used in service areas to quantify and increase resilience and wellbeing levels. We will be embedding the Organisation and Team as Secure Base model into our Employee Wellbeing Strategy.

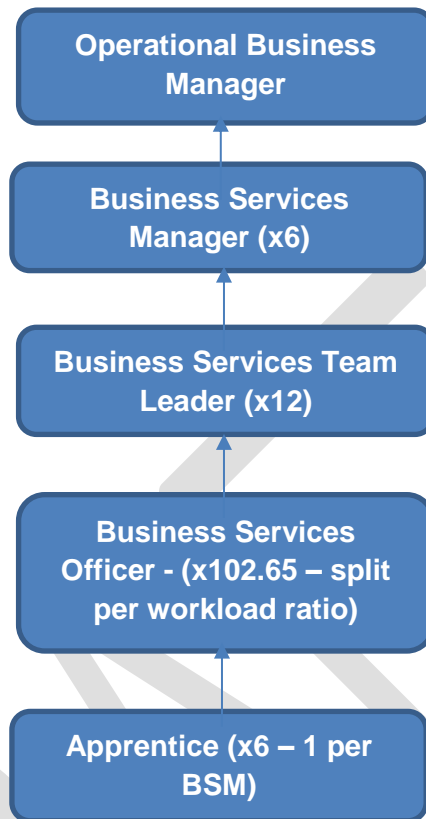
### Business services

- 11.14 The diagram below shows Cafcass’ business services career pathway, focussed on delivering a high standard of support to frontline practice. Early career opportunities are available in corporate functions or business services roles through our Apprenticeship Scheme, which provides a national framework of 12 or 18 month placements. We also ensure clear routes for progression through more senior roles

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for business services. Personal development within business services is supported by the Strengthscope™ tool.

Business services roles and the career pathway is set out below:



## Supervision and professional development

- 11.15 Supervision means ensuring that good advice and support is available to all staff, whatever their role, at the point of need. [Cafcass' Supervision policy](#) sets out how supervision should be conducted and recorded, as well as service standards and quality assurance. Different types of supervision are available, including the performance and learning review meeting (PLR) and “situational supervision”. Regular performance, productivity and allocations discussions also take place on a regular basis.
- 11.16 As part of supervision, evidence is collected to ensure service objectives have been met and that there has been adherence to policies, particularly with regard to safeguarding. Throughout the year, line managers monitor adherence through practice observations and the analysis of a sample of case files.
- 11.17 Cafcass has a framework for triggering case consultation or situational supervision, which FCAs should adhere to.

## Induction

- 11.18 An effective induction process is a critical element of attracting and retaining high performing and engaged staff. Managers are responsible for ensuring their staff are properly inducted within the first few weeks of their start date. This is mandatory for *This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*

all staff, including agency staff, as all are expected to be fully functioning as soon as possible. Assistant Directors and Heads of Practice monitor all inductions to ensure they take place and are effective.

- 11.19 A range of resources to support managers with the induction of new staff are available via the 'new starters' section in the HR pages of the intranet. All new staff must be inducted in line with Cafcass policy so they become familiar with their role and requirements as soon as possible, and they must complete the mandatory online induction training which is accessible on MySkills.

## **Performance management**

- 11.20 Cafcass operates a performance management system which emphasises personal accountability and learning and support from the organisation to raise standards. The emphasis is on learning, not grading. Whilst grades are used as benchmarks, feedback on performance is provided directly to staff in the form of learning points. Auditors must be teachers first and auditors second.
- 11.21 Where work is assessed as 'containing learning points', staff should be given clear guidance as to what they need to do to ensure they can improve. Sometimes, formal improvement plans will be used, normally when insufficient effort to improve has been made.
- 11.22 A rolling programme of Area Quality Reviews (AQRs) assesses the strengths and areas for development of each service area. The methodology used in AQRs is standardised across the country with an emphasis on learning, set out in action or development plans. These reviews use a collaborative peer approach through the involvement of the relevant Assistant Director or Head of Practice to perform a "deep dive" review of a range of information such as performance data, file reviews and service user feedback. The review team is led by a peer AD/HoP, alongside the Senior Service Manager for NIS, and further supported by NIS improvement managers, operational managers, and members of the Family Justice Young People's Board. Moderation days within service areas ensure common standards are applied.
- 11.23 As part of our approach to managing talent, we are committed to identifying individual potential to learn and develop over time. This includes three streams: job enrichment; emerging talent; and development for management and leaders. Two examples of the opportunities available for individual members of staff are Cafcass' coaching skills development programme and the use of 'personal portfolios'; each focussing on encouraging staff to contribute their skills and expertise over and above their current role. Two hundred staff are on our Talent Management Programme called 'Emerging Talent' (January 2017).

## **Practice learning**

- 11.24 Continuous learning and development remains a high organisational priority. At the individual level, discussions in PLRs are the primary way of establishing and agreeing learning needs and improvement plans. PLRs allow a structured look back at the last period of work and the same going forward. Examples of PLR questions are 'what have you done in the last few months that you're really proud of?' and

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‘what learning do you need to apply in your work over the next few months?’ Learning needs can also be identified through file audits, self-auditing, learning from complaints and compliments and many other sources of feedback. Staff must take proactive responsibility to access and apply the learning opportunities available to them, ideally exceeding the Continuing Practice Development (CPD) requirements under HCPC registration. Discussions between managers and HR or NIS Improvement Managers is the mechanism for identifying learning requirements at team and national levels.

- 11.25 All staff are able to access Strengthscope™ which is used to recognise individuals’ strengths and identify how best to promote and enhance potential.
- 11.26 Increasingly, Cafcass is modernising its approach to learning, encouraging self-directed learning and the use of ‘resources’ rather than courses. This can involve bite size and creative solutions delivered at the point of need using new technology, rather than always requiring face-to-face events. The MySkills platform hosts a range of elearning resources for staff to use independently or in team events. These alternatives allow individuals to access learning more in accord with their personal learning style.
- 11.27 Cafcass is committed to supporting new entrants to the social work profession by offering high quality student placements provided by our staff who are trained practice educators. Practice educator courses are run regularly throughout the year for staff wanting to extend their skills in practice education which provides a unique development opportunity. Practice educators work with universities to assess students practice, there are (as of January 2017) around 70 qualified practice educators throughout the organisation.

<b>Benefits to students</b>	<b>Benefits to Cafcass</b>
By gaining experience of a social care workplace where good practice is established.	The opportunity to contribute to the development of the next generation of social workers and to make sure that they are well informed and capable of high quality practice. and to consider taking on the best students in any given year as NQSWs
By observing first-hand the work of experienced professionals.	Opportunities for continuing professional development for FCAs, supervisors, assessors and managers.
By working with people who use the service.	A daily fee paid per student.
By getting feedback from both colleagues and service users.	A practical contribution to the work of the service, for example by working alongside regular staff, completing reports for court, jointly signed off with the practice educator or by developing a new project. Providing energy, enthusiasm and new ideas.

## **Workloads**

- 11.28 Cafcass has a national system which measures the workload of Cafcass FCAs by assigning a point score to each stage of a case in private and public law. Each FCA then has their own aggregate score calculated based on the number, type and stage of cases they have, representing their estimated workload. This is used by service
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managers to allocate cases and by staff to regulate their own caseload and to maximise the throughput of cases. The scheme is regularly reviewed to ensure that it reflects changing working practices.

## Self-regulation

- 11.29 Self-efficacy is the professional confidence to be able to do a job effectively despite an often high or acute level of technical or operational difficulty. People with high self-efficacy skills are more likely to view difficult tasks as challenges to be overcome rather than obstacles to be avoided.

### Self-regulation

- A high trust model with a presumption of compliance and professional integrity.
- Relies upon continuous self-assessment and self-auditing of all work.
- Supports the growth and developing of self-efficacy skills through training, good supervision and coaching.
- Uses self-certification for many transactions.
- Use of a proportionate quality and impact assurance framework to concentrate management oversight on those cases and staff where it is needed most.
- Sufficient IT literacy to operate this transactional and interactive model.

- 11.30 Staff self-assess their own work as part of reflective practice (all grades and roles) in line with agency policies and procedures. For example, Cafcass' [Quality Improvement Tools](#) and the [Threshold Document for QA Grading](#) are designed to provide a clear framework of expectations for FCAs to benchmark the quality of their own work.
- 11.31 MyWork is available to support staff in self-regulating their work and in their personal development. This is an electronic tool which summarises and displays key aspects of an individual's performance including their casework, training, health and wellbeing, and supervision meetings. This information is provided to individuals on a secure basis, via the Cafcass intranet. Questions regarding MyWork can be sent to a specialist email address ([mywork@cafcass.gsi.gov.uk](mailto:mywork@cafcass.gsi.gov.uk)) or staff can contact their local HR Business Partner or HR Officer.
- 11.32 Self-regulation also depends upon staff remaining fully compliant with internal and external requirements for the organisation. Social work in the family courts has to be based on authoritative practice and has to be carried out confidently. It cannot become defensive practice based on risk-averse decision-making. Establishing a culture of stronger self-regulation helps to build higher levels of confidence and trust internally and externally, and to create the highest possible positive impact in our work, particularly 'acting on the system' as a change agent, on behalf of the child.
- 11.33 Self-regulation also extends to the use of Cafcass property and equipment with all staff being responsible for the sensible and safe use of equipment. This includes ensuring that equipment is only used by the designated user: that passwords are not shared, and that laptops and mobile phones are stored securely, with any losses immediately reported to the Business Manager so that the account can be

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suspended. Another example is that Cafcass must be reimbursed for any personal calls made on a work phone (see the [IT security policy and procedures](#)).

## The rights and responsibilities framework

11.34 Cafcass aims for a strengths-based and high trust psychological contract between employee and employer. These expectations are underpinned by the rights and responsibilities framework set out below. By support, we mean:

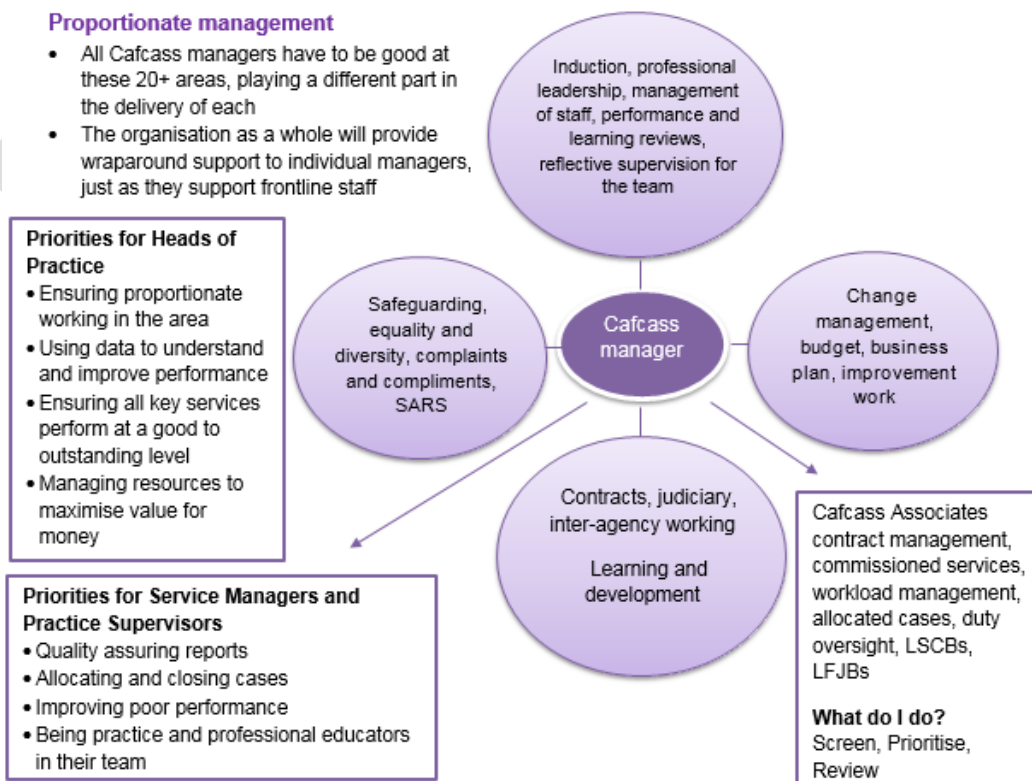
- Managers at all levels have a responsibility to articulate and establish a supportive operational culture based upon risk-sharing in complex cases.
- Managers must be accessible to their staff at all times for day-to-day support with their work – immediate advice, consultation and situational supervision.
- Staff carrying out emotionally draining work – ‘emotional labour’ - will be supported emotionally and psychologically to become as resilient as possible, and, as set out above, will be supported by the organisation so they do not feel they are bearing risks or burdens alone. Risk sharing between FCAs and managers is a fundamental principle in Cafcass.
- All national teams and managers must be accessible to frontline teams and staff at all times to support their work.
- Cafcass nationally will put in place as much additional support as possible for those teams that need it.

