

*MCSI Inspection of Court Services*

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

**West Midlands Region**

*Report of a baseline inspection carried out during*

*November 2003*

## *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 both CAF/CASS and MCSI's role in inspecting it were new, this initial phase also allowed MCSI to develop and test certain inspection methodologies.

MCSI baseline inspections started in March 2002. A second Overview Report, *Setting a Course*, covering the first six baseline inspections, was published by MCSI in March 2003. MCSI's baseline inspections are defined as:

*"MCSI's ... 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 actions plans for implementing them."*

The baseline inspection of the West Midlands Region is the last of MCSI's twelve such inspections of CAF/CASS that were planned for 2002/2003.

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\*MCSI very much regret to record that Eoin Heery died in January 2004.

# Contents

## *Chief Inspector's Foreword*

<i>Context</i> .....	7
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## *Inspection findings*

<i>Welfare of Children</i> .....	9
<i>Care of Service Users</i> .....	16
<i>Strategy and Performance Management</i> .....	20
<i>Management of Human Resources</i> .....	26

## *Annexes*

<i>A Methodology</i> .....	33
<i>B CAFCASS West Midlands Region: key facts</i> .....	34
<i>C Audit of adult user views about CAFCASS</i> .....	36
<i>D Court report reading</i> .....	37
<i>E Background to CAFCASS</i> .....	41

<i>Recommendations and CAFCASS West Midlands Region's action plan</i> .....	43
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<i>Glossary</i> .....	46
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## *Chief Inspector's Foreword*

Our inspection of CAFCASS West Midlands focused on four topics:

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

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

Overall, this is a positive report and the six recommendations we make should be seen in that context. All of the recommendations are concerned with the way the CAFCASS West Midlands Region functions. Our recommendations are designed to assist CAFCASS West Midlands 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 CAFCASS in its Corporate Plan 2003-2006, published in March 2003, which in turn have been carried forward in CAFCASS West Midlands's Delivery Plan.

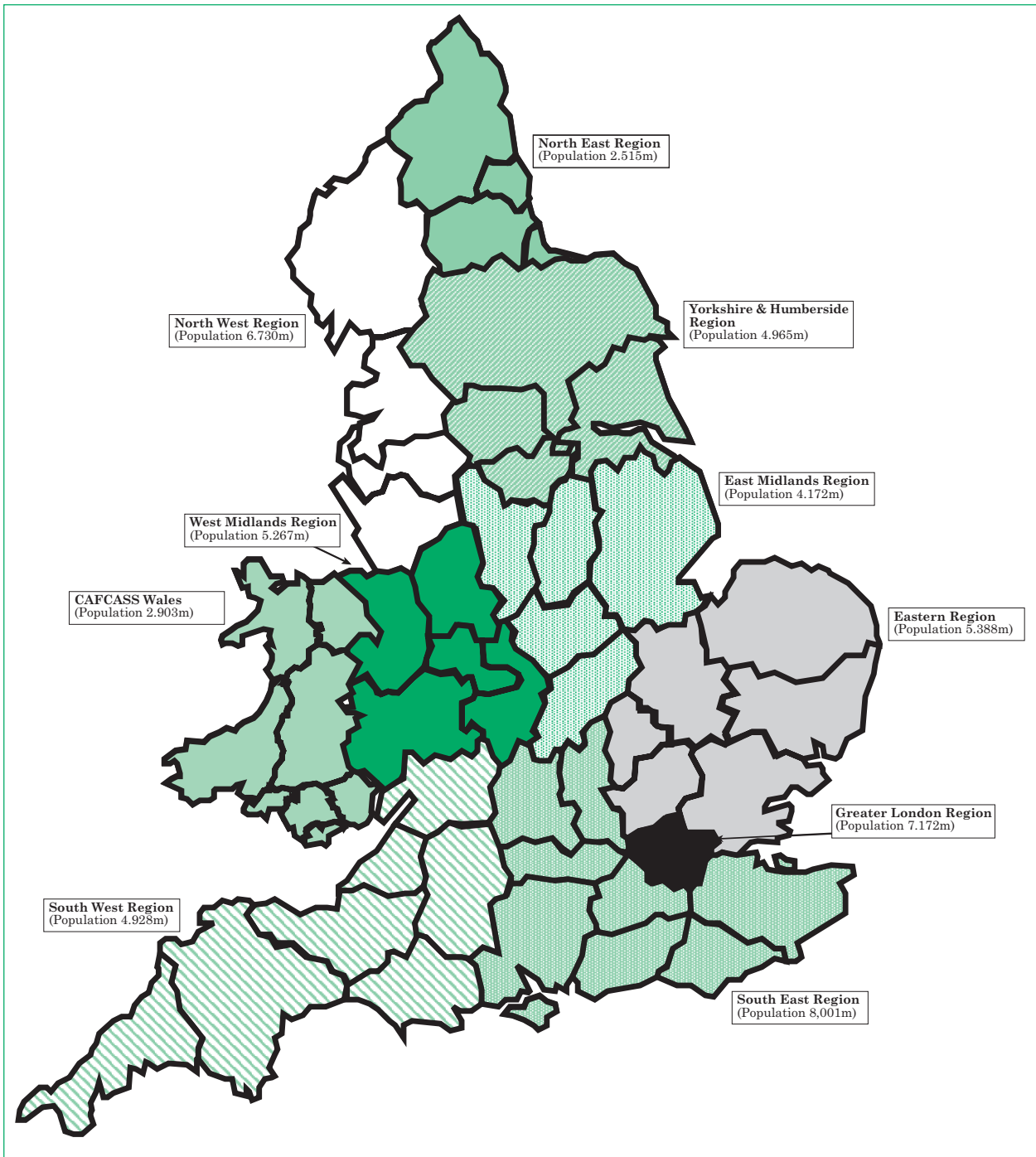
This report does not cover all the activities undertaken by CAFCASS West Midlands. We have not, on this occasion, examined financial matters in great detail because CAFCASS has a programme of external audit activities, to which we refer, and I believe it would be unhelpful for MCSI to duplicate aspects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

I am grateful to staff in CAFCASS West Midlands and CAFCASS Headquarters for their co-operation throughout the inspection process. I am also pleased that local authority staff and the judiciary agreed to discuss their views of CAFCASS West Midlands with Inspectors. In particular, I would like to thank Mike Lisser who acted as Regional liaison officer and gathered together the briefing material in advance of the inspection as well as arranged on-site activities.

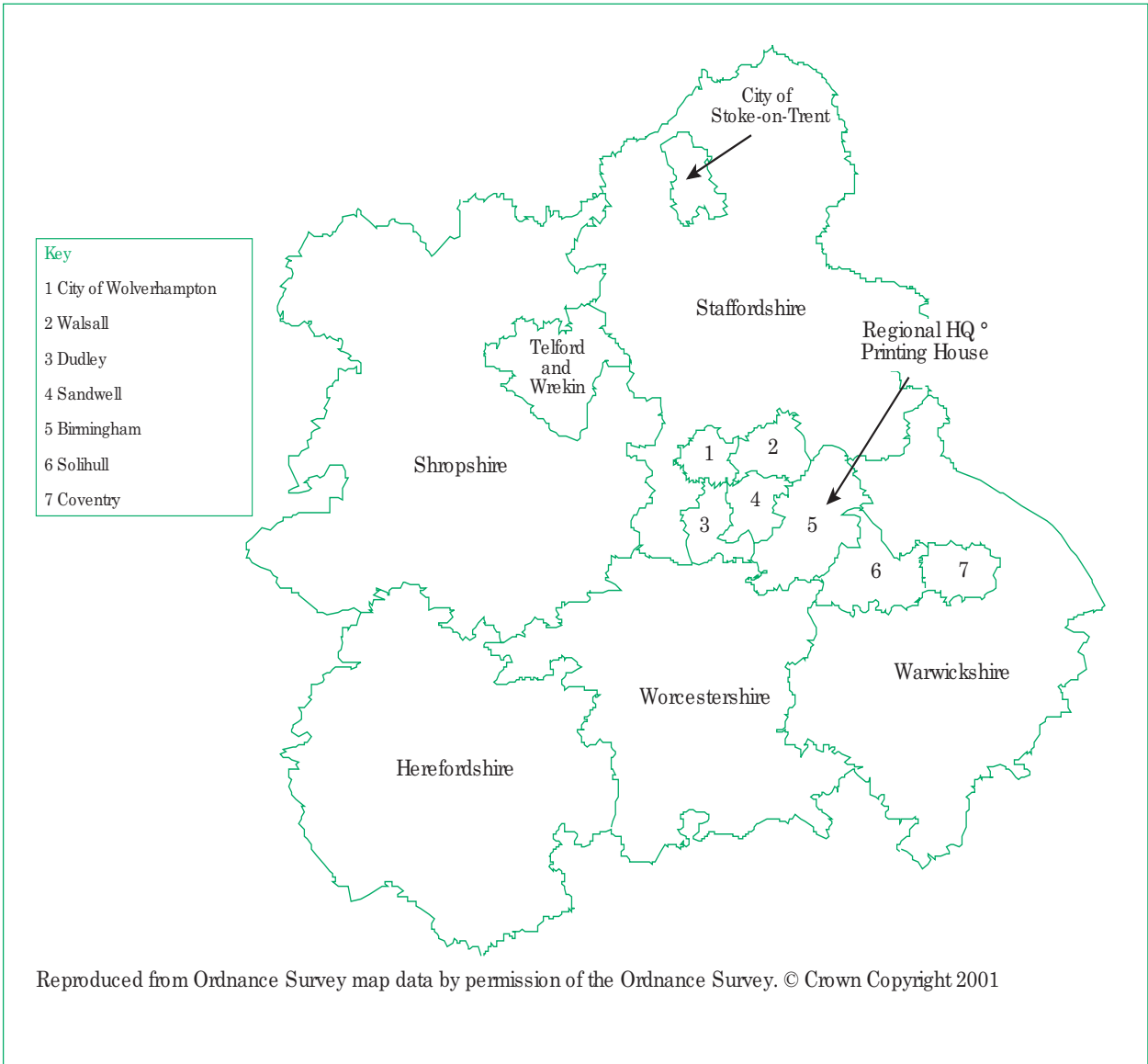


**Dr Stella Dixon**  
**HM Chief Inspector**  
**MCSI Inspection of Court Services**  
**January 2004**

**Figure 1: CAFCASS Regions across England and Wales**



**Figure 2: Local authorities making up CAFCASS West Midlands Region**



# Context

## Baseline inspection West Midlands Region

Fieldwork for the inspection took place 31 months after CAFCASS was established as a new organisation

