

*MCSI Inspection of Court Services*

*Children and Family Court Advisory  
and Support Service (CAFCASS)*

*Wales / Cymru*

*Report of a baseline inspection carried out during*

*September 2002*

# *MCSI Inspection of Court Services*

MCSI has a remit to inspect and report to the Lord Chancellor on CAF/CASS. The legal powers and duties covering inspection of CAF/CASS are set out in Section 17 of the Criminal Justice and Court Services Act 2000.

In March 2000, Ministers agreed the general approach to be taken by MCSI with regard to inspection of CAF/CASS. The first phase, from June to December 2001, comprised 13 'structured visits' to all CAF/CASS Regions across England and Wales and culminated in a published Overview Report, *Setting Up* in March 2002. Given that MCSI's role in inspecting CAF/CASS and CAF/CASS itself were new, this initial phase also allowed MCSI to develop and test certain inspection methodologies.

CAF/CASS within Wales is known as CAF/CASS Cymru, and is referred to as such within this report.

The base-line inspection of CAF/CASS Cymru is the fourth of MCSI's twelve such inspections of CAF/CASS planned for 2002/2003 and the term 'base-line' is explained:

*"MCSI's baseline inspections of CAF/CASS are its first formal inspections of CAF/CASS as a newly established organisation. As such, they examine selected key functions, collect available information and evidence and reach judgements about overall performance and service delivery. Baseline inspections are reported publicly. MCSI reports include both Inspectorate recommendations and CAF/CASS's action plans for implementing them."*

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## Chief Inspector's Foreword

Our inspection of CAF/CASS Cymru focused on five topics:

- **Welfare of Children** (how well CAF/CASS safeguards and promotes the welfare of children who may be the subject of family proceedings or who are in receipt of other CAF/CASS services)
- **Care of Service Users** (the quality of services offered to people who use CAF/CASS – including the way people are treated, the information given to them and what is provided for them at CAF/CASS premises)
- **Strategy and Performance Management** (how well CAF/CASS plans its services for the future and checks that the plans are followed)
- **Management of Human Resources** (how well CAF/CASS, as an employer, carries out its duties and obligations to ensure that the provision and deployment of staff meets the needs of the service)
- **Management of Physical Resources** (how well CAF/CASS manages the deployment of its buildings, including Health & Safety and Information Technology).

Throughout, we examined issues around **diversity**, which underpins all MCSI topics.

We make five recommendations, all of which are concerned with the way CAF/CASS Cymru functions. Our recommendations are designed to assist CAF/CASS Cymru to deliver improvements in its services in the short term – that is, in the next 12 months or so. They are also intended to be consistent with the priorities set out by CAF/CASS in its *Corporate Plan 2002/06*, published in March 2002 which in turn have been carried forward in CAF/CASS Cymru's Delivery Plan. These priorities also reflect the Lord Chancellor's six key objectives for the Service.

This report does not cover all the activities undertaken by CAF/CASS Cymru. We have not, on this occasion, examined financial matters in great detail because CAF/CASS has a programme of external audit activities, to which we refer, and I believe it would be unhelpful for MCSI to duplicate aspects of this work.

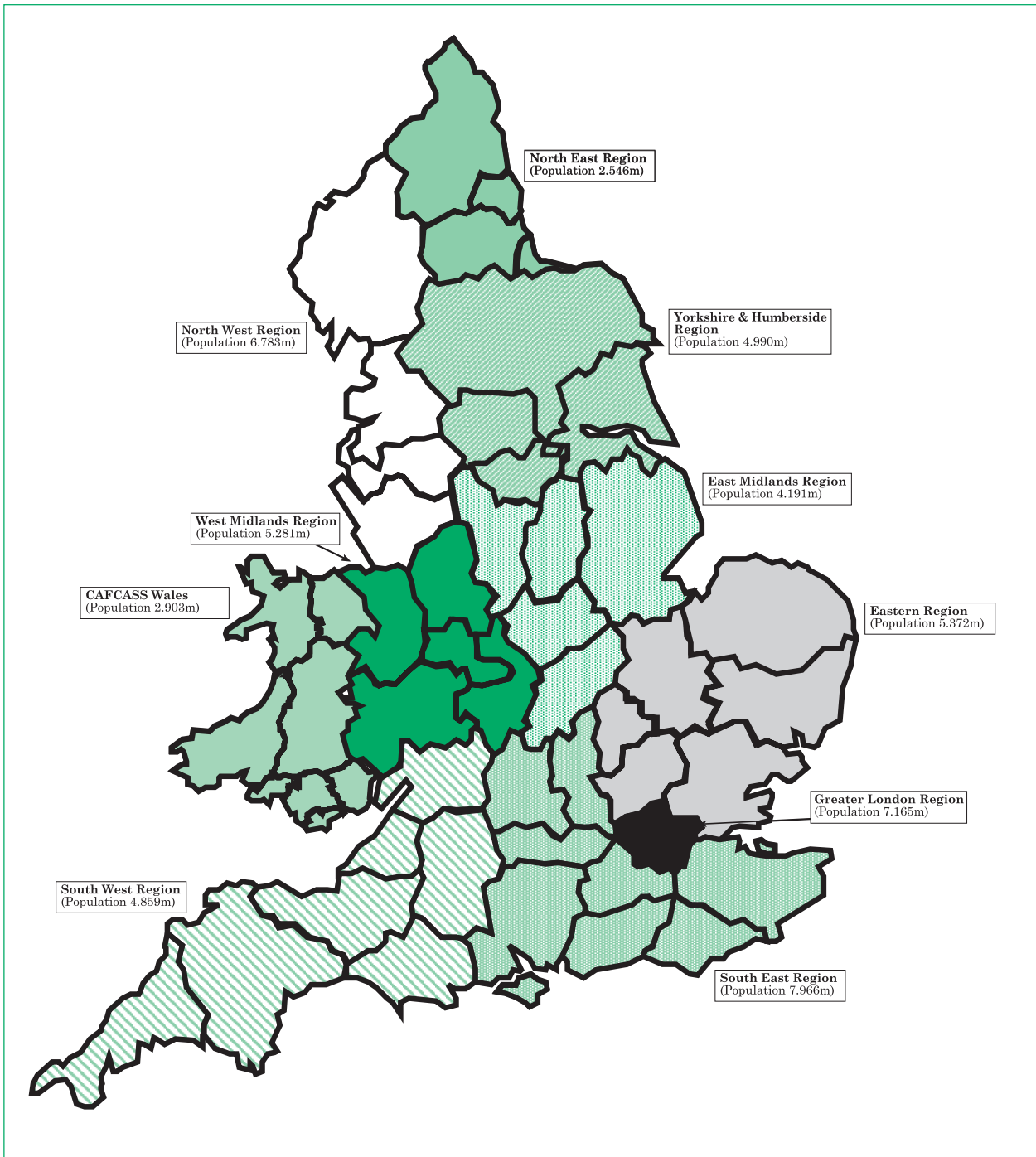
I am grateful to staff in CAF/CASS Cymru and CAF/CASS Headquarters for their co-operation throughout the inspection process. I am also pleased that local authority staff and the judiciary agreed to submit their views to MCSI about the work of CAF/CASS Cymru during an audit period and discuss these with Inspectors. In particular, I would like to thank Anna Charles of CAF/CASS Cymru who acted as the liaison officer and gathered together the briefing material in advance of the inspection as well as arranged on-site activities.



**Kit Chivers**

**HM Chief Inspector**  
**MCSI Inspection of Court Services**  
December 2002

**Figure 1: CAF/CASS Regions across England and Cymru**





# Context

## Baseline inspection Cymru

The context of the baseline inspection of CAFCASS Cymru in September 2002 was that:

- fieldwork took place within seventeen months of CAFCASS being established as a new organisation
- in March 2002, CAFCASS had published its first *Corporate Plan* and the CAFCASS Cymru had developed a Delivery Plan
- CAFCASS Cymru was still in the process of setting itself up and, as such, the general picture was very similar to that reported by MCSI in its first report on CAFCASS - *Setting Up* (March 2002).

A brief summary of the *Setting Up* report is included in this report since it, and the conclusions arising, have considerable relevance to the inspection of CAFCASS Cymru.

## The Setting Up Report

Since the 13 initial visits undertaken by MCSI in the period June to December 2001 were not full inspections, it was not appropriate for Inspectors to make formal recommendations. Instead, 23 *suggested actions* were listed. These are set out in Annex D. The background to establishing CAFCASS is at Annex E.

## CAFCASS's main functions

The principal functions of CAFCASS are set out at section 12 of the Criminal Justice and Court Services Act 2000. These are, in respect of family proceedings in which the welfare of children is or may be in question, to:

- “(a) safeguard and promote the welfare of children,  
(b) give advice to any court about any application made to it in such proceedings,  
(c) make provision for children to be represented in such proceedings,  
(d) provide information, advice and other support for children and their families.”*

## *Key objectives for CAFCASS*

Within the framework of the Criminal Justice and Court Services Act 2000 and the Public Service Agreement, the Lord Chancellor approved the following six key objectives for CAFCASS:

- to represent, safeguard and promote the welfare of children involved in Family Court Proceedings
- to improve the services offered to the Family Courts
- to improve the efficiency and effectiveness of the services offered through increased value for money (VFM)
- to improve the services offered to families and other key stakeholders
- to develop the skills of staff
- CAFCASS should play a full role in delivering the wider Government agenda of improvements in service.

## *Inspection Findings 1: Welfare of Children*

This section assesses the degree to which CAFCASS Cymru ensures the co-ordination of professional practice, policies and strategies, and demonstrates that these elements are all aimed at safeguarding and promoting the welfare of children, who may be the subject of family proceedings or who are in receipt of other CAFCASS services.

In order to fulfil this key function MCSI expects CAFCASS Cymru to:

- demonstrate that it is a child-focused organisation
- be proactive about preventing exclusion from services for whatever reason, including gender, race, religion and disability
- have clear policies and procedures that safeguard and promote children's welfare
- promote a culture within the organisation that ensures that children are respected at all times and that their welfare is promoted
- ensure full compliance with the range of statutory powers and duties when its officers are appointed in family proceedings
- ensure that systems are established to help achieve better outcomes for children who are in receipt of its services
- have national standards, performance targets, data collections and monitoring regimes that help ensure continuous improvement in the delivery of high quality and consistent child-focused services.

### *Public Service Agreement*

Key objectives for CAFCASS are:

- to represent, safeguard and promote the welfare of children involved in Family Court Proceedings. It will aim to deliver demonstrable improvements in the outcome of the child's experience of the CAFCASS intervention and develop, in consultation with the Lord Chancellor's Department (LCD), effective measures to monitor and demonstrate this
- to improve the services offered to the Family Courts. There should be demonstrable improvements in the timeliness and quality of advice and support given to the courts. CAFCASS should develop and agree with the LCD ways for this to be monitored and addressed, including a proxy of quality.

## *Overall Findings*

- CAFCASS Cymru has been able to demonstrate that some of its decisions have resulted in better services for children. Steps have been taken to identify and address areas for improvement, including listening to children and management of waiting lists.
- CAFCASS Cymru has taken the lead in the national development of child protection policies and has provided training to all its staff.
- CAFCASS Cymru works to legacy standards and has supported their application by setting out local policies and procedures to safeguard and promote children's welfare.
- There is a need for greater consistency in practice, such as in seeing children, in quality assurance and in the supervision of practitioners, including compliance with local policies.
- CAFCASS Cymru has taken significant steps to comply with the Welsh Language Act 1993 and is making contact with minority ethnic groups.
- Further work remains to be done by CAFCASS Cymru in raising awareness among staff about race and diversity issues, and in facilitating organisational access to information on religious and cultural diversity.