Rights	Responsibilities
the right to be treated with respect	respecting others
managers foster a culture of collaboration	supporting colleagues, attending team meetings
job satisfaction (professional pride; a sense of fulfilment)	readily adapting a personalised way of working to new circumstances
the right to management support	being able to self-regulate by ensuring work meets standards and is compliant with policy
the right to be engaged in all decisions taken about my job, my workplace, and the way I am required to work	to influence proposed change/s as best I can, suggesting realistic alternatives and solutions
the right to be seen for my strengths as well as my weaknesses, in balance and in proportion	to respond positively and quickly to anything I need to change
the right to reasonable adjustments so that I have equal opportunities to fulfil my role	to assess each case for any diversity factors and, if relevant, suitably analyse, report to court, and consider reasonable adjustments
to have a reasonable workload	to respond to the needs of the organisation
that Cafcass will take active steps to make my job manageable	to be as efficient and effective as possible, recognising limited resources, including time
the right to a transparent allocation process	to close cases promptly, and to be available and positive about taking on new work
the right to be fully involved in the work of my team or service area	to contribute to the best possible consensus and/or solution to any identified team or service area problem
the right to work flexibly	to ensure that flexible working is compatible with the operational needs of the service

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## Leadership and management

- 11.35 Clarifying the professional task and teaching staff how to make best use of scarce professional time underpins the Cafcass model of practice-led management. Managers at every level have a leadership role to play to reach the highest possible practice standards, aiming to make every decision and strategy a supportive one for service users and front line staff.
- 11.36 Leadership and management in Cafcass is a shared and collegiate model, and only as hierarchical as situations sometimes require.
- 11.37 Cafcass' model of continuous learning and development is premised upon the development of effective managers and leaders throughout Cafcass; a range of programmes are available to do this. 'Learning for new managers' is a development programme which must be completed within the first 12 months of becoming a manager at Cafcass, and can also be accessed as by aspiring managers or experienced managers requiring a refresher. For current managers, the 'development for all managers' programme focusses on at least one newly developed module each year and a range of supporting resources. Cafcass also provides a range of ongoing leadership development designed to stretch and challenge our current and future leaders. This currently includes external speakers at management development days, access to the Leadership Programme at Henley Business School for Assistant Directors and nominations for sector specific practice leadership programmes where appropriate.
- 11.38 The diagram below illustrates the range of demands and requirements on senior managers to be prioritised according to the context in which they work.



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## Workplace culture

11.39 Cafcass workplaces are required to be positive learning environments, and staff at all levels have a responsibility for positive culture setting. The [Employee Relations Policy](#) covers a range of issues and provides a helpful and clear framework for staff in their day to day activities. With more staff working flexibly, Cafcass' model of management needs to adapt to ensure staff feel just as connected. Internal courses like 'managing remote teams' can help to identify and work through new ways of maintaining a strong internal culture despite spending less time together.

- The dominant language in the local area should be the needs of individual children we are working with, and how best to help them
- We should work out what we can do with limited time for a case, not what we are unable to do.
- The office and local area culture should be friendly, supportive and collaborative. All team members must contribute to this.
- It is a collective responsibility in teams to manage anxiety and pressure as best as they can in challenging times.

## Peer support and advice

11.40 Peer support and advice is crucial in operational services. Peer support is maximised in high performing teams who use a strengths-based approach, with open channels of communication and with a local management team who are visibly supportive of strong peer relationships. The use of coaching skills enables support to be offered and delivered from a range of sources within and external to teams. Cafcass' internally accredited coaching skills programme provides focussed development to any staff member who wants to improve their coaching skills.

## Section 12: Communicating with service users and stakeholders

### **Our vision for outstanding practice:**

Service users and stakeholders have a positive experience of Cafcass and our working relationships with key partner agencies are constructive, productive and creative. We value feedback from service users and stakeholders and use this to support learning within the organisation.

### **With service users**

12.1 We have developed customer care standards to make sure we treat everyone we work with fairly and equally in providing a consistently good to outstanding service. We say to service users that we will:

- provide a friendly, helpful professional service and treat you with respect at all times
- treat you fairly and allow you to access our services
- give you the information you need and work hard to get things right for your children
- provide clear information about our services that you can access easily
- use plain English, avoid jargon, translate information and put it into other formats when you need it
- use your comments and feedback to improve our services
- make sure that our complaints process is clear, easy to understand and fair, and that we solve problems quickly.

### **Good written communication standards: letters and emails**

- All correspondence must be personalised, with a legible handwritten or electronic signature from the Cafcass member of staff signing it off
- Letters should be on headed paper, dated, with full contact details
- Correspondence should be factual and courteous
- All correspondence must be proof-read before being sent out, to avoid typing errors, misspellings, or poor sentence construction
- Parties and courts must be contacted if our work is unavoidably delayed, stating the reason.
- 'Out of office' alerts should always provide an alternative email address or phone number so that enquiries can be re-directed without delay.

More information is available on the [Communications page](#) of the intranet.

12.2 [Click here](#) for all adults and children's leaflets. Free, hard copies can be ordered by offices by using the [publications order form](#). There are also [FCA toolkits](#) for working with children and young people which are accessible by children and their families so that you can see how we work.

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## Information assurance

- 12.3 The nature of the work we carry out with children and families means that we often deal with personal information that is sensitive. It is our duty to handle this information correctly and protect it from falling into the wrong hands. For example, care must be taken to ensure children and vulnerable adults are protected from the risk of jigsaw identification, by allowing enough information to be disclosed which allows for someone's identity or whereabouts to be discovered, when there are safety reasons why they need to remain confidential.
- 12.4 We handle it correctly by only collecting and processing personal information which is necessary to our safeguarding duties and we ensure it is accurate and up-to-date. Efficiently maintained records can improve:
- The quality of decision making
  - Long-term planning
  - Fast and accurate customer service
  - The quality of our reports to court
- 12.5 We protect case data by holding information on our secure Electronic Case Management System (ECMS). We also only send sensitive information by secure methods, either by secure postal services or electronically via Egress Switch secure email. This ensures that only those with the right to view the information can access it. More information on can be seen in the [Information Assurance Policy](#) and [Case Recording and Retention Policy](#).
- 12.6 Staff should take all reasonable steps to prevent an information breach, such as using privacy screens on laptops in public; and always putting sensitive information into secure and preferably locked areas and spaces during a journey.
- 12.7 Incidents where personal information is accidentally lost or shared unlawfully with the wrong person ('data breaches'), or where information is handled incorrectly according to internal policies ('data incidents'), are recorded and regularly reviewed by our Information Assurance Board in order to improve our data security processes and to ensure that these incidents are minimised.
- 12.8 Service users have the right to access any of their personal data that we hold through the [Data Protection Act 1998](#). The process for this is in the [Subject Access Request Policy](#).
- 12.9 Cafcass operates within both the Data Protection Act 1998 and the Family Procedure Rules. Personal information is confidential and in normal circumstances can only be disclosed to a third party where both (a) the individual about whom the information exists consents to the disclosure and (b) the information lies outside of the restrictions set out in the Family Procedure Rules (i.e. the information does not relate to proceedings). If staff are unsure about whether to disclose information they should contact the Cafcass Legal team on the duty line.
- 12.10 The Head of Legal Services is the Caldicott Guardian for Cafcass, and can be consulted about any data breach concern or issue.

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## Complaints and compliments

- 12.11 Compliments and complaints provide valuable learning points. Cafcass is open to concerns that are raised, and responds in a way that prioritises the safeguarding and promotion of children's welfare.
- 12.12 The following guidance is available:
- A [factsheet](#) setting out how service users can raise their concerns, including a factsheet specific to the process to be followed when concerns are raised by children.
  - The [full procedure](#) setting out the way we will deal with concerns and complaints.
- 12.13 A quarterly analysis of complaints and compliments is conducted by a senior operational manager, with learning disseminated through the quarterly learning log.

## Managing unacceptable behaviour

- 12.14 Cafcass does not tolerate any violent, abusive or threatening behaviour towards our staff. This applies to face to face situations, and other forms of communication such as email, telephone, letters and internet postings. Action is taken in response to incidents involving a threat of harm, including the perception of a threat of harm; this may involve civil action or the police. Each reported incident is reviewed by the National Health and Safety Adviser, who is the centre of expertise for how such incidents are handled by the organisation. A log of incidents is reported annually to the Audit and Risk Assurance Committee. Guidance is available for staff on [managing unacceptable behaviour](#).
- 12.15 Cafcass applies a 'single point of contact' arrangement when communication needs to be managed to avoid the organisation being unreasonably bombarded by an individual. The arrangement ensures that communication is consistent and that a service user who emails a number of staff, sometimes using blind copying, receives a single organisational response. Where a single point of contact is used, the service user will be told that she/he should communicate in writing only. If the service user sends a written communication to anyone other than the single point of contact, the recipient will delete it without reading, confident that the single point of contact will read the communication and take the appropriate action.
- 12.16 In cases where Cafcass' involvement with a service user has come to an end, but the former service user continues to write to or telephone staff, a manager may decide that there should be no further communication. A letter template for confirming this decision is available in the [guidance on managing unacceptable behaviour](#). The former service user may of course still exercise any statutory rights such as the right to make a subject access request.

