



Guidelines for Inspection of the Children and Family Court Advisory and Support Service (CAFCASS)

June 2002

Guidelines for Inspection of CAF/CASS

Foreword

These *Guidelines for Inspection of CAF/CASS* set out the principles and procedures to be followed by MCSI Inspection of Court Services in its inspection-related activities with the Children and Family Court Advisory and Support Service (CAF/CASS). They also set out our expectations of CAF/CASS as a well-managed and delivered service. Such expectations are intended to be consistent with the six objectives for CAF/CASS¹ set out by the Lord Chancellor in 2001 and CAF/CASS's Corporate Plan published in March 2002.

The *Guidelines* give general guidance. There may, however, be occasions when local circumstances dictate a different approach or when it is impossible to keep to a planned timetable. These will be exceptional, however, and CAF/CASS will always be promptly informed.

The *Guidelines* were first published in September 2001 for a period of consultation that ended 31 January 2002. MCSI is grateful to the organisations that responded.

MCSI began to test out the *Guidelines* in the course of its programme of thirteen structured visits from June to December 2001. The same approach continued with its baseline inspections that started in March 2002. The *Guidelines* will be kept under review. They may be further updated to reflect both CAF/CASS as a developing organisation and the Inspectorate's need to respond to such changes through its evolving inspection methods.

The Race Relations (Amendment) Act 2000 came into force at the end of May 2002. This imposes new responsibilities on public bodies such as CAF/CASS. In the course of its inspections, MCSI will be assessing CAF/CASS's progress in implementing the new provisions.

The *Guidelines* are intended as a broad framework. More detailed protocols between MCSI and CAF/CASS may need to be developed covering specific arrangements. One example, agreed in March 2002, deals with communications between the Inspectorate, the regions and Headquarters in relation to baseline inspections.



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June 2002

¹ The six objectives are listed in section 1 of the *Guidelines*.

Contents

1.	Introduction	1
	The remit of the Inspectorate CAFCASS's principal functions and key objectives Types of inspection Complaints about CAFCASS	
2.	Principles of inspection and other general information	3
	Purpose of inspections The key areas of inspection Diversity Approach to inspection Inspection evidence Inspectorate teams Conduct of the inspection	
3.	Key functions, defining elements and indicators	9
	Key function concept Statements summarising key functions Defining elements Assessment of defining elements Components of Inspection	
4.	Preparation for the inspection	21
	Notice of the inspection Preliminary visit to the CAFCASS region Information required for an inspection Role of the liaison officer Announcing the inspection Data Protection Registers Inspectorate office requirements Inspection timetable Visits to CAFCASS offices and courts Discussions with other professionals and the public	
5.	The inspection fieldwork period	24
	Visits to CAFCASS offices Other activities Headlines feedback meeting CAFCASS action checklist	

6.	The inspection report	25
	Report structure	
	Draft reports	
	CAFCASS action plans	
	Press release	
	Monitoring the implementation of the action plan	
	Management letter	
7.	Further steps	29
	Unsatisfactory response	
	Close monitoring	
8.	Complaints	30
	MCSI's complaints procedure	
	Oral complaints	
	Written complaints	
	Welsh language	

Annexes

Annex One	Indicative inspection timetable
Annex Two	CAFCASS action checklist
Annex Three	Availability of MCSI material in languages other than English
Annex Four	Handling of child protection concerns and 'whistle-blowing' issues arising during inspections

1. Introduction

The remit of the Inspectorate

1.1 Legal powers and duties relating to the inspection of CAFCASS are set out in section 17 of the Criminal Justice and Court Services Act 2000. MCSI Inspectors have the duty:

“(a) to inspect and report to the Lord Chancellor on the performance by the Children and Family Court Advisory and Support Service... , and the officers of the Service, of their functions; and

(b) 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.”

1.2 MCSI Inspectors in exercising these duties shall also have at all reasonable times:

“(a) a right of entry to any premises occupied by the Service; and

(b) 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.”

1.3 For the avoidance of doubt, it should be noted that MCSI Inspectors will inspect CAFCASS activities at all tiers of the family proceedings jurisdiction and are not restricted to cases heard in magistrates' courts.