## *Inspection sources*

- 1.1 The primary sources of information about MCST's key function for the welfare of children were drawn from:
- background documents provided by CAFCASS
  - interviews with CAFCASS staff
  - audits of judicial and local authority views
  - reading public and private law court reports.

## *Child focus and improving services to children*

- 1.2 Following instructions from CAFCASS Headquarters (HQ) in 2001, staff in CAFCASS Cymru are expected to work within the national standards inherited from the former Family Court Welfare Services (FCWS) and Guardian panels that now make up CAFCASS Cymru, pending the publication of new standards by CAFCASS. Similarly, many policies and practices remain largely as inherited from the former services, although CAFCASS Cymru has developed and introduced a range of interim policies and procedures.
- 1.3 Against that background, CAFCASS Cymru has identified areas for further development aimed at improving its services to children, and has been proactive in addressing them. Among the steps taken so far are:
- the adoption of the All-Wales Child Protection Procedures coupled with appropriate training for staff
  - a workshop for practitioners, with a play therapist, looking at communication with children
  - a forum on 'hearing the voice of the child', for managers and practitioners
  - Assessment Framework training for all staff.

- 1.4 The training provided in the Assessment Framework will assist practitioners in their workings with local authorities. It also provides an opportunity for CAFCASS Cymru to consider how use of the Framework can help to improve its own assessment practices, for example, in the use of standardised assessment tools.
- 1.5 Recognising the steps taken so far, Inspectors identified some areas for further development. There is a need for practice throughout CAFCASS Cymru to be monitored more consistently, (this point is covered more fully in paragraph 4.13. HR Management – Performance and Development). There is also a difference in the approach to seeing children. There is a view, based on the ‘Dispute Resolution’ approach, which suggests that children should not be drawn into parental disputes if an agreement can be brokered through mediation or the preparation of a report. This approach has been adopted by some managers and practitioners within CAFCASS Cymru. Inspectors do not share the view that children are better served by being excluded from involvement in cases or by the approach that, where possible, cases should be resolved without the children being seen. MCSI would expect CAFCASS Cymru to develop consistent practice around seeing children and recording their views. See recommendation 1.
- 1.6 CAFCASS Cymru has inherited responsibility for public law work previously covered by five Guardian ad Litem and Reporting Officer (GALRO) panels. At the time CAFCASS was created, waiting lists for the appointment of a children’s guardian differed from panel to panel, with significant delays in some areas. CAFCASS Cymru has continued to experience significant difficulties in allocating children’s guardians in public law cases in certain parts of the Principality. This was being addressed by CAFCASS Cymru through the establishment of a procedure to manage the allocation of cases in public law across Wales as a whole. The purpose of the procedure, which is managed by a team leader, is to ensure that cases are dealt with as expeditiously as possible regardless of location and local resources. The procedure also provides for urgent cases to be flagged and expedited. Inspectors were pleased to note that at the time of the inspection, delays for unallocated cases had reduced to eight weeks, although the situation remains serious.
- 1.7 At the time of the inspection, written criteria for establishing the urgency of a particular case were in the process of being agreed. However, Inspectors found a lack of clarity as to how the scheme would operate among some front-line staff within CAFCASS Cymru and its partner agencies. Though we understand that courts and local authorities were informed in writing of the procedure as early as July, Inspectors were told by some local authorities that they were unaware, until the inspection week in September, that there was a process through which particular cases might be given a higher priority. Senior management within CAFCASS Cymru will wish to reinforce the messages it has already sent, to ensure that partner agencies, including local authorities, clearly understand the manner in which the scheme is to operate.

### *Proactive prevention of exclusion from services and race equality*

- 1.8 The Welsh Language Act 1993, requires that the Welsh and English languages should be treated as being equal in the conduct of public business and the administration of justice in Wales. CAFCASS Cymru has taken significant steps to comply with that requirement: a Welsh Language Officer has been appointed and training plans developed that include in-house courses and secondment to the Welsh Language Centre.

- 1.9 CAF/CASS has no Diversity policy in place. Although the Welsh Language Officer in CAF/CASS Cymru has been given responsibility for taking forward issues relating to diversity, at the time of the inspection, the post had only just been filled and Inspectors were told that the officer's initial focus had been on Welsh language issues.
- 1.10 Inspectors have been informed that there has been contact with a number of Race Equality groups and the Commission for Racial Equality. This is in keeping with Key Objective 1, Activity 3, of the Delivery Plan and Work Programme. This, together with Key Objective 4, Activity 4, are the only objectives within the Delivery Plan and Work Programme that address the needs of ethnic minority groups within Wales.
- 1.11 There have been other activities that have sought to address diversity issues such as an increase in staff from black and ethnic minority groups, and a focus on diversity issues at the CAF/CASS Cymru conference. However, staff throughout CAF/CASS Cymru were largely unaware of the Race Relations (Amendment) Act 2000, the duties it imposes and its significance in the development of diversity issues. CAF/CASS Cymru may wish to explore what training opportunities may arise from the implementation of this Act by all local public bodies and seek to make use of them wherever possible.
- 1.12 The collection of data by CAF/CASS Cymru on the demography of its service users, for example their gender, age, religion, race, disability or cultural profile, is patchy and inconsistent due to the reliance on inherited information systems that are not designed to seek the information. The data that is held is generally on local systems and difficult to access. There is a need for the collection of this data to be seen as an integral part of the CAF/CASS Cymru data collection system. This is an area that corporate managers within CAF/CASS will wish to address, if CAF/CASS is to be consistent in meeting the needs of service users.
- 1.13 Practitioners are generally dependent upon their own network of contacts and the information available externally to support their work with ethnic groups. Given the stated commitment of CAF/CASS to "*ensure that its services are accessible and acceptable to all children and families from all communities,*" managers within CAF/CASS Cymru, in conjunction with HQ, may wish to consider whether there are ways of drawing together the information on ethnic communities that is held within the organisation. Managers within CAF/CASS Cymru will also wish to consider ways in which contact with ethnic communities groups can be further developed.

### ***Policies and procedures that safeguard and promote the welfare of children***

- 1.14 CAF/CASS has yet to develop its own policies and procedures in respect of children's safeguards and welfare. In the interim, staff are expected to work to legacy policies. CAF/CASS Cymru has taken the lead in the national development of child protection policy in CAF/CASS. In addition, CAF/CASS Cymru has entered into discussions with the Children's Commissioner for Wales, to develop a joint protocol covering children's issues and to establish children's reference groups.

- 1.15 Staff throughout Wales have been briefed on the All-Wales Child Protection procedures issued in 2002, which include the role of CAF/CASS. In addition, CAF/CASS Cymru has developed, consulted on and disseminated a series of local policies, including one on Safe Working Practice. However, Inspectors were concerned to find that the policy on Safe Working Practice had not been implemented uniformly throughout CAF/CASS Cymru. Reasons for this differed but included a lack of knowledge of the policy, lack of training, confusion over its application or status, and instances of resistance among staff to elements of the policy.
- 1.16 Among the issues identified were:
- adverse comments on the absence of safe working arrangements for staff, despite the existence of the CAF/CASS Cymru policy on Safe Working Practice
  - evidence that practitioners were breaching the policy, in respect of the locations in which children were interviewed, because they disagreed with it.
  - differences in interpretation between managers and practitioners on key issues within the Safe Working policy, such as transporting children, without there being an agreed resolution to the disagreement.
- 1.17 Managers in CAF/CASS Cymru will wish to ensure that all practitioners are aware of, understand and implement the provisions of Safe Working policies and that any differences in interpretation regarding elements of the policies are quickly resolved. A recommendation is made to that effect.
- 1.18 Managers are attending all the Area Child Protection Committees in Wales, although CAF/CASS guidance on its role within the Committees is still awaited. It is, however, seen as a means of improving relationships with other partner agencies.
- 1.19 Inspectors found that there was a lack of clarity among staff regarding the appropriate means of conducting police checks. Staff are currently using legacy systems which differ from area to area and are often dependent on personal contacts. This is an area where the CAF/CASS Cymru management team will wish to give clear guidance.

### ***Compliance with statutory powers and duties***

- 1.20 Inspectors were concerned to find, from discussions with practitioners, that the extent to which they had incorporated Court Rules into their practice differed substantially. Some practitioners stated that they held personal copies of the Rules, while others stated that they were unaware of the document. Inspectors were informed that the extent to which the Rules and their application were discussed within teams differed among offices, as did the extent to which compliance was being monitored. Managers also appeared to have different views on the interpretation of the Rules, such as in ensuring that children were consistently seen. One practitioner described it as “*practice being driven by practitioners and not managers*”. CAF/CASS Cymru will wish to ensure that all practitioners are aware of, and have access to, copies of their statutory powers and duties. See recommendation 2.

1.21 Inspectors were informed by practitioners that it has become the occasional practice for CAFCASS practitioners to undertake S37 investigations<sup>1</sup> at the request of the courts. Such investigations are properly the responsibility of the local authorities. Although, in one instance, the local manager had taken up the issue with the court, it may be helpful if CAFCASS Cymru developed a wider protocol with courts on this issue.

## *Court report reading*

1.22 During the inspection, practitioners, managers and Inspectors read a total of 52 private law reports and 25 public law reports. The private law reports dealt mainly with contested contact and residence applications and were analysed against both factual and qualitative criteria, many of which were derived from the National Standards for Probation Service Family Court Welfare Work (1994). The public law reports dealt mainly with care cases and were similarly analysed against criteria derived from the National Standards for Guardians ad Litem and Reporting Officer Service (1995). The inherited standards were required to be adhered to within CAFCASS pending the publication of new standards that were expected later in 2002.

1.23 In addition, a number of practitioners had reviewed one of their case files with peers and discussed the outcomes of those reviews with Inspectors. All involved in the process found it to be most informative. The discussions showed a good level of professional skill and commitment in front-line practice as well as sensitivity to some of the typical inherent tensions and dilemmas underpinning this kind of work. Inspectors are grateful to those practitioners who took part, for giving their time and for the open manner in which they approached the whole process.

1.24 The main points arising from the court report reading apply to both public and private law reports. They were that:

- the majority of reports were rated satisfactory or better
- most of the reports did not give the race of either the applicant, respondent or child
- there was a wide-ranging pattern of contacts between CAFCASS, family members and other agencies including, for example, children seen at the mother's home, at the father's home, at a CAFCASS office and in other settings
- checks with local authority child protection registers, as required by national standards, were not always undertaken
- most reports were evaluated as being child-focused
- over half of the reports gave little or no attention to the Children Act 1989 'no order' principle, and over half gave no reasons why it was better to make an order in the case
- many reports made little or no reference to issues of gender, ethnicity, disability, religion or race.

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<sup>1</sup> A court which is hearing family proceedings in which a question arises about the welfare of a child may direct a local authority to investigate the child's circumstances if it appears that a care or supervision order may be appropriate (Children Act 1989, Section 37(1))

## ***Audit of judicial and local authority views***

1.25 Audits of judicial and local authority views on CAF/CASS Cymru were sought in a three-week period from 22 July to 9 August 2002. Views related to current proceedings before the courts. Unfortunately, on this occasion, it was not possible to conduct an audit in two Care Centres. Therefore, the findings are based on one Care Centre and one Family Proceedings Court. Audits were also conducted among five local authorities. Within local authorities, opinions were obtained from legal staff, front-line social workers and team leaders. A key point to note is that the two courts and five local authorities found that the overall contribution ('added value') of CAF/CASS to the proceedings was satisfactory or better in 77% of cases. Further details of the information obtained are set out in Annex C.