## With stakeholders

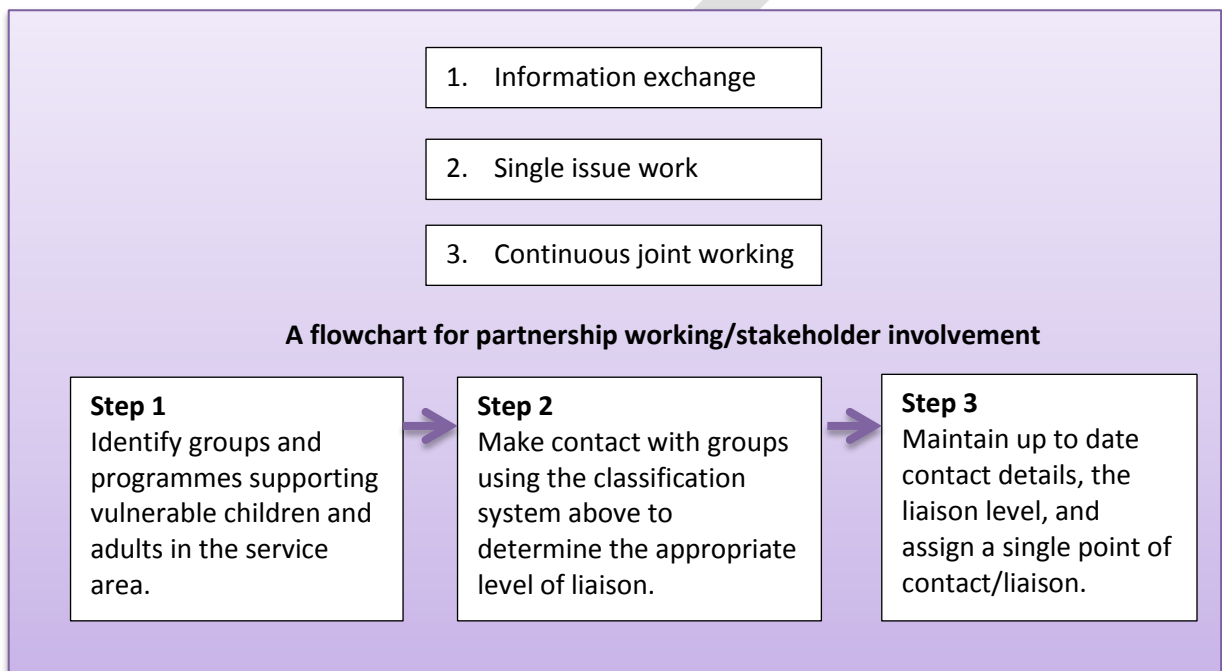
- 12.17 Cafcass has a relationship management system in place, which means Cafcass is always represented by a named person in our contact and communication with stakeholders.
- Each service area engages positively and constructively with the three main groups we work with: service users, stakeholders and staff.

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- Engagement levels, internally and externally, are performance managed within Cafcass in the same way as priorities like child protection and service effectiveness are performance managed.
- Cafcass aims at all times to be an inclusive organisation, to work transparently and to be held to account. Our work with service users and other stakeholders must be undertaken with respect for the position or perspective of others.

Partnership forums are a good means of communicating on a regular basis with key stakeholders like judges, solicitors and voluntary organisations. These are usually best held in the late afternoon after courts finish sitting. MPs will usually visit local offices if invited on Fridays when they are working in their constituency.

There are three levels of relationship management:



### With judges and legal practitioners

- 12.18 Senior operational managers liaise closely with local judges, especially the local Designated Family Judge (DFJ). Most Cafcass service areas have good local arrangements and, where necessary, local protocols with the judiciary in place.
- 12.19 Lawyers are key professional partners in all public law and in some private law cases. Close liaison is required on individual cases, as well as national and local liaison with solicitors' umbrella groups and their professional bodies.

### With HMCTS

- 12.20 Senior operational managers must ensure that local liaison with Her Majesty's Courts and Tribunals Service (HMCTS) is regular and at the right level to make any necessary business changes. This includes liaison over which courts and lists require Cafcass attendance so that attendance can be guaranteed within the resources available, and the electronic transmission of public and private law

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applications, preferably on the day they are received. Examples of joint work include:

- Reduction of duplication in information gathering and transmission of C100s
- Sending documents electronically
- Emailing court orders on the day they are made to the local Cafcass office
- Using data to understand and improve joint performance and data quality such as joint reviews of cases either subject to excessive delay or of particular local significance
- Reviewing HMCTS and Cafcass standard operating procedures to refine processes
- Joint HMCTS and Cafcass induction processes for business services staff
- Elimination of nugatory orders received by Cafcass for cases no longer open, and not needing to be re-opened

12.21 Exchange visits and open days have been used by many service areas to improve working relationships and understanding with local courts. Court staff will visit a Cafcass office and vice versa. Where this has been done, it has increased the flow and timeliness of information, such as a reduction in the number of incomplete C100s.

### **With local authorities**

- 12.22 Good practice guidance has been agreed with the Association for Directors of Children's Services (ADCS) in respect of:
- The commitment of both Cafcass and ADCS to work together where appropriate, to share good practice, and to identify ways to improve services jointly. This is set out in our [Good Practice Guidance for Family Court Social Work and our protocol for working together effectively](#)
  - The respective responsibilities of Cafcass and the local authority [in applications to discharge care orders](#).
  - The circumstances in which the local authority should be responsible for [preparing s7 reports](#), and those in which Cafcass should be responsible.
  - The [assessment of special guardians](#) in care applications.
  - Other joint policy statements and documents, including about the use of section 20 and settlement conferences.

### **Working with the police**

12.23 Liaison with the police about data and case intelligence held by the police is managed within the National Business Centre. Constructive liaison between local Cafcass teams and the National Business Centre police unit or local police forces is crucial on individual cases. Documents containing guidance on police checks can be accessed on the intranet by [clicking here](#).

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## Local Safeguarding Children Boards (LSCBs)

12.24 Cafcass is a statutory partner of every LSCB in England, under s13(3) of the Children Act 2004, reinforced in Working Together (2015). Cafcass' LSCB strategy is as follows:

- A negotiation between the local Cafcass manager and the LSCB Chair as to how Cafcass is to make an effective contribution to the work of the LSCB, in the light of such matters as: the needs of the LSCB; operational demands; Cafcass' statutory functions and duties (which are not always congruent with the work of the LSCB); and Cafcass' contributions to other local multi-agency forums.
- The Cafcass Director of Strategy links with the national forum for LSCB Chairs
- The unit of currency to measure effectiveness should not be attendance at meetings. Raising a matter with the LSCB Business Manager as a potential agenda item, or making written comments on a paper, may be just as effective as attending meetings of the full Board and sub-groups, given competing demands for time and resources.
- A flat-rate financial contribution of £550.
- Contributions upon request to: serious case reviews; s11 audits; and LSCB annual reports.

In respect of serious case reviews (SCRs):

- Cafcass contributes to approximately 25 SCRs per year, and to a small number of Domestic Homicide Reviews (DHRs). To ensure that our contributions are made effectively, a [serious incident notification \(SIN\) procedure](#) is in place to help staff understand which incidents need to be notified, and how. The roles of staff who are involved in SCRs and DHRs are set out in [Multi-Agency Review: Policy and Roles](#). Other materials available to staff are [Cafcass' model for disseminating learning from SCRs](#) and [Cafcass' IMR research](#) which is produced annually.

In respect of s11 audits and annual reports:

12.25 Cafcass is not named within the Children Act 2004 as an organisation to which s11 applies, but contributes to such audits as a statutory board partner through the provision of a [corporate submission](#). Further materials available to staff on the [Safeguarding Department intranet page](#) are: [Cafcass' Annual Safeguarding Report](#) and a presentation for LSCBs.

## Multi-Agency Public Protection Arrangements (MAPPAs)

12.26 [MAPPA](#) joins the police, prison and probation service together to assess and manage the risks posed by violent offenders. The degree of Cafcass involvement should be proportionate to the risks involved and the contribution we can make.

## Multi Agency Risk Assessment Conferences (MARACs)

12.27 Cafcass attends MARACs where it is in the interests of children to do so, but the extent to which we are able to disclose information is restricted by statute and by the court rules. For a note on information sharing, MARACs and the Family Procedure Rules 2010, [click here](#).

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## **Local Family Justice Boards (LFJBs)**

12.28 While LFJBs are not a statutory body like LSCBs, the requirement to be an active player in LFJBs – and in the national Family Justice Board – is set out in our annual remit letter from our Secretary of State. Cafcass chairs 14 out of 46 LFJBs in England and we co-chair others, and provide the chairs for many Performance Sub Groups. LFJBs are the main forum for all local partners to engage and to solve local problems such as through a local seminar or training programme. We will continue to prioritise our input to LFJBs as they are the multi-agency body most directly relevant to our statutory roles and functions.

## **The National Family Justice Board (FJB), the Adoption Leadership Board and Family Justice Council (FJC)**

12.29 Cafcass is represented on the [National Family Justice Board and the Adoption Leadership Board](#) by the Chief Executive and on the [Family Justice Council](#) by the Head of Legal Services.

## **Unions**

12.30 Cafcass operates in partnership with three trade unions who have members within Cafcass. These are Unison, the National Association of Probation Officers (NAPO) and the Public and Commercial Services Union (PCS).

## **The Parliamentary and Health Service Ombudsman (PHSO)**

12.31 The PHSO can investigate complaints that Cafcass service users have been treated unfairly or have received poor service from Cafcass. The Cafcass Policy team acts as the single point of contact with the PHSO and works with FCAs and managers to respond to all enquiries and investigations. A quarterly analysis of all investigations is provided to senior operational managers, and learning is applied through the quarterly learning log system.

## Section 13: Integrated support services

### **Our vision for outstanding practice**

Support services in Cafcass are child-facing and frontline-facing and integrated into frontline practice. They play a central role in the delivery of timely and high quality services to children, families and courts. Every number on a spreadsheet is a child.

Business services is a vital frontline service to get right first time and every time. A message not passed on, or a court order not logged and acted upon, can have serious adverse consequences for a child. Attention to detail in systems and processes is crucial.

### **Business services**

13.1 The core business support task is the administration of a case from the point of receipt to closure. The various stages of a case are organised administratively in the case file on the electronic case management system (ECMS). Each piece of information or data must be recorded electronically within the file in the appropriate section. Inaccuracy, misfiling or delay can result in detriment to a child – for example through vital evidence not being taken account of – or can lead to reputational or financial risk to Cafcass, such as a wasted costs order being made.

Key issues for business services are:

1. They should support the FCAs and managers around them in their work, but not be expected to carry out IT-related tasks which fall within the FCA's or manager's core competences. Business services is specialist administrative work which goes beyond the technical level of others in the organisation.
2. The business services core job is to maintain the systems and processes for case management and case progression, so that our complex high volume service runs smoothly and so that each child referred to us receives a prompt and predictable service and that no child falls through the net.
3. Business services are expected to be compliant and consistent in all processes they operate, but also to spot where these could be improved and to bring that improvement idea to wider attention to support continuous improvement in Cafcass.
4. Business services staff must support each other in order to succeed together.
5. Business services play a key role in inter-agency working, with solicitors, HMCTS, local authorities and the judiciary, as well as with staff within Cafcass. Business services is about partnership working as well as detailed, accurate individual work.

### **Finance**

13.2 Finance within Cafcass is split into corporate finance and management accounting.

13.3 Finance staff are a key frontline facing service, integrated into the effective management of frontline services and budgets, whilst still ensuring compliance with Government accounting rules and regulations.

13.4 Finance staff work closely with Ministry of Justice Corporate Finance, internal auditors, and the National Audit Office as well as with staff internally.

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13.5 The [Finance Manual](#) sets out proportionate approaches to accountancy, budgetary control and monitoring.

13.6 Finance staff spend time coaching and supporting all staff, particularly cost centre managers, on the principles of good financial management. They in turn are part of the same operational culture which emphasises strong and positive partnership working at all times and continuous improvements in the finance function.

## Human resources

### **Our vision for outstanding practice:**

Our HR service is integrated with and strengthens the frontline, with an outstanding attention to detail. It support us in being an employer of choice, using a strong knowledge and evidence base to lead innovation. It is a talent catalyst, supporting a wellbeing culture and mindset.

13.7 Cafcass' HR team provides advice and support to the organisation across the full range of people management and development issues. It has an integral role in helping the organisation achieve its strategic aim of a self-sufficient and self-regulating workforce without any compromising of quality. Aligned with Cafcass' key business and service delivery priorities, the overarching aim for HR is to ensure that Cafcass as a workplace is characterised by a culture of high engagement, continuous personal and professional development, a challenging but supportive performance ethos and innovation in delivering high standards of social work and business support (see diagram below).