1.4 MCSI will not normally comment on the recommendations made by CAFCASS in reporting to court in individual cases or on judicial decisions. It may report on general patterns and trends.

CAFCASS's principal functions and key objectives

1.5 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.”

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

■ to represent, safeguard and promote the welfare of children involved in Family Court Proceedings

■ to improve the services offered to the Family Courts

- to improve the efficiency and effectiveness of the services offered through increased value for money (VFM)
- to improve the services offered to families and other key stakeholders
- to develop the skills of staff
- CAFCASS should play a full role in delivering the wider Government agenda of improvements in service.

Types of inspection

1.6 MCSI envisages different types of Inspectorate activity in respect of CAFCASS:

- structured visits (June - December 2001)
- baseline inspections (March 2002 – October 2003)
- full inspections (late 2003 onwards)
- post-inspection reviews (2004 onwards)
- thematic reviews of particular topics (2002 onwards)
- joint inspection activity with other inspectorates (late 2001 onwards)

The *Guidelines for Inspection* cover baseline inspections and are likely also to be applicable to full inspections. In other kinds of inspections, different procedures may apply.

1.7 MCSI's definition of baseline inspections is:

“Baseline inspections of CAFCASS are its first formal inspections of CAFCASS 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 CAFCASS's actions plans for implementing them.”

1.8 MCSI's definition of thematic reviews is:

“Thematic reviews of CAFCASS are focused, in-depth studies around particular issues aimed at achieving a better understanding of how relevant policies and practices should be developed. They will typically take place across several CAFCASS regions, use a wide range of inspection methods and be reported publicly. Reports may include both 'suggested actions' and formal recommendations. Reviews are likely to complement and support the work of other agencies and Government departments on developments in the family court and wider justice systems.”

Complaints about CAFCASS

- 1.9 MCSI will not normally investigate complaints made by service users (i.e. parties in family proceedings) against CAFCASS, which should normally be directed through the CAFCASS complaints procedure. Matters may also be referred to the Parliamentary Commissioner for Administration. Inspections will monitor CAFCASS's compliance with its complaints procedures and – for example, where complaints are upheld – how the organisation responds by improving its relevant practice and policies.

2. Principles of inspection and other general information

Purpose of inspections

- 2.1 An inspection assesses the extent to which a region of CAFCASS², is using its resources efficiently and effectively to deliver a high quality service to children, families and the courts. The Inspectorate aims both to provide the Lord Chancellor with information about the performance of CAFCASS, and to support CAFCASS by endorsing its good practice and making recommendations about possible improvements.
- 2.2 These recommendations will, in the main, be made to CAFCASS but, where appropriate, may be directed to other bodies that impact on the performance of CAFCASS. Inspections are concerned with overall performance. Although the work of individuals may be examined, reports will not refer to any individual by name.
- 2.3 The Inspectorate is committed to working in ways that support CAFCASS in providing a high quality service. It aims to make its inspections rigorous, but helpful. It will operate, as far as possible, a policy of 'no surprises' – being open about its policies and procedures, and making CAFCASS aware at an early stage of the main findings.
- 2.4 Compared with the consultation stage of the *Guidelines* as published in September 2001, Section 3 has been enlarged. Under some key functions, there are more **defining elements** and more examples of **indicative evidence**. This helps to ensure that in the way it undertakes inspections, MCSI is as open as possible about its expectations of CAFCASS.
- 2.5 MCSI reports will be constructive in tone and will not contain any significant major messages or criticisms that have not been communicated well in advance of publication to both regional and headquarters management levels in CAFCASS.
- 2.6 MCSI's inspection reports on CAFCASS will be published and available free of charge. They may also be found on MCSI's web-site at www.mcsi.gov.uk

² In this document, unless otherwise stated, the term 'region of CAFCASS' includes the nine CAFCASS regions covering England; CAFCASS Cymru (Wales) and additionally, as appropriate, Headquarters and Legal Services & Special Casework (formerly the Children's Division of the Official Solicitor).