***Recommendation 1: that CAF/CASS Cymru should develop, implement and monitor consistent practice in respect of children being seen and in the safeguarding and promotion of their welfare***

***Recommendation 2: that CAF/CASS Cymru should:***

- ***ensure that all practitioners have copies of their statutory powers and duties as set out in the Court Rules***
- ***take steps to agree and implement consistent best practice in respect of practitioners' statutory powers and duties and ensure compliance.***

## *Inspection Findings 2: Care of Service Users*

This section assesses within CAF/CASS Cymru, the provision of a courteous, helpful and appropriate service to all CAF/CASS users.

In order to fulfil this key function, MCSI expects CAF/CASS Cymru to:

- treat children, families and professionals using CAF/CASS services with courtesy and offer them appropriate help
- follow up complaints and change practices where necessary
- provide CAF/CASS users with appropriate and clear information about CAF/CASS and court proceedings or advice on where to access this
- be proactive in engaging with user groups locally
- ensure that race equality is a central part of its service delivery in accordance with the Race Relations (Amendment) Act 2000.

### *Public Service Agreement*

The key objective for CAF/CASS is:

- to improve the services offered to families and other key stakeholders. There should be demonstrable and measurable improvements in the services offered, for example, through improved access to information. Again, effective measures of performance should be developed in consultation with the Department.

### *Overall Findings*

- Children, families and professionals using CAF/CASS services are treated with courtesy and are offered appropriate help.
- There are differing views within CAF/CASS Cymru as to who is a service user.
- Complaints have been few in number and are followed up.
- There are information leaflets available in English and Welsh, however, there are some inconsistencies in their distribution and use.
- There is a need for information leaflets that are in an age-appropriate format for use with children
- CAF/CASS Cymru has been proactive in responding to Welsh culture and the requirements of the Welsh Language Act 1993
- CAF/CASS Cymru has made contact with some ethnic minority groups and this should now be extended.

## *Inspection sources*

- 2.1 The primary sources of information about MCSI's key function for the care of service users were drawn from:
- background documents provided by CAFCASS
  - interviews with CAFCASS staff
  - review of complaints procedures
  - audit of service user views
  - interviews with service users.

## *Customer courtesy and appropriate help*

- 2.2 Inspectors found that, in common with CAFCASS Regions in England, there were differing definitions among practitioners and managers as to who was a service user. For the purposes of this report, the term 'service user' applies only to children and families.
- 2.3 Inspectors are of the view that service users differ from other parties such as the courts, and that the relationship between CAFCASS and the various groups should also be different. The judgement in re: M,<sup>2</sup> sets out expectations in respect of the relationship between the courts and CAFCASS in cases of private law. In light of this judgement, Inspectors would encourage CAFCASS Cymru to discuss whether there is a need for it to review its relationships with the various parties.
- 2.4 Inspectors found that service users and professional users were invariably treated with courtesy and offered appropriate help. In particular, CAFCASS Cymru had responded appropriately and sensitively to the needs of Welsh culture and were making considerable progress in delivering a Welsh-speaking service where its users required it.
- 2.5 CAFCASS Cymru has sought to identify and meet the needs of service users (taking into account the geography and the difficulties of communications within Wales) by siting its offices where the demand for services is greatest, for example by establishing an office in Haverfordwest. It has also taken steps to improve the variety of venues available for meetings. However, some practitioners expressed concern about a shortage of family rooms within CAFCASS Cymru offices, which required them to seek alternative accommodation for meetings with service users.
- 2.6 Whilst there are no specific CAFCASS standards for administration services within CAFCASS Cymru, administration staff have continued to apply legacy standards to issues such as telephone calls and letters. Although this may mean that standards differ between the offices, it is indicative of the desire of support staff to provide a professional service to service users.
- 2.7 Some staff have received customer-care training but the majority have not. The management team of CAFCASS Cymru may wish to consider whether it has the resources to establish common standards for all offices in CAFCASS Cymru and to expand the provision of appropriate training.

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<sup>2</sup> Re: M (Child) Thorpe LJ and Wall J 31 July 2002

2.8 Prior to the MCSI inspection, adult service users were invited to complete a brief questionnaire about the service they had received from CAFCASS. There were responses from 41 adults. Of those respondents that indicated their gender or race, 18 were male, 22 female, 34 were White, and one was from a minority ethnic group. For reasons of confidentiality, no identifiable family details were sought in the questionnaire. As a result, MCSI is not able to verify how representative the returns were. Therefore, the findings from this limited survey must be treated with caution. Full details can be found in Annex C. The survey sought comments on the following issues:

- how easy was it to contact the CAFCASS practitioner?
- did the practitioner listen to the service user?
- did the service user have confidence in the practitioner?
- was the information received by the service user easy to understand?
- was the service user informed about how to make a complaint?
- did the service user feel fairly treated?
- did the service user's children feel comfortable talking to the CAFCASS practitioner?
- was the service user's family's racial and cultural identity understood and did the practitioner respond appropriately?

2.9 In each category, the majority of respondents indicated that they were satisfied with the service they had received from CAFCASS. However, in some categories such as listening and fair treatment, the figures were very much closer together and indicate that the perception of "*winning or losing*" is a factor in any feedback.

## *Handling of complaints*

2.10 CAFCASS Cymru operates within the interim complaints procedure, issued by Headquarters in May 2001, but had developed some local practices to assist service users and staff. Managers have received complaints training. At the time of the inspection, responsibility for administering complaints had been delegated to a member of the support staff and the work was being relocated to the office of the Director, CAFCASS Cymru. The records were being audited as it was unclear what progress had been made in respect of unresolved complaints.

2.11 Inspectors saw information relating to the four complaints from service users that had been received in CAFCASS Cymru since April 2001. Two were closed and two were ongoing. Inspectors are encouraged by the commitment of CAFCASS Cymru to identify opportunities for corporate learning from all its sources of feedback, including complaints.

2.12 The complaints leaflet (CSU3) is available in English and Welsh and covers initial complaints (stage one) and the procedures for formal investigation, (stage two). However, it does not clearly set out the link between the two phases. At the time of the inspection, the complaints leaflet on the CAFCASS website was only available in English. Managers of CAFCASS Cymru may wish to take steps to place a Welsh language version of the leaflet on the website and consider whether the leaflet is sufficiently clear for users.

2.13 The interim complaints procedure does not apply to organisations such as local authorities. It was made clear to Inspectors that local authority staff, at team manager and practitioner level, would welcome the opportunity to discuss issues around professional practice with

their counterparts in CAFCASS Cymru. Such arrangements might complement ongoing work between CAFCASS Cymru and the Association of Directors of Social Services, in the development of a service protocol.

## *Access to appropriate and clear information*

2.14 There was a variety of information leaflets about CAFCASS and related services available to service users in both the English and Welsh languages, including one entitled *The Role of CAFCASS*. However, there are inconsistencies in the way information leaflets and Power Packs<sup>3</sup> are made available to practitioners and distributed. Leaflets are not yet available in an age- appropriate format suitable for use by children. This is unfortunate and has the effect of excluding an important group of service users. Inspectors understand that the need for age-appropriate leaflets is recognised and action is being taken. However, in the interim, CAFCASS Cymru management will wish to consider how it might bridge this gap in the provision of information.

## *Race equality*

2.15 The extent to which CAFCASS Cymru addresses race equality issues in its provisions to service users is covered at paragraphs 1.8 to 1.13. MCSI sought out the views of the Commission for Race Equality (CRE) in Wales on a range of issues. In the course of the discussions the CRE commented on the Race Equality Scheme (RES), prepared by CAFCASS Headquarters under the Race Relations (Amendment) Act 2000, and its implications and implementation in Wales. MCSI concluded that it would be helpful for there to be direct dialogue on these matters between the CRE in Wales and CAFCASS Cymru. MCSI suggest that this should be taken forward by the Director of CAFCASS Cymru.

2.16 The issues of race equality and related topics are both complex and sensitive. For example, some staff expressed concerns about the focus of race equality in CAFCASS Cymru, which they saw as being overly concerned with Welsh language issues. Senior management in Wales has already taken a number of steps to support the development of race and diversity awareness among staff, including appointing a Welsh Language Officer with responsibility for diversity issues, and using the CAFCASS Cymru conference to address such issues. While accepting that the RES has only recently been implemented, Inspectors are of the view that more needs to be done to raise awareness of the RES and diversity issues within CAFCASS Cymru.

## *Engagement with user groups*

2.17 The *Corporate Plan* demonstrates that CAFCASS is committed to establishing links with key stakeholders. Following the Plan's publication in March, CAFCASS organised a series of consultation events in England and Wales with staff, stakeholders and service users, which was well-received. The management team in CAFCASS Cymru has adopted a considered approach to the development of contact with user groups and has "*advanced with caution any plans to consult*". While understanding the thought behind such an approach, Inspectors are of the view that engagement with user groups should be developed.

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<sup>3</sup> Power Packs are information packs about court proceedings and related matters produced for children

## *Inspection Findings 3: Strategy and Performance Management*

This section assesses the degree to which CAFCASS Cymru has established a pertinent direction for CAFCASS, complemented by a staged plan of action and mechanisms for implementation and review, and systematic management of performance.

In order to fulfil this key function, MCSI expects CAFCASS Cymru to:

- show leadership in determining and communicating its strategic direction
- have in place an effective organisational structure to deliver its regional strategy
- have identified key strategic issues and determined effective plans of action
- set standards of performance and arrangements for monitoring these.

### *Overall Findings*

- The Senior Management Team (SMT) in CAFCASS Cymru has shown leadership in determining and communicating strategic direction.
- CAFCASS Cymru has identified the changes necessary to achieve an effective organisational structure and these are being taken forward, although the two posts at assistant regional manager level have yet to be approved by CAFCASS Headquarters.
- Key strategic issues have been identified and effective plans of action determined. However, some timescales have had to be extended.
- CAFCASS Cymru's Delivery Plan has taken Welsh issues into consideration and has sought to respond to them appropriately. However, not all staff are aware of, or committed to, the plan.
- CAFCASS Cymru has established performance targets within the delivery plan and has shown its ability to respond to areas of poor performance. However, overall, its monitoring of delivery, standards and the implementation of corporate and local policies is incomplete.
- There are appropriate plans in place to improve performance monitoring in future years, but implementation has been hindered by a lack of resources.

### *Inspection sources*

- 3.1 The primary sources of information about MCSI's key function for strategic and performance management were drawn from:
- background documents provided by CAFCASS
  - interviews with CAFCASS staff at management levels
  - interviews with local authority staff.

## Leadership and strategic direction

3.2 Senior managers, both centrally and within CAF/CASS Cymru, have shown leadership in determining and communicating strategic direction. Although there is no communications policy for CAF/CASS Cymru, there is a structure for, and a commitment to, effective communication.

3.3 The national *Corporate Business Plan* has been translated into the CAF/CASS Cymru Delivery Plan, which identifies the key strategic issues that it must address. Board members, together with senior executives of CAF/CASS, have held open meetings with staff to discuss issues. Managers within CAF/CASS Cymru are committed to communicating the vision for CAF/CASS to staff, and are seeking to be open with staff in the process. One manager explained it by saying, *“I try to communicate the vision, where we should be, why and how. We have an obligation to explain and defend and to be challenged”*.