Recognition from the sector:	
Best Social Work Employer	Overall Top Employer (2015 Working Mums Top Employer Awards)
Best Healthcare Strategy (Very Important Benefit Awards)	Personnel Today 2015 Overall Winner
Best Flexible Working (Working Family Awards)	Shortlisted in 2016 for Best Total Reward Strategy (Employee Benefits Award)
Innovation in Flexible Working (2015 Working Mums Top Employer Awards)	

13.8 The HR team provides three key services:

- HR business partnering:** to ensure that managers and teams are fully supported in their work and that local business planning is aligned with people management and development priorities. HR business partners support strategic workforce planning, local staff engagement, health and wellbeing initiatives, performance management and development, attendance management and a wider range of employee relations issues. The HR team

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also partners with Cafcass' recognised trade unions to progress employee relations matters effectively and to streamline and maintain a suite of [HR policies](#) that are fit for purpose.

- **Organisational development and strategy:** focusing on specific project or commissioned work designed to underpin and enhance the health, wellbeing, productivity and engagement of Cafcass staff. It is also primarily responsible for the implementation and evolution of Cafcass' [Workforce Development Strategy](#), including the continued drive to enhance leadership and management development, as well as realising the talent and potential that exists across the organisation by way of our [Talent Management Strategy](#) which is premised on a strengths-based model of learning and development.
- **HR transactional and payroll services (resourcing):** performing a number of business-critical functions utilising the full range of iTrent capability, including provision of dedicated support to recruiting managers, processing new starters and leavers, overseeing necessary pension administration and interfacing with Payroll to ensure staff are paid correctly and on time.

### **Wellbeing and resilience**

Cafcass' Employee Wellbeing Strategy sets out what resources are in place to support staff to achieve wellbeing and resilience. This is crucial as our frontline staff carry out 'emotional labour', working relationally with children and families who are often in acute distress. 'Emotional labour' is tiring and stressful, hence the importance of training and support for maintaining good levels of resilience. This takes on added significance with high demand levels for our services.

Key to this is our partnership with Robertson Cooper, market leaders in workplace wellbeing and resilience, which provides all staff access to a personalised report on their wellbeing and resilience levels with advice on how to improve these. Staff can access 1-1 wellbeing consultations on a range of factors such as sleep, nutrition, exercise, and mind management focused on increasing energy and resilience levels. The Medicash health plan provides for a range of proactive wellbeing treatments such as physiotherapy and face to face counselling sessions including cognitive behavioural therapy. A Mindfulness Mentor Network is in place, aiming to embed mindfulness into daily practice. Mental Health First Aiders are also on site and available to support staff, and modules on programmes like 'practising gratitude' are also available.

## Talent management

Cafcass' Talent Management strategy continues to be an essential tool in nurturing potential and building on the strengths of all staff. Through job enrichment, all staff have the opportunity to discuss their future potential and aspirations through the performance and learning review process, to plan learning and development which will enhance their current performance and advance their career progression. The emerging talent programme aims to recognise and enhance the development of our high performing and most aspirational staff, for their own benefit and that of the organisation.

Those individuals assessed as being high performing and with high potential, following an application process (endorsed by their line manager) and selection (by CMT), join the emerging talent programme. Using a strengths based approach, staff on emerging talent follow a personalised development plan combining universally available Cafcass learning with specific individual activities such as mentoring or project work. Overall responsibility for their development remains with the individual and their line manager, supported by HR.

## Legal services (family law)

13.9 Cafcass Legal is a team of in-house lawyers who:

- Represent children in High Court cases
- Provide separate legal representation for Children's Guardians where appropriate.
- Act as advocates to the Court when invited to do so by the High Court, advising on particular aspects of the law.
- Accept referrals from independent reviewing officers in relation to looked after children and represent those children if proceedings are issued on their behalf
- Operate the Legal Advice Helpline which is available to all FCAs who are not represented by solicitors as well as managers and other teams within Cafcass.
- Provide legal updates on cases in which there are learning points for FCAs via Legal Alerts that can be accessed on the [intranet](#).
- Offer training for FCAs.

Legal Helpline: 0175 323 5295 (Mon – Fri: 9am – 5pm)

13.10 In addition, the lawyers at Cafcass Legal provide legal advice and representation to Cafcass on all other legal matters, with the exception of employment law, which is provided through the HR service, and land law, which is provided through the Estates service. The legal team also holds responsibility for the governance function.

13.11 The [Legal intranet pages](#) contain a large amount of useful information, including copies of previous legal alerts, hand-outs for the training run by Cafcass Legal, and information about all aspects of family law.

## IT services

13.12 The Cafcass IT team commissions systems and equipment for the whole organisation and manages a range of outsourced contracts for the provision of *This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*



technology. Our main IT provider is Fujitsu. For help with any system or equipment problems, contact should be made with the ServiceNow helpdesk on 0344 875 0410 or by email to [caf@service-now.com](mailto:caf@service-now.com). Further advice can be found on the [IT intranet pages](#).

- 13.13 The IT team work with operational staff and managers to introduce improvements to the technology we use, in support of an ever-better toolkit for staff. The guiding principles of the IT strategy are set out in the box below. Simplicity of use, together with a comprehensive range of operational requirements are at the heart of what we do. In line with good practice, user requirements and operational testing form the basis of any changes. Suggestions and requests are always welcome, and we will do what we can to accommodate these within the continuing improvement and change programme.

#### **IT strategy principles**

- Enabling, encouraging and facilitating innovation to ensure Cafcass is making use of the most relevant tools, and continues to lead the sector in its use of technology:
  - Ensuring flexibility to adapt and improve with both the technology market and our business requirements;
  - Use market leaders for each service, not restricted to a single provider;
  - Ensure organisational control and ability to affordably and effectively adapt, change or update our tools to ensure the business is always supported.
- Using the technology that helps to deliver the required savings programmes while minimising the negative impact of savings on frontline services.
- Supporting the principle of 'digital by default' in services to the public ensuring electronic access to services and information through any device.
- Enable an increasingly mobile workforce to continue to develop and deliver exceptional service to service users.
- Increase ease of working and sharing systems with other government departments.
- Ensuring the highest quality products, tools and applications are available to FCAs in their work with children and families.
- Minimising disruption to business through transition, and during subsequent change.
- Allowing access to key systems for all staff including contractors, supporting the principles of flexibility, reliability and ease of use.
- Allowing access to key systems through a variety of devices.
- Multiple suppliers with shorter contract lengths which balance value with competition and flexibility, making required flexibility and innovation as affordable and accessible as possible.

- 13.14 Advice and guidance on general use of systems is available from the service desk, from the IT team or the IT trainers. There are many support materials available on the intranet and MySkills, in the form of documents and short videos and the Smarter Working Campaign continues to provide links to hints, tips and guidance to get the most out of your technology. Trainers are able to remotely share screens, which makes it easier for training and advice to be provided over the phone to individuals or small groups. Instant messaging can be a quick way of contacting trainers, or any other member of staff, if they are online to ask simple queries.

- 13.15 A Dragon user forum has been developed where Dragon users can post questions and join discussions, to get help from IT trainers and other Dragon

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users. All Dragon training is provided by Cafcass' IT trainers, which means they have a better understanding of Cafcass' systems and can tailor the training to meet the specific needs of the individual.

## Procurement

- 13.16 All new and repeat procurement is coordinated by the national procurement team who can advise staff on the contracts to use and when and how to tender, when necessary.
- 13.17 The national procurement team also advises on what to do locally when no suitable contract exists for a local team to use, or when the contract available cannot be accessed or cannot provide a good solution in the time-scale needed. The team also support electronic tendering and consolidated billing arrangements. Contact the team at [procurement@cafcass.qsi.gov.uk](mailto:procurement@cafcass.qsi.gov.uk).
- 13.18 Agency staff must be recruited from approved agencies on the Cafcass framework contracts in place at any given time. Further procedural information can be found on the [Agency Staff](#) pages of the intranet.
- 13.19 Quarterly contract management meetings are held with all Cafcass Associates commissioned to hold cases by Cafcass.

## Property management

- 13.20 The [National Estates and Health and Safety service](#) supports the management of our offices to provide safe and secure environments for staff and service users that are compliant with current health and safety and requisite environmental legislation, meet equality and diversity requirements for service provision, and satisfy sustainability standards.
- 13.21 The National Estates and Health and Safety team is responsible for a broad range of services:
- Implementing the Estates Strategy helping to ensure the estate is fit for purpose and value for money.
  - Planned, reactive and emergency maintenance: sourcing and managing external contractors, as well as advising on recommendations.
  - Hard and soft facilities services: managing supply by external contractors and liaising with local in situ facilities management providers.
  - Property projects, including office refurbishments and relocations: ensuring projects are aligned to the Estates Strategy and meet corporate design principles and standards.
  - Landlord, lease and legal matters: liaising with landlords and external contracts for property focussed legal and professional advisory services.
  - Energy supply contracts and sustainability: liaising with energy supply contractors to ensure value for money and aligning projects with sustainability targets
  - Furniture supply contract management.
  - Health and safety policy monitoring: undertaking workplace health and safety inspections; assisting and advising managers in regard to assessing health

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and safety risks; review and revision of health and safety policy arrangements.

- Health and safety advice and guidance: first point of contact for managers to seek advice on any health and safety related matters.
- Health and safety training through MySkills: developing and publishing e-learning tools to support provision of health and safety information, instruction and training.
- Accident investigation: advising and assisting managers in regard to the investigation of accidents and incidents.
- Ensuring compliance with statutory regulations: managing external contract for checking and ensuring compliance with specific premises related statutory duties.

13.22 The core documents the team work to are:

- [The Cafcass Health and Safety Policy](#)
- [Service Level Agreement](#)
- [Cafcass office design standards and materials](#)

The team also keep and maintain an up to date list of local touchdown and interviewing facilities for staff. Contact the team at [cafcass.estates@cafcass.gsi.gov.uk](mailto:cafcass.estates@cafcass.gsi.gov.uk).

### Office standards

- All offices must operate a clear desk policy
- All offices must be managed to a high health and safety standard. Health and safety is everyone's business, such as the risk of slips, trips and falls – all health and safety risks should be anticipated, not just reacted to.
- All family rooms and interview rooms must be child-friendly using Cafcass design standards and materials.
- Hot-desking should be the norm, with enough quiet space available when needed, such as interviewing service users, or quiet space to write reports. The local room booking system must be used and respected.
- A secure carrier used for all internal post between Cafcass offices for compliance with information security standards. Electronic transfer and transmission is encouraged.
- For maintenance issues, use the national emergency maintenance contract or find the best local deal.

## The National Commissioning Team

13.23 The commissioning team supports the work of FCAs in private law cases before and after first hearing, with elements of the Child Arrangements Programme.

- The team coordinates and refines the pathways for use of the Parenting Plan and the supporting behaviour modelling training for parents that are intended to be alternative routes to a court application, or to limit the dispute that does need to be resolved in court. [The Parenting Plan](#) describes this fully and is a toolkit for use at any stage of the separation or divorcing process.

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- The team manages the network of partner organisations that deliver the Separated Parent Information Programme that is available as an activity order in court or as an out of court activity.
- The team manages the provision of contact interventions through a network of contact centres. The aim is to help parents establish safe and beneficial contact, working with parents on learning from the contact, engaging with and children, and learning from direct contact. Interventions also include child/parent contact to sustain a relationship (while a finding of fact is awaited), and indirect contact.
- The team also has links with supported contact centres, which are grant aided voluntary organisations. Cafcass only works with contact centres that possess a current NACCC accreditation. Further information about these centres, and what sort of cases are safe for supported contact, is on the [NACCC website](#).
- The team manages the network of partner organisations that deliver Domestic Violence Perpetrator Programmes that is available as an activity order in court.
- The team provides the DNA testing service for Child Arrangements Order cases, through trained FCAs.