- The Region had developed delivery plans in response to the CAFCASS *Corporate Plans* issued in March 2002 and March 2003
- At the time of the inspection, the Regional Manager had held the post in an acting capacity since October 2001
- The Region has been successful in recruiting practitioners and support staff to fill existing posts
- The Region faced a considerable projected budget deficit

## 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.
- to play a full role in delivering the wider Government agenda of improvements in service.

Where appropriate, the relevant key objective is set out in full at the beginning of the main sections of the report.



## ***Inspection Findings 1: Welfare of children***

This section assesses the degree to which CAFCASS West Midlands Region ensures co-ordination of professional practice, procedures, 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 service from CAFCASS.

In order to fulfil this key function MCSI expects a CAFCASS Region 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 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 collection 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 Department, effective measures to monitor and demonstrate this.
- ❑ to improve 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 Department ways for this to be monitored and addressed, including a proxy of quality.

## *Overall Findings*

The Region has responded positively to the challenges of inherited practice by undertaking two reviews that looked at variations in practice in both public and private law cases. Of specific concern was the number of occasions when practitioners did not see children. CAFCASS has issued *Service Principles and Standards*, which have been accepted to varying degrees by practitioners, and there is a need for the Regional Management Team (RMT) to pursue a more consistent approach.

The extent to which private law reports are quality assured varies across the Region. There was little, if any, quality assurance of public law reports.

The Region has not suffered consistent delay other than in Birmingham and Telford, which the RMT has addressed by transferring work between offices.

At the time of the inspection, there was little knowledge among staff of the CAFCASS Race Equality Scheme or the implications of the Race Relations (Amendment) Act. The CAFCASS-wide Diversity Week did little to raise awareness. The Region has yet to establish a Diversity Group to take forward the Diversity agenda in the Region and needs to do so. Practitioners were aware of the *Safe Working Practice Guidance* issued by CAFCASS but attitudes varied towards it.

The RMT has demonstrated an innovative approach to partnership funding, identifying new areas of work and linking them to schemes of evaluation.

In the main, courts and local authorities reported positively on the work of CAFCASS practitioners and frontline practice, although some specific concerns were identified.

## *Inspection sources*

The primary sources of information about MCSI's key function for the welfare of children were:

- background documents provided by CAFCASS
- interviews with CAFCASS staff
- discussions with members of the judiciary and local authorities
- public and private law court reports

## Child focus

### Practice issues

- 1.1 Inspectors commend the decision of the RMT to support a review by managers and practitioners of differences in practice, both in public law and private law. It has been a common theme of MCSI inspection reports on CAF/CASS that there are wide differences in practice that go beyond the normal variations associated with a number of people doing a similar job. The file reading exercise conducted as part of the inspection confirmed that such differences also exist in CAF/CASS West Midlands.
- 1.2 This was the first instance brought to MCSI's attention of managers and practitioners in a Region having taken active steps to identify and evaluate practice differences. Whilst the final outcomes of this initiative may be overtaken by work being undertaken by CAF/CASS centrally, staff and managers in the Region are to be commended for their willingness to address positively the wide range of practice preferences that have been inherited by CAF/CASS from the former services. Inspectors hope that the momentum gained through the Region's work will not be lost, and that the reports will result in more consistent practice across the Region and contribute to the wider debate across the organisation
- 1.3 One aspect of practice variation related to whether or not children were seen by CAF/CASS practitioners, despite the requirements of the CAF/CASS *Service Principles and Standards* that each child will be seen. The analysis of data from the report reading exercise showed that, in 18% of private law cases, the CAF/CASS practitioner did not see the children. The analysis also showed that, in 15% of the public law cases, the report did not indicate whether or not the children were seen. This was in keeping with the comments made by practitioners to Inspectors. Managers stated that the issue of seeing children was one of the drivers behind the reviews of practice and would be addressed in the reports' findings.
- 1.4 Practitioners expressed a number of different views about the *Service Principles and Standards*: some positive, others negative. Some practitioners expressed anger at the manner in which the Standards were brought into being and at what they considered to be a lack of consultation, although the Standards were issued for consultation in May 2002 and were not introduced until nearly a year later. It is important that the RMT recognises and addresses the varying views that exist in the region, particularly in respect of important issues such as seeing children. Whilst the practice review may provide a vehicle for wider discussion, Inspectors expect managers to ensure that practitioners follow the requirements of CAF/CASS *Service Principles and Standards*.
- 1.5 The extent to which reports are quality assured varies across the Region. There was a pattern of gate-keeping among some private law teams, based on practices brought into CAF/CASS when it was established in 2001 from the former services. Some reports were subject to peer review only, while other teams included managers in the process. Both managers and practitioners questioned the value of the current processes.

- 1.6 There appears to be little, if any, quality assurance of public law reports, particularly those submitted by self-employed guardians. Discussions with guardians highlighted a difference of view regarding the appropriateness of their reports being subject to any form of quality assurance within CAF/CASS. Established guardians, both employed and self-employed, saw the quality assurance role as the responsibility of the children's solicitor. Newer practitioners, with a local authority background, saw a clear distinction between issues of practice standards, which they saw as a CAF/CASS-wide responsibility, and those of judgement and recommendation, which they saw as a core responsibility of the individual practitioner.
- 1.7 There is a need for the Region, together with CAF/CASS Headquarters, to consider how this issue might be taken forward to ensure consistent practice in relation to private law reports and to develop an appropriate system for public law reports.

## *Delay*

- 1.8 In general, the Region has not suffered serious, consistent delay other than in Telford, where private law cases have taken more than 20 weeks to prepare, and in Birmingham, in respect of case allocation.
- 1.9 The Regional Manager has actively sought to find a way of utilising resources in other offices to address the backlogs. Initially, this approach was resisted by some Service Managers but has now been agreed by them. The agreed approach provides for delayed cases to be transferred to surrounding offices and for the importing office to give the transferred work priority over its existing work. The effects of this has been:
- to create some minor backlogs in offices where there were none previously
  - to allow new cases in Telford to be allocated within the appropriate time limits to meet the filing standard for reports, although some delay still exists in Birmingham;
  - to allocate delayed cases to practitioners and for work to begin on them. However, it is recognised that there may still be some delay in the reports being filed because of the increased travelling distances when the case is allocated to a practitioner in another office.
- 1.10 Overall, the effects have been positive, with only minimal impact on those offices importing work. Recent recruitment drives have resulted in all existing practitioner vacancies being filled, which will support the Region in maintaining case allocation times in the future.

## *Diversity and preventing exclusion from services*

### **Diversity and service users**

- 1.11 In line with requirements under the Race Relations (Amendment) Act and the CAFCASS Race Equality Scheme, CAFCASS introduced a system in July 2003 to monitor the diversity profile of children and families using the CAFCASS service. Discussions with practitioners highlighted differing degrees of understanding about the need for this monitoring and of its value to the organisation and service users.
- 1.12 Practitioners expressed concern about the difficulty of introducing the diversity monitoring form in discussions with service users, and one or two stated that they had little commitment to using it. It was clear from our discussions with practitioners that a number of different approaches were already emerging, in terms of how the monitoring forms were introduced to service users, their purpose explained, and the consistency with which they were used at all.
- 1.13 The Regional Manager has taken a close interest in the extent to which staff in the Region have used the forms and has established a system for reviewing the performance of teams on a regular basis. The inclusion of diversity monitoring data as part of the performance management information is a positive step that Inspectors anticipate will benefit the Region in a number of ways. In particular, it will:
- assist managers in embedding diversity monitoring within the region
  - help to identify areas of good practice, and of difficulty
  - contribute, if used properly, to better service delivery to all users.
- 1.14 Inspectors found there to be little knowledge among staff of the CAFCASS Race Equality Scheme or the implications of the Race Relations (Amendment) Act. CAFCASS ran a Diversity Week in July 2003 aimed at highlighting for staff the implications of the Act and the Race Equality Scheme. However, it was experienced by staff throughout the Region as rushed, poorly planned and executed. Inspectors did not hear any positive views expressed about this event by CAFCASS staff in the region.
- 1.15 There was inconsistent practice within the Region in relation to the services provided to users living in rural areas. The financial constraints facing the Region, (which are addressed more fully under *Strategy and Performance Management*), have resulted in managers and practitioners having to consider carefully how best to conduct a case, weighing the needs of an individual case against the overall resources available to the Region for all its cases. However, there is evidence that managers have adopted differing approaches to issues such as home visits by practitioners and the provision of financial support to families to assist them in meeting the costs of attending CAFCASS offices for interviews. Inspectors were told that some practitioners are being discouraged from making home visits or offering support, while in other teams there seems to be a case-by-case evaluation of need.
- 1.16 Inspectors accept that the demands upon the service may differ among rural communities, and between rural and urban communities, and that it is appropriate for managers to take those differences into account in managing resources. However, the RMT should ensure the differences in the approaches adopted by managers do not result in unequal access to services. The RMT may wish to review its guidance on this issue.