3.4 There is a structure of regular, linked meetings within CAF/CASS Cymru that allows issues to be discussed within teams and comments to be made within an SMT meeting prior to the regional managers’ meeting. These are supported by a structure of regular monthly and quarterly meetings for practitioner teams or support staff, plus conferences on specific issues and a staff consultancy group. Comments made to Inspectors indicated that staff value this pattern of meetings. Despite this, senior management considered that communication is not always effective; a view supported by staff comments made across Cymru.

3.5 Among the issues identified by staff were:

- The volume of e-mails received and the difficulty of identifying those that contained important and relevant information:

*“Communicating is not communicating if it is just chucked out”*.

*“There is a feeling of being bombarded with information and that there is a lack of conciseness”*.

- The difference in access to e-mails between remote access sites (RAS) and networked offices, with e-mails being downloaded infrequently at RAS.
- The difficulty of keeping home-based workers informed.
- The preference for face-to-face meetings as the main information route, although they create time pressures:

*“E-mails are not an adequate substitute for meaningful communications”*.

*“Staff feel very involved in team meetings but time constraints interfere”*.

- The sense that HQ is constantly seeking data:

*“There is a feeling that the focus is more on facts and figures and that practice issues are getting lost”*.

- A lack of confidence in the Staff and Management Consultancy Group because people did not see, or recognise, responses to issues raised within the group. The phrase “*black hole*” was used frequently in respect of issues passing to senior management within CAFCASS Cymru.
- 3.6 Inspectors take the view that although the SMT has been proactive in trying to communicate effectively with staff within CAFCASS Cymru, some issues still remain which are getting in the way of effective communication. Managers will wish to consider the value of addressing some of those issues identified above in support of the steps they have already taken. In particular, steps to strengthen the feedback structure from the Staff and Management Consultancy Group, and ways of keeping home-based workers better informed will be of benefit. There may also be value in reminding staff of the e-mail protocol, to reduce volumes and assist them in identifying those messages that are important.

## *Organisational structure*

- 3.7 CAFCASS Cymru has identified the changes necessary to achieve an effective organisational structure. Steps have been taken to implement the planned structure. For example, there is unified management at team level. However, some important elements have yet to be delivered, primarily owing to staff vacancies. Key among the elements still outstanding is the appointment of two senior managers at assistant regional manager level. The CAFCASS Cymru Delivery Plan, drafted at the beginning of the financial year 2002/03, assumed that both these posts would be filled and allocated many of the tasks to the post-holders. The fact that HQ had yet to approve recruitment to either post has resulted in the Delivery Plan being reviewed, the original timescale for delivery being extended, and increased responsibility for current senior managers in CAFCASS Cymru.
- 3.8 Inspectors are aware that the funding of two additional senior manager posts will be decided centrally, within the context of CAFCASS as a whole and with regard to the resources available nationally to meet identified priorities. Given the uncertainty surrounding these posts, the senior management in CAFCASS Cymru will wish to consider the longer term implications should they not be approved, or approval is delayed, and draw up contingency plans accordingly.
- 3.9 In considering the appropriate structure for CAFCASS Cymru, the SMT has taken into consideration the requirements of Welsh culture and the Welsh Language Act 1993 and is committed to delivering a bi-lingual organisation. A number of essential bi-lingual posts have been established; Welsh-speaking staff are being recruited, with support being offered to members of staff undertaking Welsh language training.
- 3.10 Inspectors note that there is no agreed job description for the Director, CAFCASS Cymru, and consider that CAFCASS HQ and the Director of CAFCASS Cymru should finalise this outstanding matter as soon as possible.

## **Key strategic issues are identified**

- 3.11 CAF/CASS Cymru has identified the main strategic issues, including issues concerning Welsh language, and has incorporated them clearly into the CAF/CASS Cymru Delivery Plan. In creating its plans, CAF/CASS Cymru undertook a workload analysis and has sought to locate staff where demands are greatest, despite the challenges presented by Wales and its geography.
- 3.12 Responsibility for achieving objectives in the Delivery Plan is allocated among the members of the SMT. While the Delivery Plan was reviewed during the year, there was no pattern of regular review by the SMT. However, Inspectors understand that such reviews will be part of the planning cycle for next year.
- 3.13 Inspectors found that a significant number of the staff interviewed had not seen the *Corporate Plan* and/or the *CAF/CASS Cymru Delivery Plan*. As a result, there was a significant lack of commitment to the Plans as working documents. Among the comments made were:

*“I haven’t studied it hard enough to know if it is to do with work.”*

*“I do not see the link between the delivery plan and what I do, we don’t discuss it in meetings, it’s difficult, it takes too long to get documents off the intranet.”*

- 3.14 Inspectors are concerned that senior management has failed to recognise this lack of commitment and have not, therefore, responded to it. Senior management will wish to ensure that the plans and their relevance to people’s jobs are fully discussed with teams.
- 3.15 CAF/CASS Cymru differs from CAF/CASS in England in that the legislative powers of the Welsh Assembly impact on strategy and practice, and this is reflected in the *CAF/CASS Corporate Plan*. It is clear that staff, at all levels in CAF/CASS Cymru, are of the view that its geography and rural nature also have an impact on strategy and practice to a greater extent than in other regions, but they are not persuaded that this view is shared by CAF/CASS HQ. This is clearly a matter of concern to staff. Among the comments made to Inspectors in interview were *“it was common for me [a practitioner] to spend more than 40 hours a month in my car travelling to appointments”* and *“only three of my cases are closer than 50 miles from my office”*. More detailed analysis by senior management within Cymru might clarify whether or not these factors are placing an additional burden on staff and resources. The results might be of value to both staff and HQ.

## **Standards of performance are set and monitored and financial resources managed**

- 3.16 CAF/CASS Cymru has established performance targets within the Delivery Plan. Each target has a delivery date and an identified owner responsible for delivery. However, overall, its monitoring of delivery, standards and the implementation of corporate, and local, policies is incomplete. There are concerns nationally, which are shared within CAF/CASS Cymru, regarding the quality of the management information through which

performance is monitored. An example was that Team Leaders were unable to state the workload of their teams. CAFCASS Cymru has responded positively to concerns about data quality by establishing a group to look at data collection. Additionally, the Delivery Plan includes an objective for the establishment of performance benchmarks within this financial year that will be used as comparators in future years. At the time of the inspection, this objective had yet to be achieved due to a lack of support staff. However, Inspectors understand that the necessary resources have now been approved and that this objective will be taken forward.

- 3.17 CAFCASS Cymru has demonstrated that it has the ability to respond effectively to issues of poor performance. Owing to shortages of childrens' guardians, some areas, particularly in South Wales, had experienced delays of up to eight months in the appointment of guardians in public law cases. In response, the SMT decided to establish a Wales-wide clearing-house procedure to manage the allocation of public law cases.
- 3.18 An area of concern to Inspectors was the lack of effective procedures to ensure that staff implement new policies. There is a perception among some staff that policies are not robust, are open to challenge and may be ignored. There was also evidence that team leaders have failed to respond appropriately to such responses from staff. Managers within CAFCASS Cymru will wish to make certain that there is an effective mechanism established that ensures national and local policies are implemented and complied with, and that any concerns regarding their effectiveness are directed through proper channels for consideration. See recommendation 3.
- 3.19 Inspectors also found senior managers and practitioners differed in their understanding of the quality assurance processes in place. An example of this is the 'gatekeeping', or initial quality assurance checking of files and reports, carried out in offices. Senior managers were of the view that this was a part of each team's activity. Practitioners presented a different picture, stating that gatekeeping was formal, informal or totally lacking, depending on the office. CAFCASS Cymru relies mainly on legacy practice for quality assuring practitioners' work. However, this is an area that has a direct impact on the quality of the services provided to children and, therefore, consistent good practice should be encouraged.
- 3.20 Inspectors were concerned that, at the time of the inspection, CAFCASS Cymru had an overspend against budget of 9%, which was being projected to a 20% overspend by the year-end. The main reasons for the overspend were given as the increased travel and subsistence, and salary, costs and the retention by CAFCASS HQ of the budget for self-employed guardians. Inspectors have been given to understand that the issue of budgets has been satisfactorily resolved in conjunction with HQ.
- 3.21 At the time of the inspection, authority had only just been given to CAFCASS Cymru to delegate budgets to Team Leader level. Given that staff costs account for approximately 80% of the overall budget, the ability of managers to affect significantly the extent to which resources are used appropriately, is limited. However, it is a step that Inspectors welcome as it is linked to a desire to establish unit costs and develop a value for money approach.

3.22 CAF/CASS Cymru contributes funds to a number of projects run by voluntary organisations across Wales. These mainly deal with mediation and contact issues. A summary list is at Annex B. A Team Leader has been given the task of reviewing the nature and location of these services and their value to children and families. This review is being conducted in conjunction with the current national review.

***Recommendation 3: that CAF/CASS Cymru should develop a strategy to ensure that CAF/CASS national and local policies are disseminated, implemented and complied with consistently throughout CAF/CASS Cymru.***

## *Inspection Findings 4: Management of Human Resources*

This section assesses the extent to which CAFCASS Cymru provides and deploys staff capable of delivering its objectives cost-effectively.

In order to fulfil this key function, MCSI expects CAFCASS Cymru to:

- systematically and continuously plan human resource needs
- have in place a staff structure and numbers to enable work to be carried out cost-effectively
- identify, sustain and develop staff capabilities
- continuously review staff performance and development and agree targets
- have an effective dialogue with its staff and foster a climate of improvement
- meet its statutory obligations as an employer and demonstrate good employment practice.

### *Overall Findings*

- CAFCASS Cymru has taken appropriate steps to plan its Human Resource (HR) needs continuously and systematically.
- CAFCASS Cymru has taken steps to establish what its staffing numbers and structure should be and is taking steps to achieve these.
- CAFCASS Cymru is beginning to take appropriate steps to identify, sustain and develop staff capabilities.
- There is a lack of induction training.
- CAFCASS Cymru has taken some steps to review staff performance and development. However, supervision and appraisal is patchy and of varying quality.
- CAFCASS is seeking to establish an effective dialogue with its staff and foster a climate of involvement.
- Recruitment policies and procedures are not sufficiently robust to safeguard children.
- CAFCASS does not fully meet its Health & Safety obligations as an employer.
- There is no guidance or training for staff to protect them from danger and risk of violence.

## *Inspection sources*

- 4.1 The primary sources of information about MCSI's key function for the management of human resources were drawn from:
- background documents provided by CAFCASS
  - a survey of CAFCASS practitioners
  - interviews with CAFCASS staff at all levels.

## *Planning*

- 4.2 CAFCASS Cymru has taken appropriate steps to plan its HR needs. The workload and the related resources required have been identified in a systematic way. Most aspects of HR management are dependent on policy and agreements that were under negotiation nationally. These include negotiations over the harmonisation of pay and conditions, staff mobility and home-working.
- 4.3 Front-line practitioners were asked to complete a brief survey for MCSI in advance of the inspection. Unfortunately, there was a low response rate (40) because comprehensive instructions were not circulated with the forms. This low response rate does not allow Inspectors to draw any conclusion.