Further information about the national commissioning team, these services, guidance, provider lists and referral routes is contained on the [intranet](#) and for out of court services, the [internet](#).

## Policy team

- 13.24 The policy team coordinates policy content, including version control. It also manages the Cafcass policy review programme, which ensures policies are set and cleared at the right level.
- 13.25 The team develops policy jointly with operational managers who have specific aspects of policy in their portfolio. This is to ensure that policy is always grounded in operations.
- 13.26 All staff are encouraged to initiative policy ideas and a number of policies and services which have started in this way have developed into being sustainable national services such as the National Psychology Service which was first suggested by a FCA in the Black Country, and which then started out as a pilot initiative there. Several sustainable services were first proposed by the Family Justice Young People's Board. This is an example of open policy making which Cafcass encourages. We also welcome policy ideas from our service users and partner agencies.
- 13.27 The Policy team also manages our relationship with a number of key national organisations such as the Parliamentary and Health Service Ombudsman (PHSO). Contact the team [here](#)

## Communications

- 13.28 The main functions of the communications team are:
- Advising on the best means of communicating (internally) must-know information including must-know practice and legal updates, via the intranet, the [Channel C newsletter](#) and one off communications about specific issues.

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- Responding to media enquiries and [MPs' letters](#)
- Responding to the national and local press (all press contact must be routed through the communications team)
- An in-house publishing and design capability
- Managing Cafcass' presence and responses in social media
- Quality assuring Cafcass material that goes into the public arena, such as the Welcome letter, the external newsletter, our contribution to serious case reviews, and published contracts.

13.29 Each department is responsible for maintaining and improving their sections of the intranet or website in line with the house style and brand guidelines. The communications team has oversight of all intranet and website pages, to ensure that these standards are met.

13.30 All media contact must be routed through the communications team, who will determine our response to all media enquiries, in conjunction with the Chief Executive or other senior staff if he is not available.

Contact the team at [zzcafcasscommsteam@flex-r.gsi.gov.uk](mailto:zzcafcasscommsteam@flex-r.gsi.gov.uk)

### **Translating and interpreting services**

13.31 Translating services of our publications are organised through the communications team, who use the current contract with BigWord. Interpreting and translation of individual service user documents, such as reports and letters, are organised locally. The BigWord can also provide translation for service users with additional needs such as Braille and Text to Speak (TTS) audio solutions. Further information is [on the intranet](#).

13.32 Face to face and telephone interpreter services are also provided via the national contract with The BigWord. Interpreter services are used for interaction with service users where the understanding of the English language is very poor. This can be in the form of face to face meetings or telephone interpreting. Information on when interpreting and translation services should be used, the process for booking these services and guidance for working with interpreters can be found in the [Interpreting and Translation Handbook](#).

## Section 14: Value for money

### **Our vision for outstanding practice:**

Optimising value for money is a personal and collective responsibility. Each member of staff needs to be aware of the cost and value of how they use their professional time, any costs they incur and any budgets they manage. It is important to consider how each day is spent and whether at the end of the day, a value for money justification can be made and whether there were better alternatives to the way time was spent and any cost was incurred. MyWork helps with this, as it gives all members of staff information about the net values of their contribution, compared to averages.

### **Promoting an anti-fraud culture and the whistle-blowing policy**

14.1 Cafcass has historically encountered extremely low levels of fraud but no organisation is immune from this risk. We ask everyone to be vigilant to the risks of fraud. If you suspect there may be any actual or potential instances of this, you must talk to your manager or use the [Whistle Blowing Policy and Procedure](#). The Cafcass Whistleblowing Procedure is much wider than financial fraud, and applies to all aspects of Cafcass accountability.

### **Managing the budget**

14.2 The budget is wholly comprised of grant income from the Ministry of Justice.

14.3 The Chief Executive, as the Cafcass Accounting Officer, is responsible to Parliament for the way in which the annual Cafcass budget is spent, and how it is prioritised and delegated to budget holders. This is also subject to regular oversight and scrutiny by the Cafcass Board.

14.4 Each budget holder is given a safe minimum budget, taking into account efficiency and productivity indicators against relevant benchmarks.

14.5 Budgets are delegated to managers accompanied by a statement setting out how much budget has been delegated and their responsibilities for its management. In particular, this includes being clear about how much of the budget has been spent and what commitments are planned over the remainder of the year. This is captured in regular budget monitoring returns.

14.6 The Accounting Officer satisfies himself that these arrangements are working properly through the routine monitoring of all budgets by managers and finance staff working together. If enhanced monitoring of any overheating budgets and projects becomes necessary, this is done through an Expenditure Control Group (see Governance structure), the Budget Approval Panel or Star Chamber sessions with individual budget holders where necessary. These mechanisms have rarely been required in recent years due to highly responsible budget management by all designated budget holders. Nevertheless, the mechanisms remain in place should they be needed at any point.

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## Looking after assets

- 14.7 Most of the money Cafcass receives is used to cover staff costs and running costs. Sometimes the money needs to be spent on items of equipment or the repair and maintenance of buildings in Cafcass ownership, or where we have a repairing lease. Items worth more than £2,500 are recorded on a national register so we can track them and show accountability for the use of public funds. Smaller items of £500 and above are recorded on local registers. External auditors check we are doing this every year.
- 14.8 Small amounts of petty cash are also often kept in local offices to pay for small expenses. Access is restricted to a few named staff and the petty cash box is always kept in a safe with a safe procedure for key holding.
- 14.9 Further information on procedures relating to these can be found in the [Finance Manual](#).

## Sustainability

- 14.10 Sustainability of the Cafcass service to children, families and courts is achieved by maintaining a high level of performance and quality; through adapting in an agile way to external circumstances; and by having in place succession planning at all levels and roles in the organisation.
- 14.11 Sustainability is also achieved through minimising the size of our estate, taking care with our use of natural resources and through improved procurement processes, ensuring that future contracts are both financially viable and support our sustainability targets.
- 14.12 Sustainability is also a personal responsibility and staff are actively encouraged to contribute towards our continued efforts in reducing office waste, expenditure on utilities, and paper usage. An awareness of the personal use of resources and personal carbon footprint can lead to a stronger performance on sustainability.

## Digital

- 14.13 The Civil Service Reform Plan made the case for increasing digital capability across government in 2012. Since then, the Government Digital Service and Ministry of Justice have each published digital strategies, both making the case for a shift to online service delivery. Cafcass' strategy is aligned with the priorities set out in all of those documents while acknowledging the distinct needs of our organisation. The overall strategic aim of extending digital service delivery is to provide a platform for the organisation and its service users which is more efficient and more convenient for users.
- 14.14 Proposals for new financial commitments need special consideration and are set out in a business case for review under the schedule of delegation held by the Director of Resources. The templates for smaller, single issue business cases can be accessed [here](#). Business cases for major issues or proposed spend should first go through a proof of concept stage, including a proportionate degree of evaluation.

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## Unit cost and productivity data

- 14.15 Unit cost, productivity data and trend analysis are provided to managers, allowing service areas to be compared to see how efficiently they use their funding. This helps managers to understand where they stand relative to each other and the concurrent value for money benchmarks in place and assists the Chief Executive, the National Service Director and the Director of Resources when they determine annual and supplementary individual service area budget allocations.

## Business planning, impact assessments and risk registers

- 14.16 Cafcass maintains a [strategic plan](#) which sets out the priorities for the organisation. The national business plan and strategic plan dashboard tracks and reports on the performance of the national development activities which support the delivery of the strategic priorities. These documents, together with the Strategic Risk Register, are updated quarterly and monitored by the Corporate Management Team and the Cafcass Board.
- 14.17 Each team or service area has a local business/implementation plan which includes the main risks and impacts they face, which are updated quarterly. Risks are managed individually, and also by strengthening systems, processes and skillsets, which the organisation believes is the best way to reduce the main types of risk Cafcass faces in the future.
- 14.18 Cafcass also has a National Equality Impact Assessment (EIA) to support the integration of the local EIA action plan with the area implementation plans to ensure that the data and actions contained within these is relevant, focused and properly analysed in the context of improving frontline practice at the local level. The purpose of the EIA is also for it to be used within the wider workforce planning processes, to consider all relevant equality and diversity issues in each service area.

## Business continuity

- 14.19 Business continuity is management activity which creates resilience within our processes and tools to enable continuity in service delivery during any unexpected disruption to normal working. Every Cafcass site has a continuity plan containing immediate actions, escalation contact details, and plans for recovery of business services. The National Recovery Matrix provides an overview of all critical activity recovery strategies and risks. Business continuity within Cafcass is supported by the Business Continuity Steering Group and the Incident Management Team (IMT). IMT is convened when there is a serious national or local disruption, to ensure a 'team around the problem' is in place until the issue is resolved. The [Business Continuity](#) intranet page contains useful information on managing incidents and specific roles and responsibilities.

## Travelling

- 14.20 Travel costs for work purposes are reimbursed in accordance with the [Cafcass Expense Reimbursement Policy](#) (home to work travel costs are not paid). Public

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transport is generally preferable and we use a booking agent, Redfern, for all our rail travel. If staff use their own car, it must be insured for business use and a set rate per mile is paid. We also have a hire car contract that may give better value. For staff with a high level of business miles, a lease car may be more suitable. The [Travel Abroad Procedure](#) covers essential overseas travel.

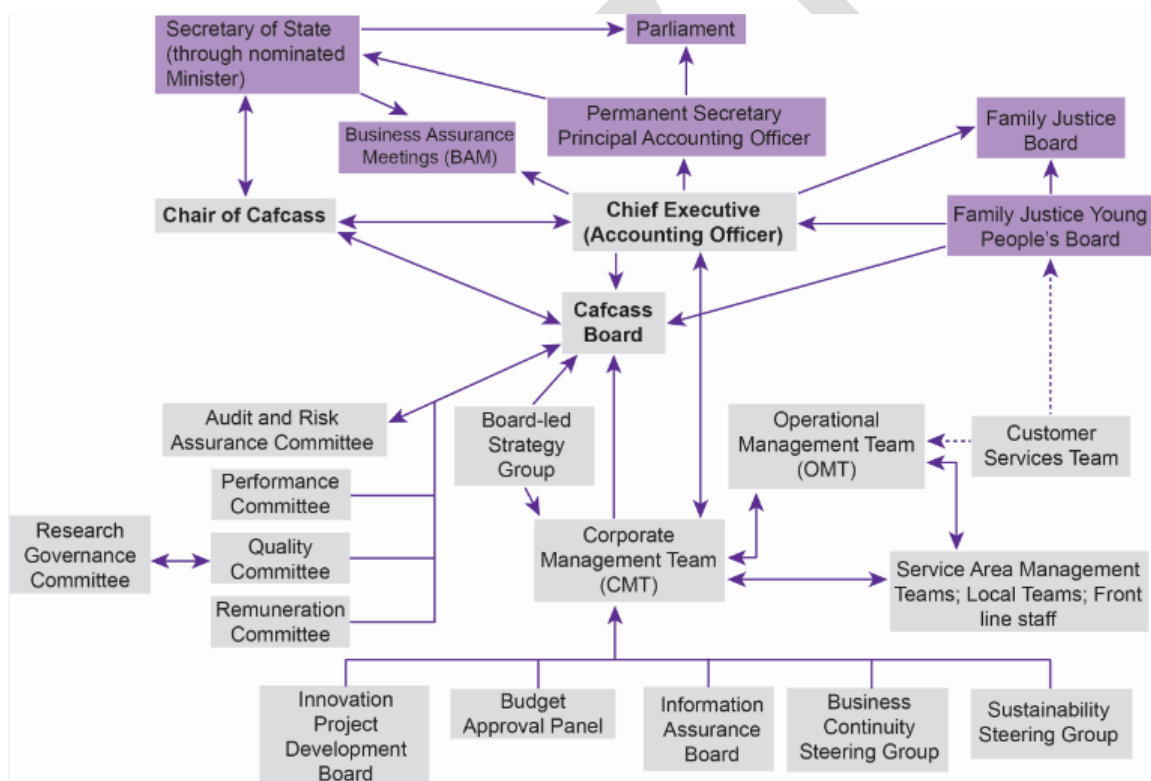
- 14.21 For overnight accommodation where necessary, we use Redfern to negotiate the best possible rates and to manage bookings.
- 14.22 Guidance on how to use the booking agents are contained in the [Finance Manual](#) along with information on the car lease and hire schemes.
- 14.23 Teleconferencing, Skype and live meeting are easy ways to talk to several people at once and more efficient than travelling with both the real and opportunity costs involved – the ‘opportunity cost’ is the lost opportunity to do something more important with that time and money.
- 14.24 Some Cafcass offices have video conferencing facilities, which can be booked through Office Outlook. For guidance on any IT facilities consult the IT department’s [intranet pages](#). Video conferencing is a good medium for contact observation and assessing parent-child interaction, so our facilities can be used for casework too.