## ***Safeguarding policies and procedures***

- 1.17 The implications of the report on the joint inspection on children's services, <sup>1</sup>*Safeguarding Children*, and the meaning of safeguarding children as defined by the report, were more appreciated among public law than private law staff. Practitioners were aware of the *Safe Working Practice Guidance* issued by CAFCASS but attitudes varied towards it, and to its application, ranging from very welcome to unworkable. In particular, a number of public law practitioners raised concerns about the impact that compliance with the guidance would have on their ability to do their job. For example, the guidance on interviewing children in their bedroom, or practitioners transporting children in their own cars, was seen by some as impractical.
- 1.18 Inspectors are concerned that the important messages in the *Safeguarding Children* Report and the *Safe Working Practice Guidance* have not been taken on board sufficiently by some staff. The RMT should take action to assist staff in understanding the implications of the *Safeguarding Children* report for their practice and encourage compliance with the CAFCASS *Safe Working Practice Guidance*.

## ***Establishing systems to help achieve better outcomes***

- 1.19 The CAFCASS Board has ratified the CAFCASS draft strategy for partnership funding. The Region has worked closely with a number of partnership agencies, providing supported contact or mediation. They have also been supportive of an innovative, schools-based counselling service in Coventry, run by Relate.
- 1.20 Future support will continue along similar lines, although there will be some changes in the funding of mediation services. Previously CAFCASS funds were used to provide mediation to parties prior to the involvement of CAFCASS. In future, referrals will only take place if CAFCASS has an involvement in the case. There will also be a pilot of direct consultation with children, targeted at those that are not publicly funded. In future, funds will be allocated on the basis of a contract for services and will specify what services are being funded. Performance targets will be set and monitored through regular meetings.
- 1.21 The Region will also pay for youth counsellors in schools and to extend the Relate schools-based counselling service across the region. Inspectors commend this innovative approach to new aspects of partnership funding, particularly as they include schemes of evaluation.
- 1.22 Inspectors understand that funds will also be made available, on a one-off basis, to support a feasibility study into establishing a voluntary domestic violence perpetrator's programme. The study will look at what is available currently; identify assessment tools to evaluate the effectiveness of the programme, and identify the components of a model programme. Domestic violence is an important factor in many of the cases dealt with by CAFCASS practitioners. However, Inspectors question the appropriateness of CAFCASS funding such a study and are of the view that future allocations should be more closely aligned with the core work of CAFCASS.

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<sup>1</sup> *Safeguarding Children – a Joint Chief Inspectors' Report on Arrangements to Safeguard Children: October 2002.*

1.23 Practitioners were aware of the Assessment Framework and other standardised assessment tools, but have differing views on their applicability to their job. This is a live issue in the Region, and links to the reviews of private and public law practice.

### ***CAFCASS frontline practice as seen by courts and local authorities***

1.24 In the main, courts and local authorities reported positively on CAFCASS practitioners and frontline practice, although some specific concerns were identified. Practitioners were seen as experienced and professional, and were thought of as professionals who ‘make a difference.’ Concerns centred on the following issues:

- a) the small number of guardians in one particular area, which resulted in the local authority feeling unable to raise concerns over a guardian’s practice because they would have to work with that guardian again in the future
- b) the activities of one or two practitioners, relating to their failure to communicate their views on cases until the last moment
- c) the failure of one or two practitioners to read the relevant local authority case files prior to commenting on a care plan or writing the case report
- d) the use of experts by guardians to do work that local authorities’ social work practitioners could do.

1.25 The Service Managers concerned offered to discuss these issues with the local authority managers. However, at the time of the inspection, no discussions had taken place, although some were planned. (The issue of relationships with courts and local authorities is addressed more fully in *Strategy and Performance Management*.)

#### ***Recommendation 1: that in order to improve its frontline practice, the Region should:***

- ***take action to assist staff in understanding the implications of the Safeguarding Children report for their practice***
- ***encourage and monitor compliance with the CAFCASS Safe Working Practice Guidance.***

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

This section assesses within CAF/CASS West Midlands Region, the provision of a courteous, helpful and appropriate Service to all CAF/CASS users.

*In order to fulfil this key function, MCSI expects a CAF/CASS Region 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 - 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*

The setting and monitoring of service standards varies between offices, and there are no common service standards in place. The RMT uses complaints for organisational learning. However, common procedures have yet to be established across the Region for the management of complaints

The majority of service users found the information leaflets they received from CAF/CASS to be useful. Local managers and practitioners have written and designed an age-specific leaflet on the role of the Family Court Adviser; however, more could be done to advise service users that information is available in other languages. Service users are generally able to access CAF/CASS buildings. Specific provisions have been made for people with impaired mobility, although less has been done for those with sensory impairment. The RMT has little contact with user groups and this should be developed wherever possible.

### *Inspection sources*

The primary sources of information about MCSI's key function for the care of service users were:

- background documents provided by CAF/CASS
- interviews with CAF/CASS staff
- review of complaints procedures
- audit of service user views
- interviews with service users

## *Service users are treated with courtesy and offered appropriate help*

- 2.1 There was a consensus among practitioners and managers that the Region's service users were the courts, parents and children. For the purposes of this report, the term 'service users' means children and parents only.
- 2.2 The section on *Welfare of Children* addresses issues of access to services.
- 2.3 Inspectors were pleased to find that a number of the teams had developed a community profile of their area, based on the 2001 census, in order to have some understanding of the community they were serving. Others questioned the need for such information and saw it more as an ability to provide a service to "*whoever came through the door*".
- 2.4 In discussion with Inspectors, practitioners stated that they had limited information available on issues of diversity, particularly on some disabilities. An understanding of the community that CAFCASS West Midlands serves may assist the Region in anticipating the needs of its service users and, potentially, make the service more accessible to them and support practice development.
- 2.5 The setting and monitoring of service standards, in respect of letters and telephone calls received from service users, varies between offices. All gave a high priority to responding to service user enquiries, but the expectations differed. There was no common record of the performance standards attained and no evidence that performance in this area was systematically managed.
- 2.6 One specific area where an agreed standard would be appropriate is in the care of children, when practitioners are interviewing parents. Inspectors were made aware of at least one incident when support staff cared for a young child at the office whilst the parent was being interviewed. MCSI is aware of incidents in other Regions where a member of the support staff has been asked to care for children and, subsequently, unfounded allegations have been made against the staff member. The RMT and CAFCASS Headquarters will wish to ensure that both children and staff are protected in such circumstances either through a local guidance note or an amendment to the CAFCASS safety procedures.
- 2.7 The RMT should, where necessary, review and develop common service standards and ensure performance is monitored and managed.

## *Complaints*

- 2.8 The Region received 44 complaints in the period between April 2002 and March 2003. Of those, eight were upheld wholly or in part; 17 were not upheld; 13 were resolved or withdrawn; and six were still unresolved at the end of the period. The Region has not met performance standards consistently in respect of response times set down by CAFCASS Headquarters.
- 2.9 Complaints have formed part of the RMT business agenda on a periodic basis, when performance and organisational learning issues were discussed. Inspectors were pleased to note examples of organisational learning where, as a result of complaints made by service users, practice has been changed: for example, in eliminating duplicate information in court reports.

- 2.10 The data collected by the Region on the number of complaints received relates only to those made in writing. There was no record kept of complaints made by telephone, either in terms of substance of the complaint or the resource implications of handling them. Equally, the way such complaints were dealt with when received seemed to differ between offices. In some cases, service users were asked to write in; in others, the callers were transferred to the practitioner concerned.
- 2.11 Information on the complaints and compliments procedure is sent to service users with the initial appointment letter. However, in the *service users questionnaire* 56% (of 47) said they did not know how to make a complaint, 21% did & 23% did not reply. The extent to which practitioners explained the procedure to service users (or not) would seem to be down to individual practice. Some practitioners have developed a way of addressing the issue proactively with service users, while others found it difficult to broach the subject.
- 2.12 Some practitioners who have developed a more proactive approach have not shared their approach with colleagues in case it was considered patronising. Practitioners expressed concerns that, by ‘advertising’ its complaints procedures, CAFCASS was opening itself up to being blamed for the wider failings of the family justice system, such as delay.
- 2.13 There was clearly an acceptance by the RMT that complaints form an important avenue of feedback and this was reflected in the use made of the complaints and the positive attitude of some staff. The RMT should review the management of complaints to:
- establish common procedures across the region
  - address the shortfall in performance
  - highlight examples of good practice among practitioners, and
  - look for ways of sharing them across the Region.