## *Staff structures and numbers*

- 4.4 An organisational structure has been identified by the SMT, which considers it necessary for the delivery of the desired outcomes. Some aspects of that structure have been implemented, including joint management of public and private law practitioners at Team Leader level. Other aspects are still to be actioned, and reference to the two senior management posts is made at paragraph 3.7.
- 4.5 CAFCASS Cymru still has staff vacancies at practitioner and support staff level. Steps have been taken to recruit staff. However, the process of filling vacancies has been slow. Concerns about continuing vacancy levels have been expressed both within, and outside, the service. Inspectors accept that the SMT is actively seeking the necessary staff but are aware that managers feel that current conditions of service have not been attractive.
- 4.6 CAFCASS Cymru has the lowest ratio of support staff to practitioners nationally, but is now working towards an agreed ratio of one support staff member to four practitioners. Changes to support staff jobs without consultation or training have had a detrimental effect on staff recruitment and morale.
- 4.7 Some support staff are working as combined teams supporting both public and private law practitioners, although nothing has been formally agreed concerning this by CAFCASS Cymru management. The SMT may wish to take the opportunity to evaluate such arrangements to assist future change.

- 4.8 CAF/CASS Cymru comprises mainly female staff. This gender imbalance is recognised by the SMT and is being addressed by considering the needs of individual teams. However, the recent round of recruitment has not improved the balance and the SMT may wish to reconsider its approach to this issue.

### ***Staff capabilities are identified and work is carried out cost-effectively***

- 4.9 All staff brought a breadth of knowledge and experience as they transferred into CAF/CASS Cymru, and steps are now being taken to identify, sustain and develop those capabilities. There is a training and development plan in place for CAF/CASS Cymru, which will be supported by an audit of training needs that has now been approved.
- 4.10 Inspectors were impressed by the new administration system for training that had been introduced. It requires managers to be involved in the evaluation of the training before, and after, the event, including a requirement to evaluate the subsequent impact of the training on an individual's work standards. However, as the system had only just been introduced at the time of the inspection, it was too soon to assess its success.
- 4.11 At the time of the inspection, there was no established induction training for staff and little work had been done on developing competencies. Among the comments made by managers and staff were the following: *"people are just expected to get on and do the job"* and *"we are working on people's goodwill."* In general, training seemed to be on an ad-hoc basis and Inspectors found large variations in the training that people had received. One individual new to the organisation stated that *"the lack of induction assumed previous knowledge of what the organisation is about. I feel more daunted than excited"*. One outcome of the lack of induction training was reluctance by some staff to mentor new practitioners for fear of something going wrong. Inspectors are aware of the intention to set up an induction process within CAF/CASS Cymru and would encourage the SMT to ensure that this happens as soon as possible. See recommendation 4.
- 4.12 Inspectors found practitioners very unclear about the situation regarding the Post Qualifying Award and the Advanced Award and could find little evidence that the issue had been discussed recently by the SMT. This is an area where staff would welcome clear guidance from senior managers.

### ***Performance and development***

- 4.13 CAF/CASS Cymru has taken some steps to review staff performance and development. It is using legacy systems but these vary across Wales. Supervision and appraisal is patchy and of varying quality. All managers have received supervision training and commented on its usefulness. This has been supported by the development of a local policy and procedure on supervision, which was subject to consultation at the time of the inspection.
- 4.14 Given that there is a new appraisal system being trialled nationally (although not in Wales) it would be inappropriate for CAF/CASS Cymru to develop its own system. However, some staff, including some new staff, have not been appraised at all. The SMT in CAF/CASS Cymru should ensure that all staff are appraised regularly. See recommendation 4.

## *Effective dialogue with staff*

4.15 CAF/CASS Cymru is seeking to establish an effective dialogue with its staff and to foster a climate of involvement through a number of means. Staff and managers are also involved in CAF/CASS Cymru and corporate workgroups. Despite this, variations in the extent to which managers feed back information to staff, and perceptions among staff that their involvement does not extend beyond CAF/CASS Cymru, are hindering those attempts. The SMT may wish to look at the way its messages, and those from HQ, are cascaded through the organisation to ensure some consistency in the information being given to staff.

## *Meets its statutory responsibilities*

4.16 The Health & Safety group in CAF/CASS Cymru has restarted and the necessary audits are being undertaken for each building. Responsibility for Health & Safety has been allocated to the Business Manager. However, at the time of the inspection, no appropriate training had been given. Inspectors are concerned that the Business Manager took on important Health & Safety tasks, such as risk assessments of home-workers and their working environment, without appropriate training.

4.17 Among the Health & Safety issues identified by Inspectors were:

- a lack of regular fire drills in some offices
- periodic safety checks on equipment had not been carried out
- office procedures for dealing with violent situations were not always clear to staff or to those expected to help
- procedures for protecting staff from violence at work, when working away from the office, were not always clearly understood. Some practitioners were aware of the legacy policy on safe working and home visiting used by former guardian panels. Others, however, were operating without reference to any guidance.

4.18 Whilst Inspectors accept that CAF/CASS Cymru is addressing some of the issues identified, including appropriate training for the Business Manager, other aspects needed to be addressed urgently. The completion of the risk assessment programme will identify those issues by office but, until it is completed, real risks remain. Of particular concern to Inspectors, is the need for a clear strategy on preventing violence at work and protecting staff on the occasions when it is threatened. See recommendation 5.

## *Recruitment policies safeguard children*

4.19 Inspectors are aware that Headquarters has established CAF/CASS recruitment policies and procedures and it is not open to CAF/CASS Cymru to amend them. However, Inspectors are concerned that the policies do not follow completely the recommendations contained in the Warner Report<sup>4</sup> and are therefore insufficiently robust to ensure that children are appropriately safeguarded. For example, CAF/CASS does not appear to use probationary periods, nor is it the case that gaps in employment history are always investigated. While some senior managers have taken a specific interest in the employment history of those applying for practitioner posts, investigations have been less consistent in every case. This would indicate that there is a need for greater consistency in recruitment and employment practice.

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<sup>4</sup> Choosing with Care – The Report of the Committee of Inquiry into the Selection, Development and Management in Children’s Homes. HMSO 1992

- 4.20 HR management functions are split between CAF/CASS Cymru and CAF/CASS HQ, and there were instances where communications between them have broken down. One example was a new appointee who arrived to take up post without the local Team Leader being informed that the person was due to arrive.
- 4.21 Inspectors are of the view that this is an area where CAF/CASS Cymru and CAF/CASS HQ need to work together to resolve issues of policy and communication. See recommendation 4 below.

***Recommendation 4: that CAF/CASS Cymru should, in conjunction with CAF/CASS Headquarters, take appropriate steps to ensure that:***

- *new staff are given induction training,*
- *all staff receive supervision and appraisal*
- *all staff are offered appropriate training.*

***Recommendation 5: that CAF/CASS Cymru should, as a matter of urgency, establish and implement a clear strategy on preventing violence at work and protecting staff.***

## *Inspection Findings 5: Management of Physical Resources*

This section assesses the extent to which CAFCASS Cymru deploys buildings, Information Technology (IT) and other equipment effectively and efficiently.

In order to fulfil this key function, MCSI expects CAFCASS Cymru to:

- balance strategy and plans for accommodation with the needs of users and the cost-effective use of resources
- maintain current building stock and equipment in a timely and cost-efficient manner
- ensure that all users of CAFCASS services are able to enter and conduct their business within its buildings
- offer facilities for users of CAFCASS premises of adequate comfort and that take into account the likely duration of any period of waiting
- ensure that users have access to facilities to conduct their business with appropriate levels of privacy
- ensure CAFCASS premises offer adequate levels of safety and security for users and staff
- have a strategy for developing the use of IT
- ensure that IT is adequately established in terms of quality, availability and security.

### *Overall Findings*

- CAFCASS Cymru has evaluated its need for accommodation and drawn up appropriate plans, which are moving ahead.
- Some of the current building stock presents potential child protection issues.
- Some staff are without accommodation, and some accommodation is unsatisfactory for both staff and users.
- Whilst the ratio of personal computers (PCs) to staff is improving, the use of Remote Access Sites (RAS) and the lack of a clear timetable for further additional equipment restricts the extent to which the use of IT in CAFCASS Cymru can be developed.

### *Inspection sources*

5.1 The primary sources of information about MCSI's key function for the management of physical resources were drawn from:

- background documents provided by CAFCASS
- interviews with CAFCASS staff
- interviews with Health & Safety lead managers
- site tours of buildings at Cardiff and Wrexham.

## *Accommodation strategy, resources and needs of Users*

5.2 CAFCASS Cymru has evaluated its need for accommodation and drawn up appropriate plans, which are moving ahead as quickly as possible. The strategy has been based on matching accommodation to workload, resulting in some offices being sited in new areas. Inspectors were made aware of the positive impact the proposed accommodation was having on staff. No office moves were made in year one (2001/02) when there was a central budget to fund such changes. Despite this, approval has been gained for most planned moves. However, until the programme of relocations is complete, there will be potential child protection issues in respect of some buildings and some staff will be without accommodation, or in unsatisfactory accommodation. Among the issues identified were:

- not all offices in CAFCASS Cymru are fully Disability Discrimination Act (DDA) 1995 compliant, including one new leased building (Aberystwyth). Children or adults that used a wheelchair, or parents with children in prams, would also find access to Newport office difficult
- some offices lack adequate waiting facilities
- others do not provide adequate comfort taking into account the likely duration of any period of waiting
- not all service users have access to facilities to conduct their business with appropriate levels of privacy
- not all CAFCASS buildings offer adequate levels of safety and security for service users and staff.

## *Information technology*

5.3 Whilst the ratio of PCs to staff is improving, the use of RAS and the lack of a clear timetable for further additional equipment, restricts the extent to which the use of IT in CAFCASS Cymru can be developed.

## Methodology

- The Inspection of CAF/CASS Cymru was conducted by a team of six Inspectors and an Inspection Assistant. CAF/CASS Cymru was given six month's notice of the start of the main fieldwork and of the topics to be inspected, and provided the inspection team with documentary evidence together with its own analysis of performance in the five main topic areas.
- Audits of views at selected courts about all proceedings involving CAF/CASS were sought over a three-week period prior to the main fieldwork period. Views of the judiciary at a Care Centre and a Family Proceedings Court were obtained through the completion of detailed questionnaires on individual cases. Parallel audits by questionnaire took place in five local authorities, where social services and legal views about current court proceedings involving CAF/CASS were obtained. The resulting data is set out in Annex C. Six feedback meetings of the preliminary analysis of the data took place with the judiciary and local authorities.
- The inspection team visited CAF/CASS offices in Bridgend, Cardiff, Newport, Llandudno and Wrexham.
- Around 120 recently completed court reports were inspected with the assistance of practitioners and managers. On the same day, sixteen in-depth interviews were conducted with practitioners about one of their recently completed proceedings.
- The inspection team carried out a series of structured interviews in CAF/CASS Cymru, with senior management, team managers, support staff, front-line practitioners and other staff with specialist responsibilities, such as those dealing with complaints and the Health & Safety of buildings.
- MCSI posters were displayed in all CAF/CASS office reception areas inviting contact from service users. Copies of the posters were also displayed in Welsh.
- CAF/CASS wrote to approximately 60 people who were adult parties in completed private law and public law care proceedings during May and June 2002, where CAF/CASS was involved. Each individual was asked to complete a questionnaire about levels of satisfaction with CAF/CASS. Views were sought anonymously. At the same time they were invited, if they so wished, to telephone the Inspectorate direct and/or to come to a meeting with Inspectors.
- MCSI reports do not record the views of identifiable individuals. Instead, Inspectors adopt a convention in respect of management, administrative and practitioner views and responsibilities. This uses the following terms:
  - **Senior management** encompasses the Director, Business Manager, Public and Private Law Team Managers, and the senior management team
  - **Headquarters management** encompasses the HQ management team
  - **The Board** encompasses the Chairman, the Board and, as appropriate, the Task and Finish Groups
  - **Administration** encompasses all support administrative staff
  - **Practitioners** encompasses all front line practitioners.
  - **Service Users** encompassing children and families

- Similarly, views of other individuals interviewed during the inspection, such as the judiciary and local authority staff, are not reproduced in this report in an identifiable form.
- CAFCASS Cymru and CAFCASS Headquarters have seen this report in draft form. Any comments on factual inaccuracies have been taken into account in this final version.