The key areas of inspection

- 2.7 Inspection activity focuses upon some, or all, of the MCSI's key functions of CAF/CASS. These are fully explained in Section 3 of this document and include:
- Welfare of Children
 - Care of Service Users
 - Corporate Governance
 - Strategy and Performance Management
 - Management of Financial Resources
 - Management of Human Resources
 - Management of Physical Resources
- 2.8 In general terms, inspections in the regions and of Legal Services and Special Casework will normally focus on *Welfare of Children; Care of Service Users; Strategy and Performance Management; Human Resources* and *Management of Physical Resources*.
- 2.9 Inspections at Headquarters, in addition to the above, will also examine *Corporate Governance* and *Management of Financial Resources*.

Diversity

- 2.10 A theme throughout inspection and underpinning all the key functions is diversity. MCSI's approach to race issues and broader diversity includes the following expectations of CAF/CASS:
- the organisation fulfils its legal responsibilities and follows guidance relating to Equal Opportunities and Human Rights legislation, as well as the Race Relations (Amendment) Act 2000
 - the organisation's workforce and human resources strategy reflects the communities it serves
 - the organisation has an accountable and trained workforce, skilled in providing a service which meets the needs of its consumers
 - the organisation actively values diversity and seeks to develop the potential of its workforce.
- 2.11 Within most of the key functions of CAF/CASS set out in Section 3, there are explicit references to diversity that will be examined during inspections.

2.12 Diversity also includes responding fully to the implications of the Welsh Language Act 1993. In support of the general principles contained within the Lord Chancellor's Department Welsh Language Scheme, MCSI will ensure in its inspections in Wales that the following matters are addressed:

Public Notices

All public notices of inspections in Wales will be published in Welsh and English.

Publications

When undertaking inspections in Wales, MCSI will seek the advice of the Director CAF/CASS Cymru and, where advised to do so, will publish Welsh language versions of briefing notes for staff and other materials. The inspection report on CAF/CASS Cymru will be issued in Welsh and in English.

Press statements

MCSI will seek advice from CAF/CASS, for any inspection in Wales, as to whether the press statement relating to the inspection should be made available in Welsh.

Interpreters

When interviewing staff, other professionals or members of the public in Welsh-speaking areas, Inspectors will discuss with CAF/CASS whether an interpreter might be needed in individual cases. Where an interviewee has Welsh as their first language but prefers to be interviewed in English, Inspectors will use plain language and be sensitive to the circumstances.

Approach to inspection

2.13 Inspections of regionally or locally managed services will reflect the particular circumstances of the region in question in relation to the national context, while maintaining consistency of judgement from one region to another.

2.14 These *Guidelines* set out the Inspectorate's expectations – that is to say, its standards – for the performance in the key functions set out above, but is not prescriptive about how such performance is achieved.

2.15 The key elements of MCSI's inspection approach are:

- evaluating against standards based on regulations and guidance
- focusing on the experience of service users
- systematically collecting and analysing information from a wide range of sources
- making professional judgements about performance, policy and practice
- providing information to inform the development of Government policy.

- 2.16 There are some areas of CAFCASS's work that require compliance with:
- statutory powers and duties, including those in new primary and secondary legislation
 - developing case law from the Court of Appeal
 - key objectives for CAFCASS set by the Lord Chancellor
 - National Standards published by CAFCASS
 - national and local targets of performance for CAFCASS
 - generally accepted good management practice.
- 2.17 Compliance with this range of requirements will be addressed in any inspection focusing on the relevant aspect of CAFCASS's operations. In addition, all inspections will take into account other aims and objectives of CAFCASS. This includes, for example, its Corporate Plan. In the course of an inspection, MCSI will arrive at an assessment of how well these areas are being met. Its reports will also identify both strengths and areas for improvement.

Inspection evidence

- 2.18 Inspectors employ a number of methods of collecting evidence.
- ◆ The starting point for inspections will be a CAFCASS region's written policies and procedures and other key documentation.
 - ◆ Inspectors will also rely to some extent on CAFCASS's assessment of its own performance. Inspectors study information supplied before, during and after the inspection fieldwork period.
 - ◆ They make use of direct experience – particularly during their visits to CAFCASS offices where, for example, they may test facilities available for children and families, assess health & safety and issues of access.
 - ◆ Some evidence may be drawn from case files and reports for court analysis. Particular care will be taken to safeguard personal, sensitive and confidential information about clients, as well as about staff.
 - ◆ Some evidence may also be drawn from audits and questionnaires of, and interviews with the judiciary, local authorities, other professional users and with staff. Comments expressed in interviews, however, are not taken in isolation; Inspectors evaluate them in the light of all the evidence.
 - ◆ Inspectors may also employ direct observation of practice approaches but only where appropriate safeguards have been established.
 - ◆ Additionally, Inspectors may audit and validate performance information collected within CAFCASS including, for example, self-assessment, quality assurance systems and any use made of the European Excellence Model³.