## Section 15: Corporate governance

### Our vision for outstanding practice:

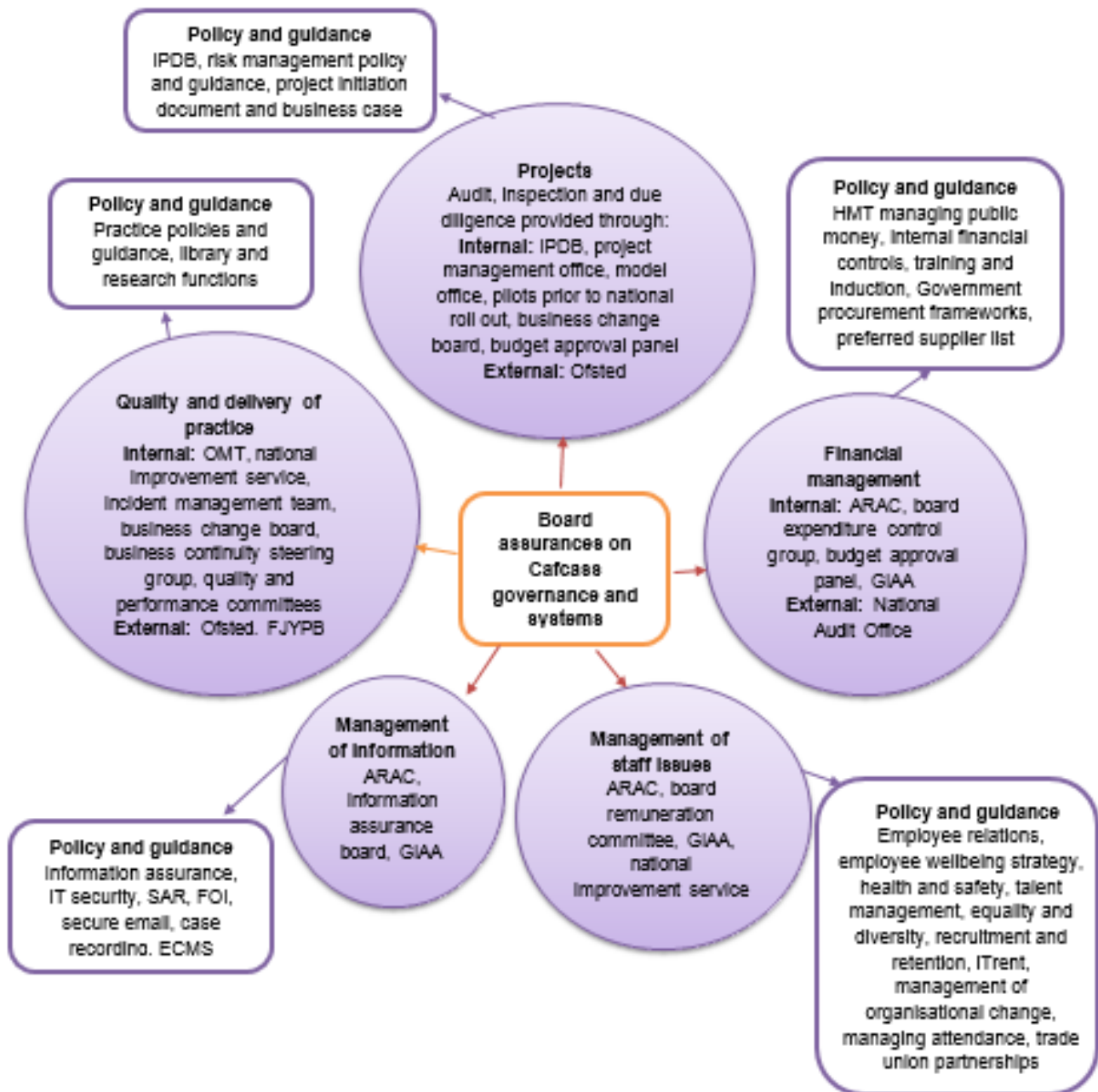
Outstanding corporate governance ensures that Cafcass is run properly and does what it needs to in order to provide a good service to children, families and courts. As our work is so important for children and as it uses public money, it is important to have checks and balances in place.

- 15.1 The governance structure shows the way Cafcass is organised so that decisions can be made by the right people with the right support in a way which is regulated and accountable. Accountability arrangements are set out in the governance map below. Solid lines mean there is a direct reporting relationship; dotted lines mean that the link is an important one in governance terms. The roles of the groups are explained below.



- 15.2 Policies and procedures set out agreed processes which can be monitored against within the accountability structure. Oversight groups and the relevant policy frameworks can be seen in the below diagram. The overall governance framework and key documentation can be seen within the [Governance Handbook](#).

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## The Ministry of Justice

15.3 As a non-departmental public body, Cafcass is accountable to our sponsor department, the Ministry of Justice (MoJ). The framework within which we operate is set out in the [Cafcass Framework Document](#). Strategic objectives are agreed with the MoJ. MoJ monitors delivery against the remit letter in quarterly business assurance meetings. We work closely with MoJ on policy development and we contribute to MoJ policy objectives for the family justice system.

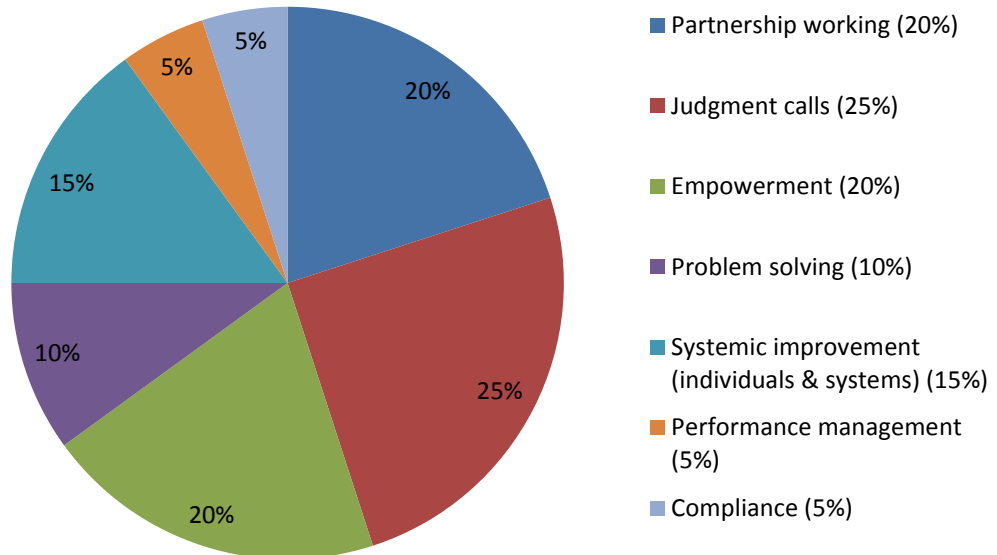
## The Chief Executive

15.4 The Chief Executive is the Accounting Officer for Cafcass and has his own statutory responsibilities exercised through a reporting line to the MoJ Permanent Secretary. This means he is personally responsible for how Cafcass spends its

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money and for how decisions are made in day-to-day workings of Cafcass. He is responsible for the overall governance of Cafcass, including corporate reporting procedures, risk management, oversight of local teams and procedures for handling feedback from service users.

15.5 The below pie chart shows how the Chief Executive divides his time between his priority activities.



### The Cafcass Board

15.6 The role of the Cafcass Board is to establish the overall strategic direction for Cafcass and to monitor the performance and quality of our front line service. [Profiles of Board members](#) are available on the Cafcass website. The Board is accountable for the work of Cafcass. It delegates operational responsibility to the Chief Executive and the Corporate Management Team.

15.7 The work of the Board is supported by three main committees set out below. Cafcass Board members have strategic lead roles within these to support, scrutinise and challenge the executive to deliver and to improve.

### The Audit and Risk Assurance Committee (ARAC)

15.8 The Audit and Risk Assurance Committee is a statutory committee whose members are appointed by the Board. The ARAC advises the Board and Chief Executive on the strategic processes for risk assurance, control and governance, accounting policies, our accounts and the Annual Report for the organisation. It is approves the annual Cafcass internal audit programme of financial and business systems and processes. It is also the main overseer of the Cafcass Strategic Risk Register which rates the likelihood and impact of the main risks being managed by the organisation.

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## **The Quality Committee**

- 15.9 The Quality Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for quality including the quality of safeguarding practice and general casework. The Committee carries out detailed scrutiny of internal practice audits and of internal and external reviews and inspections.
- 15.10 All research paid for or sponsored by Cafcass, or involving Cafcass case material, must be approved by the Research Governance Committee, which reports into the Quality Committee.

## **The Performance Committee**

- 15.11 The Performance Committee is a sub-committee of the Cafcass Board and supports the Board in fulfilling its responsibility for all aspects of Cafcass' performance. It monitors Cafcass' progress against its key performance indicators (KPIs), as set by Government, and scrutinises the internal performance of all Cafcass national teams in a rolling programme. It also monitors the contribution and impact of Cafcass on the whole family justice system key performance measures (KPMs) which are also set by Government and monitored by the national Family Justice Board.

## **The Family Justice Young People's Board**

- 15.12 The [Family Justice Young People's Board](#) (FJYPB) is a group of over 40 children and young people aged between 8 and 25 years old who have had direct experience of the family justice system or have an interest in children's rights and the family courts. The Board is a sub-group of the national Family Justice Board (FJB). Its purpose is to ensure that the family justice system and particularly the FJB remain child-centred and child inclusive by promoting the voice of the child.
- 15.13 Its work plan is agreed by the FJB and includes: reviewing services within the family justice system for child friendliness (including courts, Cafcass offices and contact centres); sitting on recruitment panels particularly focusing on the ability of candidates to communicate with children; providing training and developing resources to more effectively engage with children and young people; and contributing to policies and practices of agencies within the family justice system. It also organises and stages the annual Voice of the Child conference which is attended by key stakeholders within the sector to promote the voice of the child within the family courts.
- 15.14 Cafcass commissions the FJYPB in these ways to ensure that we include children and young people in our governance structure.
- 15.15 The National Charter for Child Inclusive Family Justice (the 'Charter') is a document commissioned by the Family Justice Board and produced by the FJYPB to ensure consistency of service and promote inter-agency working within the family justice system. The Charter is a set of nine principles devised by children and young people to set out their expectations from the family justice system. Cafcass works closely with the FJYPB to ensure the Charter is implemented effectively across the organisation.