## CAFCASS Cymru: key facts

- Wales has a population of approximately 2.9 million and covers 22 unitary authorities.
- CAFCASS Cymru was established in April 2001 from the following former services:
  - Seven Family Court Welfare Services
  - Five Guardian Ad Litem and Reporting Officer Panels.

The following information was correct at the time of the inspection in September 2002.

### Staffing

#### CAFCASS Cymru staffing comprises:

- One Director
- One Business Manager
- Two Office Managers
- Ten public law and private law managers
- 21 support staff, variously titled and graded
- 96 practitioners – 45 children and family reporters; 33 family court advisers and eight self-employed children's guardians.

### Accommodation

CAFCASS Cymru operates out of 16 offices. These are sited at Aberdare, Aberystwyth, Bridgend, Cardiff (two), Carmarthen, Haverfordwest, Llandrindod Wells, Llandudno Junction (Regional Headquarters), Merthyr Tydfil, Newport, Newtown, Pontypridd, Swansea (two), Wrexham.

### Budgets 2001/02 and 2002/03

CAFCASS's budgets for 2001/02 and 2002/03 were set at £3.9 million and £4 million respectively. The main elements that make up the budgets are set out in the table below, rounded to the nearest £1000.

**Figure 2: CAFCASS Cymru's budgets for 2001/02 and 2002/03 (£000s)**

Running costs	2001/02	2002/03
Salaries	2,079	2,916
Children's guardians – self employment contract fees and other agency staff	1,057	393
Accommodation	135	255
Fuel, utilities, office supplies and services, telecommunications, vehicle expenses, publications	122	111
Training	19	36
Partnerships	60	80

## Partnerships

**Figure 3: CAF/CASS Cymru's partnership funding for 2001/02 covers nine organisations. The figures are rounded to the nearest £100**

Type of partnership	CAF/CASS grant
Contact (six)	£21,200
Counselling (one)	£400
Mediation (two)	£38,500
Total	£60,100

## *Audits of judicial and local authority views about CAF/CASS*

The following commentary refers to audits undertaken of judicial and local authority views about CAF/CASS over a three-week period in July/August 2002.

The audits are referred to under the following headings:

- Care Centre A
- Family Proceedings Court (FPC) B
- Local Authority C
- Local Authority D
- Local Authority E
- Local Authority F
- Local Authority G.

### *Care Centre A*

- Of the 86 Care Centre cases, the majority (48) were Private Law, 29 Public Law (care related) and nine Adoption/freeing
- The majority of hearings (55) were for directions with four for final hearing and six for interim. There were also 13 cases for other types of hearings. (Eight non-replies)
- The practitioner was required to attend in 19 of the cases and actually attended in 18
- Reports had been requested in nine of the cases, eight had been provided – seven replies rated the reports as being of good value or better to the judge, with one reply of little value
- In four of the cases, the practitioner addressed the court, two under oath – one reply found the evidence to be of satisfactory value, with two replies of good value. In two of the cases, the practitioners were asked questions by the party's legal representative, none by the litigant in person, all replies found that the questioning was handled adequately
- In none of the cases were tasks indicated to have been undertaken, by the practitioner, at the judges' request
- In 35 of the cases, a Duty Officer was at the court when the case was heard. In 14 cases, tasks were undertaken by the duty officer, 11 at the request of the judge. Ten rated the outcome of the task as good and two as exceptional value for the judge
- In eight cases, the Duty Officer addressed the court, none under oath, seven were rated as good value and one as exceptional
- The Duty Officer was not questioned by a party's legal representative or a litigant in person in any of the cases
- Of the 86 cases, the following 'Overall Rating for the CAF/CASS contribution ('added value') to judicial decision making at this hearing' was given:
  - 2% (two) rated their contribution as exceptional value
  - 23% (20) as good value
  - 2% (two) as satisfactory value
  - 19% (16) as no value
  - There were four non-applicable and 42 non-replies

## *Family Proceedings Court B*

- Of the 12 FPC cases, the majority (10) were for public law (care related), with two for Private Law (Section 37)
- The majority of hearings (10) were directions hearings and two for interim hearings
- The practitioner was required to attend in ten of the cases and attended in all
- Reports had been requested in only one of the cases and had been provided – the report was found to be of exceptional value to the judge
- The practitioner did not address the court in any of the cases, nor were they asked any questions by a party’s legal representative or litigant in person
- No tasks were undertaken by the practitioner, at the request of the judge, in any of the cases
- The replies indicate that there was a duty officer in court, when the case was heard, in only two of the cases and no tasks were undertaken at the request of the judge
- The Duty Officer neither addressed the court, nor was questioned by a party’s legal representative, or litigant in person, in the two cases indicated
- Of the 12 cases, the following ‘Overall Rating for the CAFCASS contribution (‘added value’) to judicial decision making at this hearing’ was given:
  - 25% (three) rated their contribution as exceptional value
  - Seven non-applicable replies and two non-replies

## *Local Authority C*

- Of the 24 cases logged, 16 were for public law (care related), four for consolidated care/adoption or freeing, one for private law (secure accommodation) and one other (three non-replies)
- The majority of cases (15) were at directions hearing stage, six at final hearing stage and three at interim hearing stage
- The majority of forms, 12, were completed by the local authority lawyer, nine were completed by a team leader or manager, and three by a front-line social worker
- The contribution of the local children’s guardian to the local authorities’ planning for the children was thought to be exceptionally valuable in 21% (five) of the cases, of good value in 29% (seven) of the cases, of satisfactory value in 25% (six) of the cases, of little value in 8% (two) of the cases and of no value in 4% (one) case (one non-applicable and two non-replies)
- The contribution of the children’s guardian to the court’s decision-making for the children was thought to be exceptionally valuable in 17% (four) of the cases, of good value in 33% (eight) of the cases, of satisfactory value in 29% (seven) of the cases, of little value in 4% (one) of the cases and of no value in 4% (one) of the cases (two non-applicable and one non-reply)
- The contribution of the children’s guardian to promoting the welfare of the children was thought to be exceptionally valuable in 29% (seven) of the cases, of good value in 21% (five) of the cases, of satisfactory value in 25% (i.e. (six)) of the cases, of little value in 8% (two) of the cases and of no value in 4% (one) of the cases (two non-applicable and one non-reply)
- Of the 24 cases, 75% (18) of the replies indicated that the guardian carried out all of the activities expected and 8% (two) not (two non-applicable and two non-replies)
- Of the 24 cases, only 17% (four) of the replies indicated that the guardian carried out activities considered to be inappropriate to their role and 71% (17) not, (two non-applicable and one non-reply)

- Of the 24 cases, 67% (16) of the replies indicated that the guardian kept them informed of their developing thinking whilst 21% (five) did not, (two non-applicable and one no reply)
- Of the 24 cases, the following ‘Overall Rating for the CAFCASS contribution (‘added value’) to these proceedings’ was given:
  - 4% (one) rated their contribution as exceptional value
  - 13% (three) as good value
  - 38% (nine) as satisfactory value
  - 13% (three) as little value
  - 21% (five) as no value
  - There was one non-applicable and two non-replies

### *Local Authority D*

- Of the 30 cases logged, the majority (29) were for public law (care related) and two for adoption/freeing
- The majority of cases, 19 were at interim hearing stage, followed by 17 at directions hearing stage
- The completion of the majority of forms (12) were by front-line social workers followed by 11 by the local authority lawyer with team leader/managers completing seven
- The contribution of the local children’s guardian to the local authorities planning for the children was thought to be exceptionally valuable in 3% (one) of the cases, of good value in 23% (seven) of the cases, of satisfactory value in 29% (six) of the cases, of little value in 7% (two) of the cases and of no value in 27% (eight) of the cases, (three non-applicable and three non-replies)
- The contribution of the children’s guardian to the court’s decision making for the children was thought to be exceptionally valuable in 3% (one) of the cases, of good value in 23% (seven) of the cases, of satisfactory value in 30% (nine) of the cases, of little value in 3% (one) of the cases and of no value in 20% (six) of the cases, (three non-applicable and three non-replies)
- The contribution of the children’s guardian to promoting the welfare of the children was thought to be exceptionally valuable in 3% (i.e. one) of the cases, of good value in 27% (i.e. eight) of the cases, of satisfactory value in 23% (i.e. seven) of the cases, of little value in 3% (i.e. one) of the cases and of no value in 20% (i.e. six) of the cases, (three non-applicable and three non-replies)
- Of the 30 cases, 50% (15) of the replies indicated that the guardian carried out all of the activities expected, whereas 27% (eight) indicated not, (five non-applicable and two non-replies)
- Of the 30 cases, 53% (16) of the replies indicated that the guardian did not carry out activities considered to be inappropriate to their role, whereas 7% (two) indicated they had (ten non-applicable and two non-replies)
- Of the 30 cases, 57% (17) of the replies indicated that the guardian kept them informed of their developing thinking whilst 17% (five) did not, (six non-applicable and two non-replies)

- Of the 30 cases, the following ‘Overall Rating for the CAFCASS contribution (‘added value’) to these proceedings’ was given:
  - 3% (one) rated their contribution as exceptional value
  - 27% (eight) as good value
  - 23% (seven) as satisfactory value
  - 7% (two) as little value
  - 23% (seven) as no value
  - There were four non-applicable and one non-reply

### *Local Authority E*

- Of the 12 cases logged, all were for public law (care related)
- The majority of cases (10) were at directions hearing stage
- All of the forms were completed by a Team Leader/Service Manager
- The contribution of the local children’s guardian to the local authorities planning for the children was thought to be of good value in 92% (11) of the cases and of satisfactory value in 8% (one) of the cases
- The contribution of the children’s guardian to the court’s decision making for the children was thought to be of good value in 92% (11) of the cases and of satisfactory value in 8% (one) of the cases
- The contribution of the children’s guardian to promoting the welfare of the children was thought to be of good value in 92% (11) of the cases, (one non reply)
- Of the 12 cases, 75% (nine) of the replies indicated that the guardian carried out all of the activities expected, (three non-replies)
- Of the 12 cases, all of the replies indicated that the guardian carried out activities considered to be inappropriate to their role
- Of the 12 cases, all of the replies indicated that the guardian kept them informed of their developing thinking
- Of the 12 cases, the following ‘Overall Rating for the CAFCASS contribution (‘added value’) to these proceedings’ was given:
  - 100% (12) as good value