### *Information for service users*

- 2.14 Inspectors found that staff were using the suite of CAFCASS information leaflets. In the *MCSI Service Users’ Questionnaire*, the majority responding reported that they found the CAFCASS information leaflets did explain the services provided. (Annex D sets out in more detail user comments received in writing and those arising from interviews with Inspectors.)
- 2.15 While information was seen on display in offices, there was no evidence of it being displayed in languages other than English. Not all members of staff were aware that information is available in other languages on the CAFCASS Intranet.
- 2.16 Inspectors were shown drafts of local leaflets developed by local managers and staff. *You & the FCA* has been designed as an age-specific leaflet for children and explains the role of the Family Court Advisor. This was one of a few examples Inspectors have seen of age specific information. *Making it Work* was developed as a guide to better contact, aimed at families.

2.17 Inspectors were pleased to find these examples of local staff developing new tools to assist them in communicating with children and families, particularly as there has been a general lack of age-specific information. But MCSI also recognises the need for local developments to be tied in with the development centrally of CAF/CASS leaflets for use throughout England and Wales.

### *Service users are able to enter CAF/CASS buildings and conduct their business in comfort, privacy and security*

2.18 Inspectors visited three buildings: Birmingham Citadel, Coventry and Stafford. Provision had been made in each building for users with impaired mobility to gain access to the building; however, facilities for users with sensory impairment, such as signs written in Braille, were less well developed. A register of facilities for disabled users has yet to be developed, either regionally or for individual offices. The Facilities Management Officer is about to undertake a survey of all offices to comply with the requirements of the Disability Discrimination Act 1995. This will provide the information required for a register to be drawn up.

2.19 Buildings were found to be in generally good condition with appropriate facilities for interviewing both children and adults. The exception to this was the lack of appropriate soundproofing in interview rooms in Coventry and Stafford, that allowed conversations to be heard by others in adjoining rooms or in waiting areas. Given the need for service users to have confidence in the service, managers will wish to consider what can be done to improve the levels of privacy in both buildings.

### *Engaging with User Groups*

2.20 The Region has had limited contact with User Groups. This has been due to a number of factors, including advice from CAF/CASS Headquarters in respect of contact with those groups that have adopted a direct-action approach. Another factor is that there appear to be few relevant service User Groups for the Region to engage with. The Regional Manager maintains links with the Association of Shared Parenting and this may allow further contacts to be made.

2.21 Other than the Comments, Compliments and Complaints policy, there was no evidence that the Region seeks feedback from service users systematically. A user survey was conducted for CAF/CASS throughout England and Wales during the autumn of 2003, the results of which were not available at the time of the inspection.

2.22 Practitioners sought information from children in some cases. Inspectors consider this to be an excellent initiative. However, there was no indication that this information was used to inform practice or communicate needs.

2.22 Some practitioners referred to a form for seeking feedback from courts; however, not all were aware of the scheme, and it was uncertain whether it was a CAF/CASS scheme or one brought from the previous organisations. The RMT may wish to review the range of such schemes within the Region, to consider whether they can be developed to provide a source of practice feedback from service users and possibly other partner organisations.

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

This section assesses the degree to which CAF/CASS West Midlands Region has established a pertinent direction for the Region, 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 a CAF/CASS Region 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 them.

### *Overall Findings*

The Regional Manager has shown clear leadership in the Region. He has set out the priorities for the short term and has sought to take them forward on a basis of corporate responsibility and consensus. The RMT has generally responded positively and has been proactive in addressing a number of important issues, despite carrying vacancies and a number of temporary appointments. However, on occasions, consensus has not been achieved and progress has slowed as a result. The Regional Manager has adopted a positive approach to performance management processes and is working with Service Managers to develop it further. Service Managers have faced changes in their responsibilities with the introduction of the new contracts, which has increased the pressure under which they are working.

There are no regional strategies covering internal and external communications. A sub-group structure has been developed within the Region to allow more flexible use of resources; however, the parameters within which the sub-groups will operate have yet to be established formally.

The large budget deficit facing the Region continues to need close monitoring by the Regional Management Team.

### *Inspection sources*

The primary sources of information about MCSI's key function for the strategic and performance management were:

- background documents provided by CAF/CASS
- interviews with CAF/CASS staff at management levels
- interviews with courts and local authority staff

## *Leadership and strategic direction*

### **Organisational management**

- 3.1 The RMT has generally responded well to the challenges it has faced despite the uncertainties created by a number of temporary appointments, including that of the Regional Manager, and a long-term vacancy at Service Manager level.
- 3.2 The Regional Manager has sought to establish a corporate leadership approach within the RMT, characterised by the desire to establish a consensus approach to decision making. Where consensus has not been achieved, the RMT as a body has been less effective. In part, this has been due to some Service Managers taking an individual, rather than a corporate, approach to issues and also to the fact that messages given to staff by Service Managers have not always been consistent between offices.
- 3.3 The Regional Manager has demonstrated a clear understanding of the Region's immediate priorities – effective financial management; convergence, and management structures – and has sought to move forward in those key areas. However, Inspectors found that Service Managers did not always agree with those priorities. These differences have had an effect on staff in terms of their understanding of the future: for example, the extent to which convergence is a priority in the current business cycle. Inspectors noted that some managers are held in very high regard by their staff and this has created a sense of loyalty to them and to their views.
- 3.4 If the RMT is to be fully effective in its leadership role, it is important that it addresses urgently any areas of disagreement or misunderstanding between its members and resolves them. This should be achieved by consensus, where possible, or by an acceptance by all RMT members of corporate responsibility and accountability for the decisions made.
- 3.5 The Region has demonstrated its commitment to the development of the wider organisation, by providing staff in support of the national partnership arrangements with unions and professional organisations and to serve as members of CAFCASS Headquarters working parties. Such commitments have been costly for the Region in terms of time, but are seen as appropriate and for the greater good of CAFCASS. Certain Service Managers have been more deeply involved in activities outside the Region than their colleagues. The Regional Manager is aware of the unequal loading and intends to seek a more equitable share of time between regional and other commitments, an action that MCSI supports.

### *External relations and communications*

- 3.6 Inspectors were informed by courts and local authorities of the proactive approach adopted by some Service Managers in addressing issues of common concern, such as variations in threshold levels and management of delay in allocating CAFCASS practitioners. This has resulted in good, co-operative working between their agencies, which is welcomed and endorsed by the judiciary and local authorities. However, this pattern has not been repeated across the Region. The Regional Manager is of the view that to expect consistency in relationships in such circumstances is unrealistic, and that Service Managers have to respond to the local agenda. MCSI accepts that, in such circumstances, the working relationships between partner agencies can only be developed on an individual basis, but Inspectors are, nonetheless, firmly of the view that such relationships should be approached from the basis of an agreed external communications strategy for the Region as a whole.

- 3.7 MCSI has been made aware that some local authorities in the Region face a number of difficulties due to the lack of experienced social workers. This has created difficulties for public law practitioners, including new Family Court Advisors, who feel that they are covering shortfalls in local authority social work practice. The Regional Manager has taken the view that the Service Manager is the appropriate person to liaise with courts and local authorities within his or her area. Where those relationships are good, the results have been positive; however, that is not the situation with every agency.
- 3.8 MCSI is of the view that the Regional Manager has a role to play at a strategic level in those areas where relationships are the least developed, and would encourage him to reconsider the level of his involvement.

### *Internal communications*

- 3.9 Responsibility for communicating RMT decisions to staff has largely rested with Service Managers. Up to the time of the inspection, minutes of RMT meetings were held over, pending their agreement at the next meeting, before being circulated to staff. The RMT found this resulted in unsatisfactory delay and have decided to move to a more streamlined form of minute based on decisions taken and action points arising. This will allow the minutes to be circulated more quickly but at the cost of excluding any report on the considerations behind the decisions.
- 3.10 The decision to change the format of the minutes is an important one for the Region. The delay in the release of the minutes was, for some staff members, becoming a matter of mistrust. Comments were made to Inspectors about the perception among staff of the need for the minutes to present a picture of agreement among RMT members, which was not always reflected in the reality.
- 3.11 Whilst the new style of minute will address some of the concerns expressed by staff and managers, it will not address the need for certainty in terms of the consistency of the underlying message to staff. When first appointed, the Regional Manager visited each office and spoke to the staff, creating a direct line of communication with all parts of the Region. That pattern of visiting has since ceased because of other priorities. MCSI suggests that there would be value in it being reinstated, or that some other way should be developed for ensuring consistency in the messages being shared with staff.

### *Effective organisational structure*

- 3.12 The RMT has been under pressure for some considerable time. Service Managers drew attention to the pressures on them brought about by the changes in their contracts, and the constant tension between personal development, maintaining their team's effectiveness and efficiency and the increase in their overall workload.
- 3.13 In addition, a number of the posts have been held on a temporary basis. To what extent the development of a corporate approach within the Region has been affected by the temporary nature of the Regional Manager post, and some of the service manager posts, is difficult to say. Two years is a long time for an organisation to carry the uncertainty associated with temporary appointments, particularly in such important roles.