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- 15.16 Child-friendly governance means that children themselves are part of the system of checks and balances within and on Cafcass. Accountability to children is at the heart of good governance in Cafcass. We ensure this happens by:
- Facilitating complaints and compliments by children, with help from the FJYPB which monitors how we deal with these;
  - Facilitating inspections of Cafcass services by the FJYPB;
  - Arranging for and supporting members of the FJYPB to participate in recruitment and training for Cafcass staff so that the whole organisation becomes used to children being part of its standard processes and arrangements;
  - Using child-friendly language in all communications, documents, reports and meetings involving children, including [job success profiles](#), to enable children to understand our work; and
  - Including the question of ‘how will this help children and young people?’ within evaluations of the quality of our work.

### **The Corporate Management Team**

- 15.17 The Corporate Management team (CMT), led by the Chief Executive, is accountable for the running of the organisation. [Information about CMT members](#), who are Service Directors, is located on the website. CMT meets weekly. Its decisions are recorded on a running action log. [Job success profiles for CMT members](#) are also available to scrutinise on the Cafcass intranet and external website.

### **Information Assurance Board**

- 15.18 The board is chaired by the Senior Information Risk Owner (SIRO). The role of the board is to develop and maintain a culture of information assurance within Cafcass, so that personal information of service users and staff is protected and relevant organisational information is publicly available. This ensures we comply with our legislative duties under the Data Protection Act 1998 and the Freedom of Information Act 2000.

### **Budget Approval Panel**

- 15.19 The role of the panel is to assess requests for extra budget or funding from parts of the organisation. The panel ensures that requests are only approved where they address a business need or provide value for money in line with internal and external requirements. CMT members form the Budget Approval Panel.

### **The Operational Management Team and the area-based structure**

- 15.20 A clear line of sight is established between CMT and front line staff through the Operational Management Team (OMT), service area meetings (SAMs) and local team meetings. This allows communication in both directions.
- 15.21 Services are delivered through seventeen local service areas. The OMT is led by the National Service Director, who is also a member of the CMT, and its members include Senior Heads of Service, Heads of Service, Assistant Directors, and other

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staff from corporate teams who directly support operational services. It meets monthly to manage performance and problem-solve in operational areas. SAMs within the area meet in the following week to translate corporate and operational area strategies into local action. Local team meetings are held on a regular basis to complete this sequence.

### **Management structure and culture**

- 15.22 The Cafcass management structure seeks to achieve consistency of service between local service areas by using a single operational command model, with all Assistant Directors and Heads of Practice reporting to the National Service Director.
- 15.23 Each senior manager (Directors, Assistant Directors and Heads of Practice) has a portfolio with responsibility for a small number of major projects and cross-cutting programmes as well as their line management accountabilities.
- 15.24 Cafcass uses three lines of defence to manage risks, so that if the first line of defence fails, there is a second line, and if that fails, a third line. These include personal responsibility to follow policy and guidance, internal management support, and external oversight. The first line is usually sufficient but to always have three lines of defence in place is good risk management practice (the diagram below illustrates the lines of defence in public and private law cases).

### **Ethics and transparency**

- 15.25 Ethics matter in Cafcass, and the prevailing internal culture must be one of respect and anti-discrimination, given these values are essential in our work with children and families. We must act out those values in order to be credible in what we do. Cafcass FCAs are required to comply with the [Health Care Professional Council \(HCPC\) Standards of Conduct, Performance and Ethics](#), as well as the Cafcass [Employee Relations Policy](#).

### **Conflicts of interest**

- 15.26 Staff should declare any conflict of interest to their manager as soon as they become aware of it, in line with the [Conflict of Interest policy](#).
- 15.27 Transparency matters in Cafcass. This includes shining a light on the situations children find themselves in through no fault of their own. Abuse and neglect of children mostly takes place behind closed doors and is inaccessible. Cafcass believes in fighting for transparency for children in this sense.
- 15.28 We are a publicly accountable organisation and as such we are transparent about what we do. We are open with individuals about their own personal information held by Cafcass, which is available via [subject access requests](#). We are also open with members of the public about organisational information, which is available via our [Freedom of Information publication scheme](#) or may be disclosed in response to a [request for information](#).

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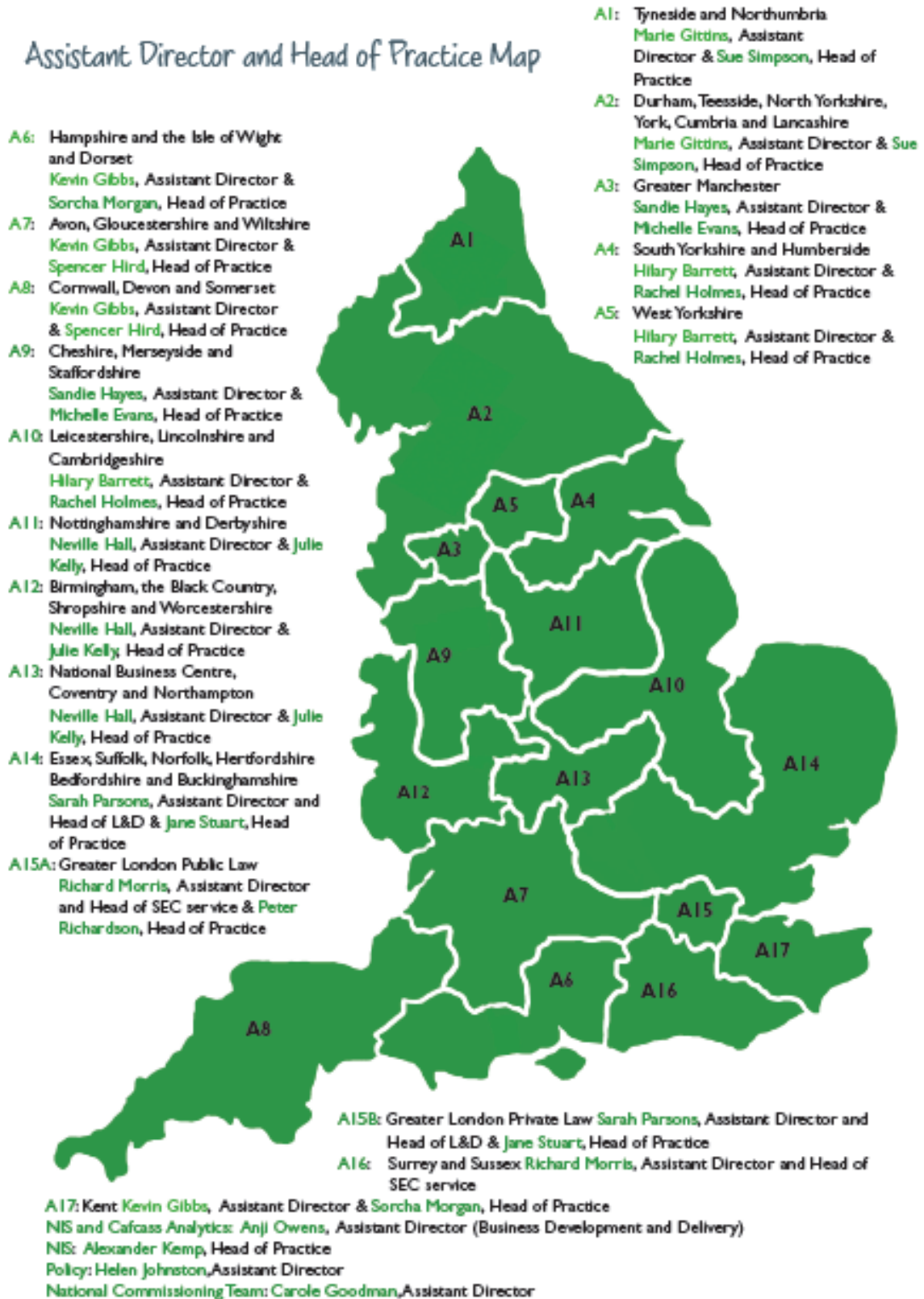


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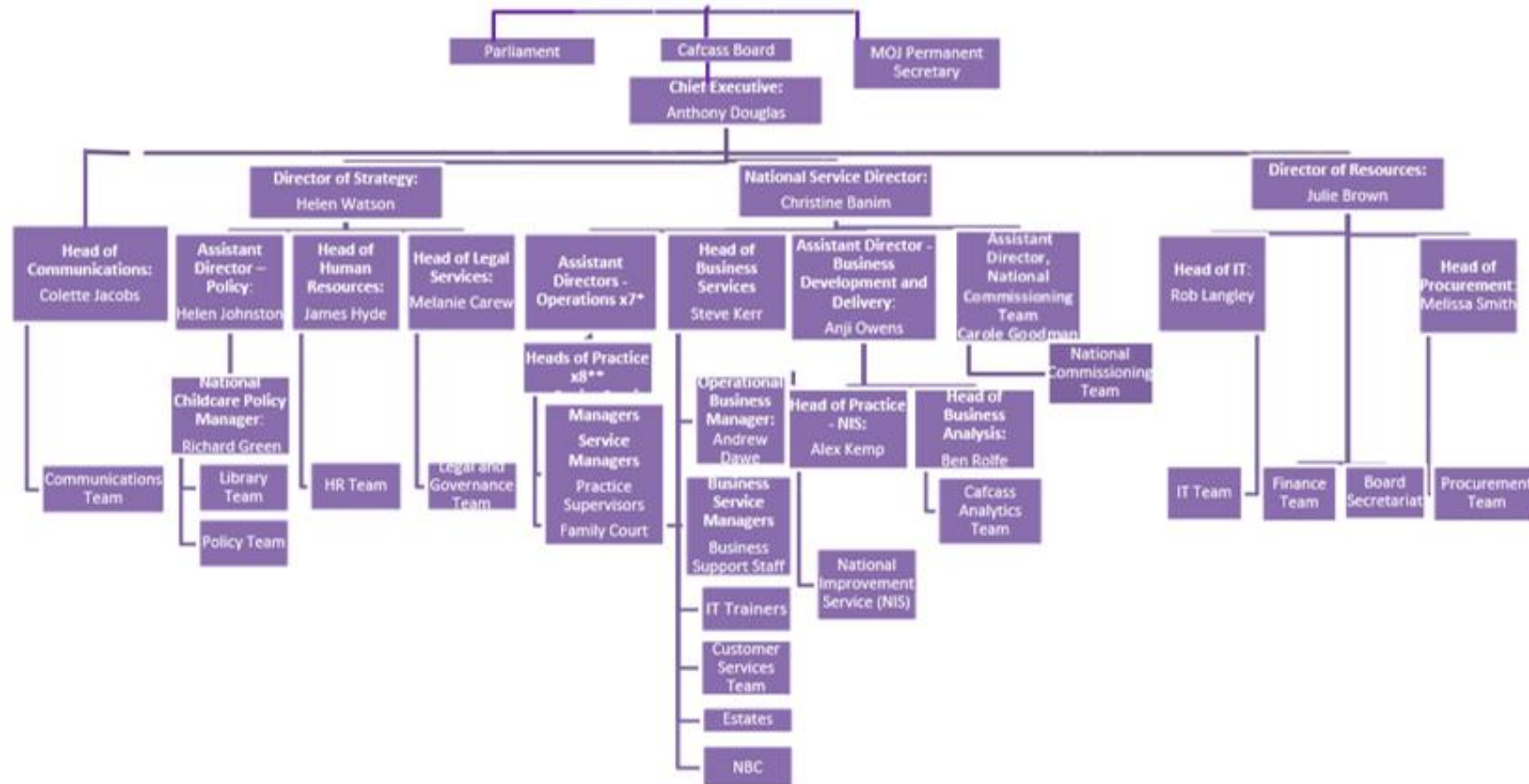
# Appendix 1: service area map

## Assistant Director and Head of Practice Map



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## Appendix 2: structure chart

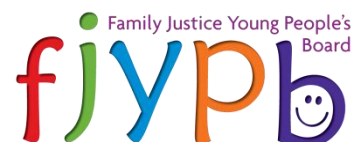


\*Assistant Directors Operations: Hilary Barrett, Kevin Gibbs, Marie Gittins, Neville Hall, Sandie Hayes, Richard Morris, Sarah Parsons

\*\*Heads of Practice: Peter Richardson, Spencer Hird, Julie Kelly, Jane Stuart, Sorcha Morgan, Michelle Evans, Rachel Holmes, Sue Simpson

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## Appendix 3: FJYPB glossary



### Glossary - what things mean

Sometimes it can be confusing when we hear words and phrases that we do not understand. Here are a few of the more commonly used terms and words that you might hear about during your family court case.