### *Local Authority F*

- Of the 62 cases logged, the majority, 53, were for public law (care related)
- The majority of cases (46) were at interim hearing stage, followed by 13 at directions hearing stage
- The majority of forms (48) were completed by the local authority lawyer, 11 by a front-line social worker and two from a Team Leader (one no reply)
- The contribution of the local children’s guardian to the local authorities planning for the children was thought to be exceptionally valuable in 6% (four) of the cases, of good value in 21% (13) of the cases, of satisfactory value in 40% (25) of the cases, of little value in 13% (eight) of the cases and of no value in 10% (six) of the cases, (four non-applicable and two non-replies)
- The contribution of the children’s guardian to the court’s decision making for the children was thought to be of excellent value in 5% (three) of the cases, of good value in 19% (11) of the cases, of satisfactory value in 47% (29) of the cases, of little value in 10% (six) of the cases and of no value in 8% (five) of the cases, (four non-applicable and three non-replies)

- The contribution of the children’s guardian to promoting the welfare of the children was thought to be exceptionally valuable in 8% (five) of the cases, of good value in 18% (11) of the cases, of satisfactory value in 40% (25) of the cases, of little value in 15% (nine) of the cases and of no value in 8% (five) of the cases, (four non-applicable and three non-replies)
- Of the 62 cases, 79% (49) of the replies indicated that the guardian did carry out all of the activities expected whereas 8% (five) indicated not, (four non-applicable and four non-replies)
- Of the 62 cases, only 3% (two) of the replies indicated that the guardian carried out activities considered to be inappropriate to their role and 82% (51) not, (five non-applicable and four non-replies)
- Of the 62 cases, 68% (42) of the replies indicated that the guardian kept them informed of their developing thinking whilst 19% (12) did not, (four non-applicable and four non-replies)
- Of the 62 cases, the following ‘Overall Rating for the CAFCASS contribution (‘added value’) to these proceedings’ was given:
  - 6% (four) rated their contribution as exceptional value
  - 16% (ten) as good value
  - 39% (24) as satisfactory value
  - 15% (nine) as little value
  - 21% (13) as no value
  - There were two non-replies

### *Local Authority G*

- Of the 17 cases logged, the majority (11) were for public law (care related)
- The majority of cases (10) were at interim hearing stage followed by five at directions hearing stage
- The majority of forms (12) were completed by the local authority lawyer, three by a front-line social worker and two from a Team Leader
- The contribution of the local children’s guardian to the local authorities planning for the children was thought to be exceptionally valuable in 24% (four) of the cases, of good value in 18% (three) of the cases, of satisfactory value in 35% (six) of the cases, of little value in 18% (three) of the cases and of no value in 6% (one) of the cases
- The contribution of the children’s guardian to the court’s decision-making for the children was thought to be of excellent value in 24% (four) of the cases, of good value in 12% (two) of the cases, of satisfactory value in 41% (seven) of the cases, of little value in 24% (four) of the cases
- The contribution of the children’s guardian to promoting the welfare of the children was thought to be exceptionally valuable in 29% (five) of the cases, of good value in 18% (three) of the cases, of satisfactory value in 35% (six) of the cases, of little value in 18% (three) of the cases
- Of the 17 cases, 94% (16) of the replies indicated that the guardian did carry out all of the activities expected, whereas 6% (one) indicated not
- Of the 17 cases, only 18% (three) of the replies indicated that the guardian carried out activities considered to be inappropriate to their role and 82% (14) not
- Of the 17 cases, 82% (14) of the replies indicated that the guardian kept them informed of their developing thinking whilst 18% (three) did not

- Of the 17 cases, the following ‘Overall Rating for the CAF/CASS contribution (‘added value’) to these proceedings’ was given:
  - 24% (four) rated their contribution as exceptional value
  - 18% (three) as good value
  - 35% (six) as satisfactory value
  - 24% (four) as little value

### *Survey Of Adult Service Users*

- The majority (56%) agreed that it was easy to contact the CAF/CASS practitioner. 22% disagreed. 20% neither agreed nor disagreed
- The majority (54%) agreed that the practitioner had listened to them. 41% disagreed. Five per cent neither agreed nor disagreed
- The majority (54%) agreed that the CAF/CASS practitioner knew what they were doing. 32% disagreed. 14 % neither agreed nor disagreed
- Most (32) agreed that the information they received from CAF/CASS was easy to understand; some (seven) disagreed
- Most (30) agreed or strongly agreed that the information explained the CAF/CASS service; some (four) disagreed or strongly disagreed
- Most (18) said that they had not been told how to make a complaint about CAF/CASS; others (nine) said they had but many (14) did not reply to this question
- Many (23) agreed that they were satisfied that the CAF/CASS practitioner was easy to contact; some (nine) disagreed
- Many (22) agreed that they felt the CAF/CASS practitioner had listened to them; nearly the same number (17) disagreed
- Many (24) agreed that they had been treated fairly by the CAF/CASS staff but similar numbers (17) disagreed
- Many (22) agreed that they CAF/CASS staff knew what they were doing but similar numbers (13) disagreed
- Many (21) agreed that their child(ren) felt comfortable talking to the CAF/CASS practitioner but (nine) disagreed and for some (five) the question was non-applicable
- Many (17) agreed or strongly agreed that their family’s racial and cultural identity was understood and worked with appropriately by CAF/CASS staff; few (two) disagreed or strongly disagreed and for some (14) the question was non-applicable or they did not reply (one)

## Setting Up

### *Report of a Programme of Visits to the Children and Family Court Advisory and Support Service (March 2002) - Summary of Suggested Actions*

#### Introduction

Given the nature of the six months' programme of MCSI's visits in the early and evolving stages of CAFCASS as a new organisation, the normal rigour applying to inspections was neither feasible, nor appropriate. Therefore, the approach used in this first report is one of MCSI *suggesting actions* to CAFCASS.

The number of suggested actions is restricted in recognition of the current pressures and difficulties around the processes of CAFCASS establishing itself. MCSI acknowledges that some suggested actions reflect thinking that had already been started within CAFCASS and has been developed since Inspectors concluded their visits in December 2001.

The Inspectorate's suggested actions seek to be consistent with the Lord Chancellor's key objectives for CAFCASS.

MCSI has also taken into account, in formulating its suggested actions, the CAFCASS statement in the draft *Corporate Plan* about its first year of operation 2001/02. This has concentrated on setting up the organisation and establishing the service delivery capability from which CAFCASS can, from 2003, build in the future.

#### *Suggested Actions*

##### Welfare of children

- A comprehensive and costed training strategy, incorporating convergence and the principles of continuous professional development, needs urgent development. Following Board approval, it should be implemented concurrently for front-line practitioners, team managers and support staff.
- Further work should be taken forward to develop a system of management information and other statistics. This could also usefully follow up initiatives within the Lord Chancellor's Department (LCD) including key aspects of the June 2001 LCD-organised Family Justice Strategy Conference, around clarifying possible service outcomes for children.

## Care of service users

- An initial set of core information leaflets for children and parents about CAFCASS services should be completed as soon as possible.
- The revised complaints procedure should be issued for implementation, without recourse to external consultation and accompanied by training for staff. In monitoring its use, one aim should be to consider if further revision is necessary.
- Current work on information leaflets for service users about how to provide feedback to CAFCASS about its services and, if necessary, make a complaint, should be completed and issued as soon as possible.

## Diversity: service delivery and staffing

- CAFCASS should clarify where responsibility is located at Headquarters for diversity issues in general, and the implementation of the Race Relations (Amendment) Act 2000.
- CAFCASS should initiate data collection about race, culture, language and disability of service users.
- Further thought should be given to the way diversity is promoted in the recruitment and retention of staff. This might include options such as secondments and traineeships. The wording of CAFCASS advertisements for staff needs review. The use made of minority press options, as well as local media outlets, should be tested.

## Corporate governance

- CAFCASS should reassess the use of Board sub-committees (other than those required statutorily or under LCD guidance). The aim should be to ensure that in their work, the corporate and strategic roles of all Board members are prioritised. Any involvement in operational matters should be scaled down to ensure a clear separation from the management role of the Executive Team.
- There is a need to finalise the staffing structure for Headquarters and ensure that key posts are filled. Where possible, this should be achieved without recourse to short-term contracts.

## Strategy and performance management

- The Business Plan and Corporate Plans need finalising. Linked to these documents, all staff need a clear outline timetable of what is expected to be delivered, how and by whom.
- A strategy for management information and other data collection needs agreement and implementation.
- Thought should be given to developing a longer-term project aimed at more clearly defining a set of core performance measures and key indicators for the Service. These should be linked not only to the Lord Chancellor's key objectives for CAFCASS but also to arrangements to monitor compliance with National Standards.
- In the light of cases taken to Appeal in 2001 involving CAFCASS or having implications for it, plans for a written protocol should be finalised with the LCD about handling arrangements. This should aim not only to cover situations where the LCD holds the policy lead but also where CAFCASS should properly act independently of its sponsoring Department. The protocol and its use should be kept under review.

## Finance

- Now that greater clarity has been achieved concerning CAFCASS's overall budget for 2002/03, CAFCASS should clarify the key elements of its intended budgetary cycle. This should also set out the expected timetable of information and related requirements to, and from, the Regions.
- A programme of partnership funding evaluation should be established. Amongst its aims should be the objective of clarifying, by November 2003, the likely grant allocations for 2004/05 and, in particular, giving notice by then of any cessation of grant.
- Concern about the flexibility of the external financial services supplier contract in meeting CAFCASS's needs and the overall costs of the contract should be followed up and options put to the Board.

## Human resources

- CAFCASS should press on with its current programme of discussions to reach a satisfactory resolution to outstanding issues around contracts and self-employment.
- A timetable outlining the key stages in resolving the complex issues around harmonisation of pay and conditions should be agreed as soon as possible and communicated within CAFCASS.

## Accommodation

- Within its expected financial resources, the Board should approve the criteria to be used in prioritising CAFCASS's accommodation needs. This should include Health & Safety and other legal requirements, such as disability access.
- The Board also needs to make key decisions about a home-working policy and how the running of the CAFCASS estate is to be managed in terms of renewals, upgrades, redecoration, repairs and maintenance.

## Information technology (IT)

- A comprehensive plan around the development of IT support systems and collection of management information is needed to reflect both the Board's, and the Directorates', requirements. In considering key policy and strategic issues, the Board should aim to ensure that IT is better integrated into corporate planning as well as the wider e-government agenda.
- Within an overall IT strategy, the aims in respect of staff self-sufficiency in IT should be articulated. There should be clear plans around the provision of appropriate IT training for all staff, taking account of the varied levels of skills across CAFCASS.

## *Background to CAFCASS*

### *Services prior to April 2001*

Before CAFCASS was established in April 2001, support services in family proceedings had been provided from entirely separate sources, namely:

- the Family Court Welfare Services as part of the Probation Service
- the Guardian ad litem and Reporting Officer Service as a responsibility of local authorities
- the Children's Division of the Official Solicitor's Department as an Associated Office of the LCD.

### *Preliminary steps leading to CAFCASS*

In July 1999, the Government announced its intention to establish a unified Service across England and Wales as a Non-Departmental Public Body under the responsibility of the Lord Chancellor. In March 2000, the Criminal Justice and Court Services Bill was published and received Royal Assent at the end of November 2000.

There was a short period of a few months for further preparation before CAFCASS was established as a legal entity on 1 April 2001. This work was undertaken by a Project Team under the auspices of the LCD. Responsibility for those Services designated to move to CAFCASS remained unchanged until the 31 March 2001 date of transfer.

Setting up a new organisation is a complex operation, particularly where front-line services and back-up infrastructure and support have to be maintained without a break. As the difficulties in moving the change agenda forward and getting the necessary structures set up became more apparent, views expressed to MCSI during its 2001 programme of visits shifted to favouring a longer preparatory period. Similarly, the LCD would have preferred more time to prepare.