- 3.14 The Regional Manager who took up post April 2001 was transferred to HQ on a temporary basis in October 2001. The current incumbent was appointed to the regional post on a series of short-term contracts from his post as one of three service Managers in the Birmingham Citadel office. As a result, the Region has carried a Service Manager vacancy in one of the three teams based at the Birmingham Citadel office since mid 2001. The loss of a second Service Manager from the Citadel office on transfer to another Region placed a considerable burden on the single permanent Service Manager left in the office. Inspectors are pleased to reflect the unanimous praise of staff for the support and encouragement the remaining Service Manager has given them over the period, and for the manner in which he has discharged his responsibilities.
- 3.15 A number of steps have been taken over the period to seek to reduce the impact on staff and managers in Birmingham, for example:
- team reorganisations that reduced the number of teams to two
  - temporary appointments to the Service Manager role between the summer of 2002 and the summer of 2003
  - Support from other Service Managers in dealing with case allocation.
- 3.16 Inspectors were pleased to note that permanent appointments are now being made to fill the vacant Service Manager posts, and that the expectation is that the Regional Manager's post will also be resolved by the end of the financial year.
- 3.17 Inspectors were impressed by the focus and understanding the Business Manager brought to the role. However, there seems to be some doubt among the Service Managers regarding the precise role and authority of the Business Manager within the Region and, in particular, how the role of Business Manager and Service Manager relate to each other. There is a strong feeling in the Region that the job description and pay levels of the Business Managers, and the lack of co-ordination between the directorates at Headquarters, directly affects their role and their ability to function at regional level. Although some of these issues will need to be addressed by Headquarters, it is important that the Region, as far as is possible, takes steps to address any local misunderstanding or confusion as they affect the leadership within the Region.
- 3.18 There have been a number of developments that have taken place in the Region that have affected, or will affect, its structure and have given rise to certain understandings (and misunderstandings) that the Regional Manager, with Headquarters, should address:
- There remains confusion and concern that the various levels of management – HQ, Region and Service Unit – do not link together effectively; that, while the role of each is clear, there are gaps in the system. The appointment of a Divisional Director is also adding to the confusion. Some staff have viewed it as the creation of a new layer of management rather than a reordering of responsibilities.<sup>2</sup> and are unclear what impact it will have on the Regional Manager's role.

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<sup>2</sup> Until the recent appointment of Divisional Directors, regions reported to the Deputy Director, Operations. That post has been replaced by three Divisional Director posts. In future, Regional Managers will report to their allocated Divisional Director.

- Convergence is a cause of considerable anxiety to staff. At the time of the inspection, two Service Managers had worked with converged groups for over 18 months, and some practitioners have undertaken both private and public law work for a similar period. The topic has, therefore, had a high profile in the region. However, some staff seen by Inspectors remained unclear how the matter is to be taken forward and how, or if, it will affect their work. It has not helped that some staff have misunderstood the information they have been given or that some have received inaccurate information. Perhaps because of the high profile, Inspectors found greater negativity and antagonism towards convergence in this Region than in any other inspected. The Regional Manager is currently writing a regional convergence strategy document that will set out the way ahead. Taking the strategy forward, given current views and concerns, will require careful planning and a corporate approach by all managers.
- The Region has developed a sub-group structure based on three areas. Initially, offices in the Black Country grouped together to provide mutual support to each other as a means of addressing specific difficulties. This was then extended to other offices. The RMT sees the development of the sub-group structure as a positive move that will allow:
  - greater flexibility in the use of resources, practitioners and support staff
  - the convergence agenda to be taken forward
  - improved interaction with partner agencies that are also changing their structures
  - better interaction with local communities.

3.19 Inspectors are aware that similar changes have been introduced in other regions and accept that such a structure may deliver benefits to the Region. However, they are concerned that some managers and staff see the creation of these sub-groups as an arrangement that will, as one manager put it, “allow people to do things their own way”.

3.20 Inspectors are strongly of the view that the Region should set clear terms of reference and guidelines for the way the sub-groups should work and, in particular, the extent to which managers have delegated powers to develop different approaches to common issues.

### ***Key strategic issues are identified and managed***

3.21 As stated earlier in the report, the Regional Manager has identified the key issues that need to be addressed by the Region. Among them is the need to reduce the budget deficit. The Region is facing a deficit of £400,000 for the financial year 2003/04 and it is the steps taken to reduce it that have given rise to some of the concerns over contradictory policies outlined in *Care of Service Users*.

3.22 The overspend has arisen because of the reduction in the funds allocated for self-employed guardians. Overspends in this area in the last financial year (2002/03) were absorbed by surplus funds within the salaries budget. However, this year, no such surplus exists, nor has there been any reduction in workloads to compensate. However, there has been a continuing need to reduce backlogs of unallocated work.

- 3.23 The Region has made a business case to Headquarters for a share of the centrally held contingency funds. Applications for additional funds from all the regions and Wales have exceeded the funds available for distribution. At the time of the inspection, no decisions had been reached by Headquarters regarding allocations. Headquarters' expectation is that the Regions and Wales will come in within budget parameters on non-staffing costs. To that end, steps have been taken by the RMT to reduce overhead costs. Pending further decisions by Headquarters, managers have been instructed by the Regional Manager to continue allocating work as normal.
- 3.24 Managers were of the view that the Region is unlikely to reduce the size of the overall overspend, and come within budget parameters, without a significant reduction in the amount of work allocated or a significant increase in funds from Headquarters.
- 3.25 Budget responsibility has been devolved to Service Managers, and the Business Manager has worked closely with them to provide necessary support. The size of the budget deficit has created difficulties for managers in deciding how best to use the funds available. This has resulted in managers adopting different approaches to common issues (see above). If the Region is to meet the challenge presented by the projected overspend, it is critical that all Service Managers accept the need for financial constraint, apply regulations and controls consistently, and work together on an agreed basis. It is not clear from our discussions with Service Managers that the need for constraint is accepted by all. The Regional Manager will wish to ensure that a corporate management view is reached on this as a matter of urgency.

### ***Monitoring standards of performance***

- 3.26 The Regional Manager has adopted a positive approach to performance management in the Region, and has encouraged Service Managers to consider performance management issues in respect of workloads and productivity levels and variations within, and across, teams. Not all Service Managers have been comfortable with this approach, but they have been supported by the Regional Manager through supervision and appraisal in tackling emerging issues.
- 3.27 The appointment of a Management Information Officer has provided the Region with the ability to produce additional analytical information; this should be developed. There remain some concerns about the accuracy of the statistics produced. However, the recent distribution of new spreadsheets by HQ to Regions should go some way to addressing them.

***That in order to improve its strategic and performance management, the Region should:***

#### ***Recommendation 2***

- ***develop a communications policy to address the differences in the way external relationships are managed and to strengthen internal systems***

#### ***Recommendation 3***

- ***establish clear terms of reference and guidelines for the working of the sub-group structure.***

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

This section assesses the extent to which CAF/CASS West Midlands Region provides and deploys staff capable of delivering its objectives cost effectively.

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

- plan human resource needs systematically and continuously
- have in place a staff structure and numbers to enable work to be carried out cost effectively
- identify, sustain and develop staff capabilities
- have due regard to racial equality in recruiting, selecting and developing its staff
- review staff performance and development continuously and agree targets
- have an effective dialogue with its staff and foster a climate of improvement
- ensure its applications of recruitment policies and procedures safeguard children
- ensure its staff are effectively supported and protected from danger
- apply policies in respect of allegations against staff effectively
- meet its statutory obligations as an employer and demonstrate good employment practice.

### *Public Service Agreement - key objective for CAF/CASS is:*

- to develop the skills of staff CAF/CASS should develop and implement personnel policies and training/development strategies that are fair and allow all officers to fulfil their potential, individually and collectively, to contribute most effectively to the aims of the organisation. The process of harmonisation of skills and terms of the various officers brought together under CAF/CASS should begin by the beginning of Year 2

### *Inspection sources*

The primary sources of information about MCSI's key function for the management of human resources were:

- background documents provided by CAF/CASS
- survey of CAF/CASS practitioners
- interviews with CAF/CASS staff at all levels

## *Overall Findings*

The Region has developed an HR plan in terms of staff numbers and ratios, but has yet to think through fully the implications of convergence and its effects on staff. HR planning is linked closely to HQ. However, support from HQ has not always been forthcoming in a timely manner.

The Region inherited a diverse workforce and recent appointments have added to that diversity. Attention now needs to be given to the issue of staff retention. The existence of the Black Workers' Support Group is commended but there remain concerns that diversity issues are not always fully addressed at team level. There is no focal point for diversity issues within the Region. Communication within the Region, between the Regional Manager and the staff, seems to be limited and opportunities should be sought to develop it further.

Positive steps have been taken to support staff development. There is now a need to identify and co-ordinate training needs more effectively. Staff throughout the Region have received supervision and appraisal, although the frequency and approach have varied.

The Region has initiated two projects to look at differences of practice, including supervision in public and private law, which should be of value to the Region and CAF/CASS generally.

The appointment of a Facilities Management Officer, with specific responsibility for Health & Safety, is a significant step towards improving the safety culture of the Region.