Using this colour key you can see what section each term is from.

Services	Types of Contact
People Involved	Types of Court Report
Court Decisions	Law

<p><b>Adjournment</b> - A decision made by the <b>Family Court</b> to hold the court hearing at another time because things are not ready or people need more time to do something.</p>
<p><b>Adoption Order</b> - A type of order made by the <b>Family Court</b> which transfers <b>parental responsibility</b> to new, adoptive parents and means that a child or young person is no longer legally the child of their birth parents. It allows them to start a new family.</p>
<p><b>Application</b> - This is how a person asks the <b>Family Court</b> to help them.</p>
<p><b>Barrister</b> - A legally trained person who advises people going through the <b>Family Court</b> and speaks for them in court hearings.</p>
<p><b>Children and Family Court Advisory and Support Service (Cafcass)</b> - This is an organisation which works with children and young people and their families and then advises the <b>Family Court</b> on what it considers to be in the best interests of each and every child.</p>
<p><b>Cafcass Worker</b> - Depending on what the <b>Family Court</b> have ordered <b>Cafcass</b> to do, the Cafcass worker can be named one of two things: a <b>family court advisor</b> or a <b>children's guardian</b> (for more detail look for their descriptions).</p>
<p><b>Care Order</b> - An order made by the <b>Family Court</b> when the <b>local authority</b> can prove that a child or young person living in their area is not being looked after properly.</p>
<p><b>Case Management Conference</b> - This is a hearing where the major issues for a child or young person are talked about and the <b>judge</b> sets out how the <b>Family Court</b> case is going to proceed.</p>
<p><b>Child Arrangements Order</b> - When people can't agree on where a child might live or who they should see, the <b>Family Court</b> might be asked to decide. The <b>judge</b> will look at what is best for the child or young person and make a decision setting out what people must do. This replaces what used to be called <b>contact</b> and <b>residence</b> or custody which you may have heard about.</p>
<p><b>Children's Guardian</b> - Sometimes when the problems within a family are really difficult then the <b>Family Court</b> will ask for a children's guardian to help them. The children's guardian is an independent person who is there to keep the court focused on what is best for the child or young person. They will also appoint a <b>solicitor</b> to act for the young person in court.</p>
<p><b>Child Contact Centre</b> - This is a safe place where children and young people can see a parent who they do not live with. Usually, this allows for <b>direct contact</b>, <b>supervised contact</b> or <b>supported contact</b>.</p>

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<p><b>Contact Order</b> - These orders allow a child or young person to visit, stay or have contact with the person who has applied to court. (Instead of making this order, the <b>Family Court</b> will now make a <b>Child Arrangements Order</b>.)</p>
<p><b>Direct Contact</b> - When a child or young person can spend time with and/or have staying contact with someone that they do not live with.</p>
<p><b>Domestic Violence Perpetrators Programme (DVPP)</b> - A course that helps adults who have been violent towards another person learn how to control their anger.</p>
<p><b>Family Assistance Order</b> - An order which the <b>Family Court</b> can make to provide short term (usually six months) support to a family who agree to it. This can be from a <b>Cafcass worker</b> or a <b>social worker</b> from the <b>local authority</b>.</p>
<p><b>Family Court</b> - This is where important decisions are made about children, young people and their families. It is different to criminal courts where people go when they might have done something wrong. Decisions in the Family Court are made by <b>Judges</b> or <b>Magistrates</b> when people can't agree about what is best for a child or young person.</p>
<p><b>Family Court Advisor (FCA)</b> - Sometimes the <b>Family Court</b> may ask a family court advisor to meet with a child or young people to talk about their wishes and feelings and to make sure the <b>family court</b> hears what they have to say. The FCA also gives their view to the court about what is best for the child. FCAs do not need to meet all children and young people because sometimes families can agree themselves on what is best.</p>
<p><b>Family Group Conference</b> - All of the important people in a child's life get together to check that they are safe. It means that everyone knows what is happening and keeps them safe.</p>
<p><b>Final Order</b> - This is the last order made by the <b>Family Court</b>. The court expects all the people named in the order to keep to it and do as it says and can punish adults if they don't.</p>
<p><b>Foster Carer</b> - People who give a home to children and young people who need a safe place to live. They may have children of their own, or other foster children living with them, in which case you would all live in the same house together.</p>
<p><b>Guardian's Report</b> - The <b>Family Court</b> will ask the <b>Children's Guardian</b> to write a report to help it make decisions about a child or young person. The report will include information on their wishes and feelings and a recommendation from the <b>Children's Guardian</b> on what they think is best for the child. The report will also include information from the other people involved such as the parents and any other individuals such as experts.</p>
<p><b>Independent Reviewing Officer (IRO)</b> - IROs help to make sure the best decisions are made for children looked after by the <b>local authority</b>. Their main focus is make sure that the care planning process for each child or young person is meeting their needs and to ensure that his/her current wishes and feelings are given full consideration.</p>
<p><b>Indirect Contact</b> - A child or young person can use forms of contact such as letters, cards or gifts and is often used to re-introduce a child to someone that they have not seen for some time</p>
<p><b>Interim Care Order</b> - This means that the <b>local authority</b> makes decisions about a child rather than their own parents for the short term, before the <b>Family Court</b> makes a final order. The child will get a <b>social worker</b> to make the decisions day-to-day.</p>
<p><b>Issues Resolution Hearing (IRH)</b> - This is a special hearing where the <b>Family Court</b> decides which issues need to be sorted out and hears arguments about which is a true version of events.</p>
<p><b>Judge</b> - Sometimes families have problems which they might find too hard to sort out by themselves. A judge works in a <b>Family Court</b>, listens to everybody and then decides what is best for the child or young person involved in the case. They have the final say and will make the decision about that child or young person's life.</p>

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<p><b>Legal Advisor</b> - A legally qualified person who helps <b>Magistrates</b> in the <b>Family Court</b> apply the law. They do not play any part in the decision making process but are there to advise.</p>
<p><b>Local Authority (also known as Children's Social Care or Social Services)</b> - This organisation is responsible for making sure all children and young people in their local area are kept safe by the people who care for them.</p>
<p><b>Magistrate</b> - This person is a member of the community who volunteer to make decisions that affect families, children and young people. They are similar to a <b>judge</b> but are not legally qualified. They are advised on the law by their <b>legal advisor</b>.</p>
<p><b>Mediation</b> - When people can't agree, they go to another person to help them sort it out (a mediator). The mediator talks to all and tries to help them find an outcome that they are all happy with. This means that they don't have to go to the <b>Family Court</b>.</p>
<p><b>Non-Molestation Order</b> - This is a type of order the <b>Family Court</b> uses to keep adults, children and young people safe from someone who has been violent toward them.</p>
<p><b>Parental Responsibility</b> - Parental responsibility means all the rights, duties, and responsibilities that a parent has to a child or young person. A person or the people with parental responsibility can make decisions about a child such as who they will live with and what school they will attend.</p>
<p><b>Private Law</b> - These cases are brought to the <b>Family Court</b> by private individuals, generally in connection with divorce or a parents' separation. The Family Court may make a <b>Child Arrangements Order</b>, <b>Prohibited Steps Order</b> or a <b>Specific Issues Order</b> or no order at all.</p>
<p><b>Prohibited Steps Order</b> - A parent can be prevented by the <b>Family Court</b> from doing something the other parent does not want them to do. The most common type is where one parent is stopped from moving abroad with the child or young person.</p>
<p><b>Public Law</b> - Public law cases are brought to the <b>Family Court</b> by <b>local authorities</b> where they are worried that a child or young person is not being looked after safely. The Family Court may make a <b>Care Order</b>, a <b>Supervision Order</b>, or no order at all.</p>
<p><b>Residence Order</b> - This order decide who the child is to live with, can give <b>parental responsibility</b> to any adult who does not have it and will last until the young person is 16. (Instead of making this order, the <b>Family Court</b> will now make a <b>Child Arrangements Order</b>.)</p>
<p><b>Safeguarding Letter</b> - This is a letter that a <b>Cafcass Worker</b> will write and send to the <b>Family Court</b>. They will speak to the parties (usually the parents) and ask about the child or young person's safety and any worries that they might have.</p>
<p><b>Schedule 2 Letter/Report</b> - This is the old name for the new <b>Safeguarding Letter</b>, sent by the <b>Cafcass Worker</b> to the <b>Family Court</b>.</p>
<p><b>Section 37 Report</b> - The <b>Family Court</b> orders the <b>local authority</b> to produce this report into the child's circumstances when they are worried about the wellbeing of the child and it seems to the court that the right thing to do may be for a <b>Care Order</b> or <b>Supervision Order</b> to be made.</p>
<p><b>Section 7 Report</b> - This report is ordered by the <b>Family Court</b> and makes either <b>Cafcass</b> or the <b>local authority</b> investigate all the circumstances of the family, often including the wishes and feelings of a child or young person and send a report to the court.</p>
<p><b>Social Worker</b> - These specially trained people help to make sure children and young people are safe and properly looked after. They will work with families to help make it possible for children to stay safely with them. If the <b>Family Court</b> decides that it is not possible, they will help to make sure there is somewhere else that is safe where a child can live.</p>

*This Framework is updated on a regular basis to respond to changing circumstances. The current version is available on the Cafcass website.*

**Solicitor** - Legally trained people who provide advice to people going through the **Family Courts** and can speak for them in court.

**Special Guardianship Order** - This **Family Court** order allows another person to become a child's 'special guardian'. It is for children who cannot live with their birth parents and gives **parental responsibility** to the special guardian so that they can make decisions alone about the child's life.

**Specific Issue Order** - This order is made by the **Family Court**, when there is an important issue to be resolved but parents can't agree on it. For example: which school a child should go to.

**Supervised Contact** - This is a type of **direct contact** which requires a supervisor to make sure that the child is safe with the other person. This may be done in a **contact centre**.

**Supervision Order** - A supervision order makes the **local authority** take responsibility for advising, assisting and befriending a young person and ensuring that the child or young person is kept safe in the care of their parents.

**Supported Contact** - This is **direct contact** which gives some support from a **child contact centre** worker to the adults so that they can meet the needs of their child.