### *The Framework Document*

The Framework Document was prepared by the LCD in April 2001. It sets out a broad structure within which CAFCASS should operate, including:

- CAFCASS's functions, duties and powers together with the rules and guidelines within which it must operate
- the conditions under which public funds are paid to CAFCASS
- how CAFCASS is to account for its performance
- the relationship between the Lord Chancellor and his Department and CAFCASS.

The Framework Document also sets out the responsibilities of the Chair of CAFCASS, the Board members and those of the Chief Executive who is also designated by the Department as the Accounting Officer.

The Framework Document also outlines the main functions of the Sponsorship Unit within the LCD. These include:

- to act as point of contact between the Department and CAF/CASS in support of the arrangements outlined in the Framework Document
- to monitor performance against those terms and give support and advice as necessary on day-to-day issues arising
- to communicate relevant Government policy to CAF/CASS and advise on the interpretation of that policy
- to issue specific guidance on that policy to CAF/CASS as necessary.

Under the Framework Document, the Lord Chancellor will meet the Chair and the Chief Executive of CAF/CASS formally at least twice each year. The January meeting is to agree the Corporate and Business Plans and to agree and sign the Annual Concordat. In July, after the publication of the Annual Report, a further meeting aims to discuss CAF/CASS's performance, its current and future activities, and any policy developments relevant to those activities. At this meeting, the Lord Chancellor will inform CAF/CASS of his strategic policy objectives.

### *MCSI's legal powers and duties*

The legal powers and duties covering inspection of CAF/CASS are set out in Section 17 of the Criminal Justice and Court Services Act 2000. MCSI Inspectors have the duty:

- to inspect and report to the Lord Chancellor on the performance of CAF/CASS, and of officers of the Service, of their functions; and
- to discharge, in connection with those functions or with related functions of any other person, such functions as the Lord Chancellor may from time to time direct.

In exercising these duties, an MCSI Inspector shall also have at all reasonable times:

- a right of entry to any premises occupied by the Service; and
- a right to inspect, and take copies of, any records kept by the Service, and any other documents containing information relating to the performance of the functions of the Service or its officers which he considers relevant to the discharge of his functions.

### *Guidelines for Inspection of CAF/CASS*

In September 2001, MCSI published *Guidelines for Inspection of CAF/CASS – Consultation*. This set out the principles and procedures to be followed by MCSI in its inspection-related activities within CAF/CASS Regions. It also set out MCSI's expectations of CAF/CASS as a well-managed and delivered Service under particular key functions. Consultation closed on 31 January 2002. MCSI published updated Guidelines in June 2002. Copies may be obtained from the address at the front of this report. It may also be found on MCSI's website at <http://www.mcsi.gov.uk>

### *Corporate Plan*

In March 2002, CAF/CASS published its interim Corporate Plan. This was described as “*essentially a first statement by CAF/CASS intended to set out the broad direction for the period 1 April 2002 to 31 March 2003*”. The introduction to this publication stated that CAF/CASS intended to consult more widely about its corporate planning process in 2002 and publish a revised *Corporate Plan* in February/March 2003, covering the three-year period from 1 April 2003 to 31 March 2006.

# *Recommendations and CAFCASS Cymru's action plan*

## *1. MCSI recommendation – Welfare of Children*

*That CAFCASS Cymru should develop, implement and monitor consistent practice in respect of children being seen and in the safeguarding and promotion of their welfare.*

### **CAFCASS response**

CAFCASS Cymru will:

- undertake an audit of current practice across all teams.
- develop clear procedures relating to seeing children in both public and private law cases
- put in place monitoring systems at Team and CAFCASS (Cymru) levels.

**Improvement target:** To ensure that the needs of all children and young people are properly identified and their views, wishes and feelings are established and reported.

**By date:** July 2003

## *2. MCSI recommendation – Welfare of Children*

*That CAFCASS Cymru should:*

- *ensure that all practitioners have copies of their statutory powers and duties as set out in the Court Rules*
- *take steps to agree and implement consistent best practice in respect of practitioners' statutory powers and duties and ensure compliance.*

### **CAFCASS response**

CAFCASS Cymru will:

- establish current availability of Court Rules and the Amendment Court Rules
- order and distribute copies where needed
- undertake audit of current practice.

**Improvement target:** Ensure full compliance with statutory power and duties.

**By date:** July 2003

### **3. MCSI recommendation – Strategy and Performance Management**

*That CAFCASS Cymru should develop a strategy to ensure that CAFCASS national and local policies are disseminated, implemented and complied with consistently throughout CAFCASS Cymru.*

#### **CAFCASS response**

CAFCASS Cymru will:

- establish what local and corporate policies and procedures have been adopted
- develop system of implementation and monitoring
- undertake evaluation of compliance.

**Improvement target:** Full compliance with all policies and procedures (local and corporate).

**By date:** April 2003

### **4. MCSI recommendation – Management of Human Resources**

*That CAFCASS Cymru should, in conjunction with CAFCASS Headquarters, take appropriate steps to ensure that:*

- *new staff are given induction training*
- *all staff receive supervision and appraisal*
- *all staff are offered appropriate training.*

#### **CAFCASS response**

CAFCASS Cymru will:

- evaluate delivered induction training
- audit of supervision
- establish compliance with current appraisal timetable
- review CAFCASS (Cymru) Training Plan.

**Improvement target:** Ensure that staff are properly supported and provided with effective developmental opportunities.

**By date:** May 2003

**5. MCSI recommendation – Management of Human Resources**

***That CAFCASS Cymru should, as a matter of urgency, establish and implement a clear strategy on preventing violence at work and protecting staff.***

**CAFCASS response**

CAFCASS Cymru will:

- have in place at each team location an individual certified in Health & Safety
- develop a strategy which ensures effective risk assessments and measures

**Improvement target:** Ensure that safety of staff is maintained and develop system of returning cases to Court where parties present a risk.

**By date:** March 2003

## Glossary

<i>Children and Family Reporter</i>	This is the name of the officer of the Service dealing with arrangements for children following separation and divorce including, in particular, where children live and with whom they have contact
<i>Children's guardian</i>	This is the name of the officer of the Service dealing with care related proceedings and also those adoption and freeing cases where courts may have to dispense with parental consent. See also <i>Guardian ad litem</i>
<i>Convergence</i>	The use of this term in CAF/CASS has come to mean the process of integrating, over time, for private and public law services into a unified set of policies, practices, knowledge and skills. The term applies to practitioners, support staff and managers
<i>Defining element</i>	This is the term used by MCSI that breaks down a <i>key function</i> (see below) into a series of more specific descriptions. Taken together defining elements summarise what the <i>key function</i> entails. MCSI first published the <i>defining elements</i> and <i>key functions</i> in September 2001 for consultation ( <i>Guidelines for Inspection of CAF/CASS</i> ) and these were reissued in June 2002
<i>Family Court Adviser</i>	This is a general, non legal term, in use within CAF/CASS which describes practitioners who have been recruited to the Service since April 2001
<i>Family Court Business Committee (FCBC)</i>	The Family Court Business Committee structure was established by the Lord Chancellor's Department at the time of the implementation of the Children Act 1989. It brings together representatives of the main family agencies in, usually, quarterly meetings convened by the local Care Centre Judge
<i>Family court welfare officer</i>	This was a probation officer assigned to family court work prior to CAF/CASS being established
<i>Family proceedings</i>	These are civil court proceedings in specialist courts usually concerning decisions about the upbringing of children. The main legislation dealing with family proceedings is the Children Act 1989, the Adoption Act 1976, the Family Law Act 1996 and the Matrimonial Causes Act 1973
<i>Guardian ad litem</i>	This is the name used before CAF/CASS was established for that work now undertaken by a children's guardian. The name continues in use in a small number of High Court proceedings, although the functions are different. See also <i>Children's guardian</i>

<i>Key function</i>	This is the term used by MCSI that describes in broad terms one of the main responsibilities of CAFCASS. They set out what MCSI would expect to find when it inspects the Service. See also <i>Defining element</i>
<i>Officer of the Service</i>	The general name given by the Criminal Justice and Court Services Act 2000 to front-line practitioners within CAFCASS
<i>Parental Order Reporter</i>	This is name of the officer of the Service dealing with proceedings under the Human Fertilisation and Embryology Act 1990
<i>Reporting Officer</i>	This the name of the officer of the Service dealing with adoption and freeing proceedings and, in particular, issues around parental consent to the proposed order
<i>TUPE</i>	Regulations covering the transfer, employment and protection of staff who move without break of service from one organisation to another (for example, from the former services into CAFCASS).

# Availability of MCSI material in languages other than English

Gellir gweld fersiwn Gymraeg lawn o'r adroddiad hwn ar ein gwefan (www.mcsi.gov.uk) neu mae copïau printiedig ar gael, ar gais, yn dibynnu ar stoc.

In addition to Welsh, the summary of suggested actions and findings in this report can be made available, on request, in the following languages: Arabic, Bengali, Bosnian, Cantonese, French, Hindi, Mandarin, Punjabi, Urdu and Vietnamese.

Please write to: Publications Section, MCSI, Block 2, Government Buildings, Burghill Road, Westbury-on-Trym, Bristol BS10 6EZ.

يمكن الحصول على نسخة من التوصيات وخطة العمل في هذا التقرير باللغة العربية. الرجاء الكتابة للعنوان التالي:

এ রিপোর্টের রিকমেন্ডেশন ও একশন প্ল্যান-এর অনূদিত কপি সমূহ অনুব্রহ্মক্রমে বাংলা ভাষায় পাওয়া যাবে। এর জন্য দয়াকরে নীচের ঠিকানায় লিখুন।

Na zahtjev se mogu dobiti prevodi preporuka i plana akcije iz ovog izvještaja na bosanskom jeziku. Molimo, pišite na donju adresu!

假如你要求，我們可以用中文繁寫體版向你提供這份報告中的建議和行動計劃。請把索取要求寫信寄往下列地址。

Les traductions en français des recommandations et du plan d'action qui apparaissent dans ce rapport peuvent être fournies sur demande. Veuillez en faire la demande à l'adresse ci-dessous.

इस रिपोर्ट की सिफारिशों और कार्य-योजना के हिन्दी अनुवाद की प्रतियाँ अनुरोध करने पर मिल सकती हैं। कृपया नीचे दिये गए पते पर पत्र लिखें:

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ਇਸ ਰਿਪੋਰਟ ਵਿਚ ਸਿਫਾਰਿਸ਼ਾਂ ਅਤੇ ਕ੍ਰਿਆ ਯੋਜਨਾ ਦੀਆਂ ਅਨੁਵਾਦ ਕੀਤੀਆਂ ਪ੍ਰਤੀਆਂ, ਬੇਨਤੀ ਤੇ, ਪੰਜਾਬੀ ਵਿਚ ਉਪਲਬਧ ਹਨ। ਕਿਰਪਾ ਕਰਕੇ ਪਤਾ ਚੇਠਾਂ ਲਿਖੋ।

اس رپورٹ میں دی گئی سفارشات اور عملی منصوبے (ایکشن پلان) کے کئے گئے اردو کے ترجموں کی نقلیں گزارش پر دستیاب کی جاسکتی ہیں۔ براہ کرم نیچے دئے گئے پتے پر تحریری گزارش کیجئے۔

Bản dịch bằng Việt Ngữ của những sự đề nghị và chương trình hành động của báo cáo này có thể xin gửi đến, nếu được yêu cầu. Xin viết thư về cho địa chỉ dưới đây.