## *Planning human resources*

- 4.1 The Regional Manager has established a system of regular meetings with the Business Manager and the Human Resources Advisor to review HR issues.
- 4.2 The Region has been fortunate in its ability to recruit a diverse workforce and, at the time of the inspection, all existing vacancies were in the process of being filled and a reserve list of candidates suitable for future appointments to practitioner posts had been created.
- 4.3 Managers and staff expressed concern about the poor working relationship with the Human Resources Directorate (HRD) at Headquarters. Particular concerns identified included:
  - poor communications, typified by the short notice given to the Region in respect of HRD initiatives such as training;
  - the speed (or lack of it) in HRD's decision-making processes regarding new appointments;
  - the difficulty of obtaining advice quickly from HRD when it is needed and in having the advice confirmed in writing.

- 4.4 Staff and managers contrasted this to the relationship with the Finance Directorate, which was seen as supportive of the Region and responsive to its needs.
- 4.5 Inspectors understand that HRD will be appointing HR staff members to link with the new divisional structure within the Operations Directorate. The RMT will wish to raise these matters with the new appointee for the Division at the first possible opportunity.

### *Staff structures and numbers*

- 4.6 The recent successful recruitment round, linked to a low average rate of sick leave, has placed the Region in a strong position to move forward in terms of workloads and organisational targets. Practitioners indicated that workloads remain high, and that it was not uncommon for them to work in excess of their hours without payment or time off in lieu. To what extent this was due to action taken to reduce backlogs, or the approach of individual practitioners to the management of cases, was not clear. However, managers will wish to keep the situation under review.
- 4.7 Staff numbers included sufficient support staff to meet the agreed ratios set down by CAF/CASS HQ. Despite this, there remained some concern among support staff that their numbers were insufficient to carry the workload expected of them. To some extent, these concerns were linked to convergence issues such as the development of practitioners' IT skills and the value individual staff members placed on parts of their job, such as typing reports.
- 4.8 At the same time, support staff expressed strong feelings of discontent about the process and outcomes of harmonisation, and its impact on relationships with colleagues. Inspectors are aware that managers have been discussing both issues with staff and will continue to do so. The regional strategy for convergence will be a key document in moving these issues forward.

### *Staff capabilities, performance and development*

#### **Training**

- 4.9 The Regional Manager has established a series of training seminars for Service Managers, which looked at corporate management issues. This was the first such initiative Inspectors have been informed of, and they support it.
- 4.10 The Region created a full-time post for a regional Professional Development Manager for a trial period of 16 months in October 2001. However, it was decided that the Region could not sustain that level of resource commitment and the trial came to an end in January 2003. Subsequently, responsibility for training was shared among three Service Managers and the Business Manager.
- 4.11 The Regional Training plan was based on the skills audit carried out in 2001 plus identified organisational needs such as training for convergence, the Adoption Act and Health & Safety. While the supervision and appraisal processes are supposed to provide information on training needs, Inspectors were told that the information was not fed through to those responsible for co-ordinating training.

- 4.12 To date, internal and external trainers have provided training, with practice training being provided exclusively in-house by practitioners. Training was generally reported by Regional staff to be good. In-house practice-based training courses were developed by individual trainers, based on service standards to address the needs and skills of the specific target group. At present, there is no guidance available to trainers on the construction or content of courses to ensure a consistent approach. This is an area that the RMT, together with Headquarters, may wish to review.
- 4.13 Practitioners have provided training on a voluntary basis and have done so willingly. However, both managers and practitioners have expressed frustration at what they see as a lack of recognition for the amount of work involved. In particular, they commented on the lack of workload relief or administrative support available to them when planning and delivering training.
- 4.14 Those who received mentoring viewed it as a positive experience. Although draft guidelines were produced in the Region in December 2002, there was no evidence of them having been used. As a result, it was left to individuals to develop their own ways of working. The Region may wish to update and issue the guidelines it has in draft form.
- 4.15 Last year, the Region funded a pilot of the PQ 1 (post qualification) award for practitioners. The feedback was generally very positive and everyone received the award. The intention is to fund the course locally for a second year whilst Headquarters continues to develop a course centrally.

## Diversity and staff

- 4.16 Uniquely within CAF/CASS, the Region has a Black Workers Support Group. The Group had its origins in the West Midlands Probation Service and has continued within CAF/CASS with the support of the RMT. The Group is open to all staff with a minority ethnic background and provides an opportunity for staff from minority ethnic backgrounds to meet together, share experiences and provide mutual support.
- 4.17 One member of the Group described attendance at it as *“a life affirming event because it affirms my ability and that I’m not alone with my experiences as a black person”*. Members value the group greatly.
- 4.18 The Regional Manager attends some of the meetings by invitation and has offered the Group Chair an open door to discuss areas of concern. Despite this, members of the Group stated in a number of interviews with Inspectors that they felt isolated and excluded within the Region, and expressed the view that the organisation had some way to go in addressing issues of racial diversity.
- 4.19 Group members described themselves as *“fighting the battles we fought 15 years ago”*, and raised concerns about their colleagues appreciation of their unique experiences. MCSI was told for example, that the response of some managers to concerns raised by minority staff were that, *“perhaps you shouldn’t be on the case”* or *“maybe it’s the way you approached it”*. As one practitioner explained, *“If you have a good manager you don’t have to explain it all to them”*. Members also expressed concern about the extent to which some managers seem less supportive than others of support staff wishing to attend.

- 4.20 Since its inception, the Region has been successful in recruiting staff from ethnic minority groups. However, some black staff told MCSI that the lack of support and understanding within CAFCASS had made them question their willingness to remain.
- 4.21 By supporting the continued existence of the Group, the RMT has recognised that there are issues affecting staff from minority ethnic groups that do not affect other staff members, and the RMT is to be commended for the action it has taken. However, there are clearly some deep concerns that need to be addressed as quickly as possible and a need for open, honest dialogue between all concerned.
- 4.22 The RMT intends to include diversity in the agenda for the regional conference planned for March 2004, and this may provide an opportunity for wider discussion. While it true that staff within CAFCASS have a number of routes open to them for discussing concerns about diversity issues, both within the Region and directly with Headquarters, it is important that CAFCASS understands how difficult some staff find it to raise these issues, particularly within the line management structure.
- 4.23 The Region has yet to establish a more general diversity group. Inspectors are of the view that such a group would assist the RMT in taking forward the diversity agenda within the Region and, if carefully constituted, may provide a suitable forum for existing concerns to be explored.
- 4.24 A recommendation is made regarding the establishment of such a group at recommendation 4.

### **Supervision and appraisal**

- 4.25 Inspectors found an established pattern of supervision for practitioners throughout the Region. The only exception was in respect of staff in Birmingham where, because of the lack of Service Managers, supervision for some practitioners had been through peer group discussions. There is currently no CAFCASS guidance for managers or staff on how supervision should be conducted, or what constitutes its core elements. This has resulted in some differences in approach among Service Managers in terms of frequency and approach. Supervision was one of the issues being considered in the reviews of practice differences. Central guidance is anticipated sometime later in the year.

### **Health & Safety and other statutory obligations**

- 4.26 The Region has begun to establish a Health & Safety (H&S) culture within its offices and has recently appointed a Facilities Management Officer to co-ordinate its activities. Inspectors found that a pattern of quarterly H&S inspections was in the process of being established, but had not yet been achieved. It is the responsibility of the Service Managers to ensure that inspections take place in their offices and that any remedial work is done. A record is kept of each inspection and an action plan prepared where necessary.

- 4.27 Inspectors found that the H&S record forms had been completed with varying degrees of accuracy. Some reports showed items being checked off as satisfactory when, on rechecking by Inspectors, they were found to be unsatisfactory, e.g. the absence of a fire assembly point notice. The appointment of the FMO should assist managers and staff in developing robust systems, both of inspection and follow-up action. In support of this, Inspectors recommend that the Regional Manager should remind managers and staff on a regular basis of the importance of Health and Safety checks.
- 4.28 Plans were in place for risk assessment training for staff and managers to be delivered in November 2003, following which, fire risk assessments are to be carried out at all CAF/CASS offices in the Region. All CAF/CASS offices requiring a fire certificate hold one. Fire drills were carried out regularly and appropriate signs were in place. As part of developing a Health & Safety culture, Inspectors would encourage managers and staff to use such drills as learning opportunities and to review each drill to see if there are lessons to learn.
- 4.29 In respect of fire risk, staff located in the upper floor offices in Stafford currently have access to only one exit from the building in the event of a fire, which is via the main staircase. The Service Manager, in liaison with the Facilities Management Officer should identify a place of safety in one of the offices on the upper floor where staff would gather if the exit was blocked and from where the emergency services could effect a rescue. A recommendation is made to that effect at recommendation 6.

*That in order to improve its management of human resources, the Region should:*

***Recommendation 4***

- ***establish a Regional Diversity Group to take forward the diversity agenda in the Region***

***Recommendation 5***

- ***establish a process for reminding staff on a regular basis of the importance of Health & Safety regulations and the need to comply with them***

***Recommendation 6***

- ***identify a place of safety at the Stafford office for staff working on the upper floor and ensure appropriate guidance is given on how it should be used in the event of a fire.***



## Methodology

- The inspection of CAFCASS West Midlands Region was conducted by a team of five Inspectors and an Inspection Assistant. The Director, Inspection of CAFCASS also attended for part of the period. The Region was given six month's notice of the start of the main fieldwork and of the topics to be inspected. The Region provided the inspection team with documentary evidence together with its own analysis of performance in the four main topic areas.
- Views of the judiciary and local authorities were obtained through interview.
- The inspection team visited CAFCASS offices in Birmingham, Coventry and Stafford
- Plans were made that around 120 recently completed court reports should be inspected with the assistance of practitioners and managers.
- The inspection team carried out a series of structured interviews with senior management in the region, team managers, support staff, front line practitioners and other staff with specialist responsibilities, such as those dealing with complaints and health and safety of buildings.
- MCSI posters were displayed in CAFCASS office reception areas inviting contact from service users. Copies of the posters were also displayed in a number of languages at different offices including Bengali, Farsi, Kurdish, Mirpuri, Punjabi, Sylheti and Urdu. Some 241 adult parties in private law cases that were closed by May 2003 where CAFCASS was involved were written to by CAFCASS requesting the completion of a questionnaire about levels of satisfaction with CAFCASS. 47 replies were received. Views were sought anonymously. Responses were shown on a five-points scale:
  - Agree strongly – Agree – Neither agree nor disagree – Disagree
  - Disagree strongly
- At the same time that parents were contacted, they were invited, if they so wished, to telephone the Inspectorate direct and /or to come to a meeting with Inspectors. Three telephone interviews took place. No people were interviewed in person. Overall, this was a response rate of nearly 20%. The length of the interviews ranged from about 25 – 45 minutes.
- 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:
  - Regional management encompassing the Regional Manager, Business Manager, Public and Private Law Managers, and Regional Management Team
  - Headquarters management encompassing the HQ management team
  - The Board encompasses the Chairman and Board members
  - Administration covering all support administrative staff
  - Practitioners covering all front line practitioners
  - ICC(in court conciliation) users
  - Service users

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

## ***CAFCASS West Midlands Region: key facts***

CAFCASS West Midlands Region was established in April 2001 from the following former services:

- Hereford & Worcestershire Probation Service
- Shropshire Probation Service
- Staffordshire Probation Service
- Warwickshire Probation Service
- West Midlands Probation Service
- Birmingham Panel of Guardians ad Litem and reporting Officers
- Black Country Consortium of GALROs
- Coventry/Warwickshire/Solihull GALRO
- The Marches GALRO
- Staffordshire GALRO

The following information was correct at the time of the inspection in November 2003.

### ***Staffing***

CAFCASS West Midlands Region staffing comprised:

- One Regional Manager – on temporary appointment
- One Business Manager
- 10 Public Law and Private Law Managers
- 56 support staff, variously titled and graded
- 181 practitioners – 72 children and family reporters; 65 family court advisers and 44 children’s guardians (all working as contractors, that is, self-employed)

### ***Accommodation***

CAFCASS West Midlands Region operates out of thirteen offices. These are sited at:

- Printing House Street, Birmingham – (Regional HQ)
- Corporation Street, Birmingham
- Burton-upon-Trent
- Coventry
- Dudley
- Redditch
- Stafford
- Stoke-on-Trent
- Tamworth
- Wellington, Telford
- Walsall
- Wolverhampton
- Worcester

## Budgets: 2002/03 and 2003/04

CAFCASS's budgets for 2002/03 and 2003/04 were at £7,013,325 million and £7,622,844 million including contingency and harmonised salary budget. The main elements that made up the budgets are set out in the table below.

Running costs	2002/03 * Figures are rounded £	2003/04 * Figures are rounded £
Salaries	5,373,907	5,591,008 5,734,048 (with harmonisation adjustment)
Children's guardians - self employment contract fees and other agency staff	411,510	474,716 (counting adjustment)
Accommodation	508,542 (rent and rates only)	539,519 (rent and rates only)
Fuel, utilities, office supplies and services, telecommunications, vehicle expenses, publications	652,568	782,741
ACPC	7,820	7,820
Partnerships	58,977	84,000

## Workload

Workload figures in private law for the region showed that in 2002-2003

- 3815 reports were completed
- 110 mediations carried out in-house
- 36 new Family Assistance Order supervised

Workload data in relation to public law (including adoption) in 2002-2003

- 783 cases were completed

## Partnerships

Partnership funding for 2003/2004

Type of Partnerships	CAFCASS Grants £
Contact	29,000
Counselling (5)	25,250
Mediation (3)	29,500
Wolverhampton University	10,500
<b>Total</b>	<b>84,000</b>

## Audit of adult user views about CAFCASS

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 47 adults which was about a 20% return of the questionnaires sent out. Of those, 40% (21) were male, 47% (25) female. Seven considered themselves to be from a minority ethnic group. For reasons of confidentiality, no identifiable family details were sought in the questionnaire. The return rate was relatively small and therefore, the findings from this limited survey should be treated with caution. The survey sought comments on the following issues:

- was the information received by the service user easy to understand?
- did the information received explain the CAFCASS service
- was the service user informed how to make a complaint?
- how easy was it to contact the CAFCASS practitioner?
- did the practitioner listen to the service user?
- did the service user feel fairly treated?
- did the service user have confidence in the practitioner?
- 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?

The main messages were as follows:

- the majority (70%) agreed that the information they received from CAFCASS was easy to understand; 12% disagreed
- the majority (64%) agreed that the information explained the CAFCASS service; 25% disagreed
- over half (55%) said they had not been told how to make a complaint; a fifth (21%) said they had but 23% did not reply to this question
- just over half (51%) agreed that they felt that the CAFCASS practitioner was easy to contact but nearly a quarter (24%) did not
- only 47% felt that the practitioner had listened to them; 45% did not
- only 41% agreed that they had been treated fairly by CAFCASS staff of which 26% agreed strongly; 44% disagreed and 21% disagreed strongly.
- over a third (36%) agreed that CAFCASS staff knew what they were doing, but 40% disagreed
- over a third (34%) agreed that their child(ren) felt comfortable talking to the CAFCASS practitioner; though over a third (36%) disagreed
- five respondents felt that their racial or cultural identity was not understood or worked with appropriately.

## Court report reading

In the course of this inspection, 95 completed reports were read by Inspectors, Service Managers and practitioners. The public law reports were concerned with full care applications (section 31) and the private law reports addressed disputed contact and residence (section 8).

At the end of a detailed analysis of the reports, readers were asked to comment further including examples of good or poor practice.

### Comments suggesting good practice – section 31 proceedings

- Good use of children’s letters attached to reports.
- The description of the child’s physical appearance and personality brought the child to life and made the report more pertinent to read.
- Very good report. Concise, logical and well laid out.
- Generally a detailed and well-argued report that is child-focused and provides good evidence of assessment and thought process.
- Good practice was shown in the number of visits made to the children in different settings. Work sheets completed by children also clearly indicated who is important in their lives.
- Children considered individually and collectively.
- A good analysis of expert evidence.
- The report analyses the evidence very well.
- A good report which reflected the children’s difficult upbringing and the father’s inability to care, without being judgmental.
- An exceptionally clear and detailed report which brought alive the child’s history and circumstances. Good use of quotes. Young person encouraged to provide own written views for the court. Good critique of local authority.
- Well laid-out report, written in plain English. A well-argued report that is clear in its recommendations.
- A clear report that is child-focused.

### Comments suggesting poor practice – section 31 proceedings

- Much space for improvement in content, details and structuring/headings. There is no analysis in this report.
- The report is poorly structured. The welfare checklist is not explored in a separate section and the recommendation is expressed negatively – *“I am obliged to concur with the local authority”*.
- Children integrated in the welfare checklist.
- The recommendation was a cop-out.
- Child referred to by different names throughout the report.
- Child’s father not interviewed despite coming forward late in the proceedings. He was in prison and therefore available for interview. Were his human rights addressed?
- There was no exploration of the impact on the three white children being placed with an Indian family.
- List of those spoken to did not differentiate between telephone and face-to-face conversations.

- No headings for welfare checklist.
- The report lacked the flow of content that should lead to the appropriate recommendation/conclusion. Although there are some headings, they are not clear and merge with the paragraphs. The welfare checklist is not comprehensively addressed – the child’s views are hardly referred to.
- The report did not outline the options available to the court. It needed to give more understanding of the difficulties facing the mother and the positives in contrast to the negatives.
- Light on analysis – more a regurgitation of other people’s views.
- Report written in parochial style – author assumes other people’s knowledge.
- The report relies heavily on information about parents and their past histories – only some links between parental histories and present ability to care. Report treats the mother as the person she was eight years ago when last involved in proceedings.
- Report has no section on family structure – it has to be worked out from the body of the report. Welfare checklist not covered. No-order principle not covered. No assessment by Guardian.
- Report over-long and repetitious. Writer criticises local authority for failure to consider or explore wider family options for care, but there is no indication that the Guardian attempted to do either.
- Having stated that both parents had parental responsibility (child of marriage), the author then states that “*a Supervision Order would ensure that mother alone retains parental responsibility*”.
- The report raised issues of concern about the care of the children and the parents’ ability to care that have not been addressed. The recommendation does not reflect any understanding of the local authority’s views or care plan. Nor does it address changes by the family.
- No reference to child’s reaction to/progress in foster care. No observation of contact prior to rehabilitation. Need for expert report not evident in body of the report.
- Recommendation for care order made without knowledge of the Local Authority’s care plan. Insufficient attention to background circumstances. Report did not flow. Had to go back and forth to get understanding of situation. Writer clearly knew family well but the report did not do justice to that knowledge.
- No details of people seen.

### Comments suggesting good practice – section 8 proceedings

- Racial ethnicity made explicit under title ‘Ethnic Origins’.
- Very fair presentation of both parent’s views.
- Record of explanation of court processes to child.
- A clear and constructive report. Good use of quotes from children to make their wishes clear.
- Good analysis of information. Report writer gave a clear view of parents and their positive attributes.
- Good work with child. Very clear re views and needs. Balanced report on strengths and weaknesses of parents.
- Good and effective direct work with child. Child viewed on a number of occasions with both parents.

- Easy to read, clear and well written.
- Feedback given to parents re children's interviews.
- Excellent focus on children, excellent analysis. Demonstration of knowledge of children's development, emotional issues and links between parental behaviour and its impact on children. Very clear, reasoned recommendation.
- Good interaction with child.
- Parents should be clear what needs sorting for the children after reading the report. The conclusions make sense.
- Concise and to the point, very clear.
- A good, well written and succinct report.
- Very clear elucidation of the issues and how the children have been affected by events. Writer has an obvious understanding of emotional issues, children's development and sensitivity to the needs of the children.
- A well reasoned report – child focused and concentrated on fact.
- Thoughtful attention to the needs of the older child.
- Correct focus on the need to deal with paedophile allegations.
- Highly detailed and researched report that puts children to the forefront.

### Comments suggesting poor practice – section 8 proceedings

- Welfare checklist not used. Mix of fact, assessment and opinion.
- No specific reference to race or culture (2).
- “Neither child will have any ascertainable feelings in respect of the application” – was this checked?
- Children's position did not come alive.
- Writer did not enable, encourage or challenge parents to be open with children. Children not seen. Allegations of DV [domestic violence] by mother on father not pursued. What would the response have been if she had made those allegations about him?
- Children not seen, no police or school checks carried out. No recommendation made – left to the court to decide.
- Mother seen with child but father not.
- An unnecessary report that dealt with frequency of contact and not principle.
- Child (6) not seen or spoken to.
- Insufficient analysis of child's needs in relation to her father.
- A complicated series of applications with distrust and violence between the families. The report did not address the issue of violence or assist the reader in cutting through the confusion.
- Limited interviews with children, especially child with learning difficulties. No liaison with school and very limited investigations. Mixed race couple, but no exploration of race/ethnicity/religion.
- DV issues referred to but not discussed. Agreed between parties but no indication as to how this is possible in the circumstances or how children will be protected from DV in future.
- Very little analysis by report writer. Children seen all together rather than individually.
- No detail to background, no police or probation checks, no checks with school. Report flimsy in content. Checklist incomplete.

- Little interaction with mother who suffers from a psychological condition. Not enough was done to engage with the mother and hear her side of things. Too much reliance on father's views.
- Report based on one interview with each party. No home visits made, the child was not observed with either party. There was no dialogue with the health visitor. The recommendation was based on unproved assumptions.
- The report addresses the relationship between the grandparent and the mother – not the children, who are the subject of the application.
- Writer lacked basic awareness of mental health and child welfare issues.
- Report dominated by background information and views of parents rather than the child.
- The “too young to express a view” argument didn't stand up.
- Allegations of DV not pursued despite some supporting evidence from the child to schoolteacher. Child not seen on the basis of “too young to express a view”. Mixed race relationship but no reference to that in connection to the child.

## *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 Lord Chancellor's Department

### *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 it received Royal Assent at the end of November 2000.

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

### *The Framework Document*

The Framework Document was prepared by the Lord Chancellor's Department 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 designed by the Department as the Accounting Officer. It also outlines the main functions of the Sponsorship Unit within the Lord Chancellor's Department. These include:

- to act as point of contact between the Department and CAFCASS 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 CAFCASS and advise on the interpretation of that policy; and
- to issue specific guidance on that policy to CAFCASS as necessary.

Following the Machinery of Government changes in June 2003, the Framework Document will be developed to reflect the transfer to DfES

## ***Corporate Plan***

In March 2003, after a period of consultation, CAF/CASS published its Corporate Plan 2003/06.

## ***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.

For the purpose of MCSI inspection, court rules also allow for the examination of court related documents, such as court reports, without leave of the court.

Following the Machinery of Government changes in June 2003, MCSI remains within the Department of Constitutional Affairs although its inspection reports on CAF/CASS also go to DfES and the Minister for Children.

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

In June 2002, MCSI published *Guidelines for Inspection of CAF/CASS*. 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. 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>

# *Recommendations and CAFCASS West Midlands Region's Action Plan*

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

*That in order to improve its frontline practice, the Region should:*

- *take action to assist staff in understanding the implications of the Safeguarding Children report for their practice*
- *encourage and monitor compliance with the CAFCASS Safe Working Practice Guidance.*

### **CAFCASS response**

The CAFCASS West Midlands Region will:

- establish a work practices group to review and report on work practices
- put in place regional Quality Assurance (QA) mechanisms for all reports
- re-issue regional guidance on safe-working practices to all practitioners and discuss with unions in Partnership Health & Safety meetings

**Improvement target:**

- (a) the RMT will agree procedures to ensure that practitioners comply with Service Principles and Standards and safe working practices
- (b) a new QA process will be (i) developed and (ii) implemented in the next financial year
- (c) Senior Managers will review compliance with safe working practices

**By date:**

- (a) May 2004
- (b) (i) June 2004 (ii) 95% of all outgoing reports subject to QA by December 2004
- (c) July 2004

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

*That in order to improve its strategic and performance management, the Region should:*

#### *Recommendation 2*

- *develop a communications policy to address the differences in the way external relationships are managed and to strengthen internal systems*

#### *Recommendation 3*

- *establish clear terms of reference and guidelines for the working of the sub-group structure.*

### **CAFCASS response**

The CAFCASS West Midlands Region will:

- produce a policy paper to take forward key issues
- ensure senior management attendance at one meeting of each team in the Region
- issue terms of reference for the sub-group structure

**Improvement target:**

- (a) policy paper agreed by RMT
- (b) all teams visited in calendar year
- (c) terms of reference agreed and issued

**By date:**

- (a) January 2004
- (b) December 2004
- (c) April 2004

## *MCSI recommendation – Management Of Human Resources*

*That in order to improve its management of human resources, the Region should:*

### *Recommendation 4*

- *establish a Regional Diversity Group to take forward the diversity agenda in the Region*

### *Recommendation 5*

- *establish a process for reminding staff on a regular basis of the importance of Health & Safety regulations and the need to comply with them*

### *Recommendation 6*

- *identify a place of safety at the Stafford office for staff working on the upper floor and ensure appropriate guidance is given on how it should be used in the event of a fire.*

## **CAFCASS response**

The CAFCASS West Midlands Region will:

- establish a Regional Diversity Group
- ensure that Health & Safety is a standing item in management and team meetings and union Partnership meetings
- give instructions to staff pending an inspection by the Fire Safety Officer

- Improvement target:**
- (a) a Regional Diversity Group that is pro-active in addressing diversity issues
  - (b) Health & Safety has a higher profile among staff in the Region
  - (c) fire safety issues at the Stafford office will be addressed satisfactorily

- By date:**
- (a) March 2004
  - (b) To start immediately
  - (c) 1 March 2004

## Glossary

<i>Area Child Protection Committees (ACPCs)</i>	Are established by local authorities and bring together representatives from each of the main agencies and professionals responsible for helping to protect children from abuse and neglect. “The ACPC is an inter-agency forum for agreeing how different services and professional groups should co-operate to safeguard children in that area, and for making sure that arrangements work effectively to bring about good outcomes for children.” ( <i>Working Together to Safeguard Children</i> Department of Health, Home Office, Department for Education and Employment TSO 1999 paragraph 4.1)
<i>Convergence</i>	The use of this term in CAFCASS has come to mean the process of integrating, over time, 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>Guardian ad litem</i>	This is the name used before CAFCASS 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
<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
<i>Defining element</i>	This is the term used by MCSI that breaks down a Key Function into a series of more specific descriptions. Taken together defining elements summarise what the Key Function (see below) entails.
<i>Family Court Business Committee</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 Advisers (FCAs)</i>	This is a general, non-legal term, in use within CAFCASS which describes practitioners who have been recruited to the Service since April 2001
<i>Family court welfare officer</i>	This was a probation officer assigned to family court work prior to CAFCASS 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>Key function</i>	This is the term used by MSCI that describes in broad terms one of the main responsibilities of CAF/CASS. They set out what MCSI would expect to find when it inspects the Service (see also <i>Defining element</i> )
<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

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Краткую версию данного доклада на русском языке можно получить по приведенному ниже адресу.

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Muhutasari wa ripoti hii unapatikana katika lugha ya kiswalihi, tafadhali peleka maombi katika anuani iliyopo hapa chini.

บทสรุปเป็นภาษาไทยของรายงานฉบับนี้สามารถติดต่อขอได้จากที่อยู่ข้างใต้

Podemos proporcionarle un resumen de este informe en español si lo solicita a la dirección abajo reseñada.

Bu raporun Türkçe bir özetini aşağıdaki adresten isteyebilirsiniz.

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