³ The European Excellence Model (EEM) is a comprehensive framework for assessment and action by the management of organisations, aimed at producing detailed action plans for the improvement in performance of such organisations.

2.19 Inspectors are committed to seek out the views of users of CAFCASS in the course of inspections by, for example, surveying their opinions or offering to meet individuals directly. Arrangements, with appropriate safeguards, are also being developed to obtain the views of children who are the subject of enquiries for courts undertaken by CAFCASS.

Inspectorate teams

2.20 An inspection will generally be carried out by a small team, normally consisting of four or five Inspectors but, on occasions, more. One of these, as Lead Inspector, will take responsibility for the inspection, including liaison with CAFCASS on administrative arrangements. Either the Chief Inspector or the Director of Inspection (CAFCASS) will always attend for all or part of each inspection to ensure the quality of the inspection process and consistency between inspections. During the inspection, visits and interviews will often be undertaken by individual Inspectors but sometimes they may work in pairs.

2.21 Inspectors have practitioner and management backgrounds, usually with significant experience of the services being inspected. MCSI plans to develop a policy for the inclusion of lay assessors in inspection teams from 2003/04 onwards. Other MCSI staff may also be included in inspections for the purpose of data analysis.

Conduct of the inspection

2.22 Inspectors will minimise the extent of disruption of CAFCASS's business, and will normally only visit offices with full warning. They will wear name badges, and will identify themselves at the start of any interview. Interviewees will be told that the information or views expressed during these discussions may be drawn upon for oral or written reports of the inspection but will not be attributed to any individual by name.

2.23 In exceptional cases, where issues of child protection, public protection including domestic violence or 'whistle-blowing' arise, Inspectors may take further immediate action in accordance with protocols agreed with CAFCASS and the Lord Chancellor's Department. A summary of these arrangements is set out in Annex Four.

2.24 Apart from light refreshments, Inspectors will not accept free hospitality during the inspection.

3. Key functions, defining elements and indicators

Key function concept

3.1 MCSI's approach to the inspection of CAF/CASS is firmly based on the main responsibilities of CAF/CASS.

For each of these responsibilities, we have described the activities that make up effective performance. We call these main responsibilities **key functions**. They set out what we would expect to find when we inspect. The key functions are at the heart of the inspection process. However, they are – of necessity – broad statements, encompassing several different aspects of each responsibility.

Each key function has, therefore, been broken down into a number of **defining elements** that describe the key function more specifically. Taken together, they answer the question '*what does the key function entail?*' Further details about the defining elements are set out below.

3.2 Inspectors' assessment of defining elements is based on findings about a range of actions, behaviours, systems and outcomes that provide positive or negative **indicative evidence** about performance.

These pieces of evidence answer the question '*how might we know?*'

3.3 Although the range of indicative evidence is not exhaustive and may change over time, the key functions and their defining elements are likely to remain fairly constant. Even so, as CAF/CASS develops as a new organisation, additional defining elements may be needed – for example, to reflect better those *Support* functions and activities within its title.

The inspection process involves a series of assessments, proceeding 'bottom up' from examination of a large range of specific indicative evidence around the defining elements and then to an eventual evaluation of how well a key function is being fulfilled.

The key functions are seen as areas that can be inspected in isolation or as part of a group of functions.

Statements summarising key functions

3.4 For each key function, a summary statement has been developed that defines that function:

◆ **Welfare of Children**

Working arrangements and professional practices that ensure focus and priority is given to safeguarding and promoting the welfare of children where CAFCASS advises courts in family proceedings on such children.

◆ **Care of Service Users**

The provision of facilities which allow all children and families to conduct their business in adequate comfort, privacy and safety; the provision of a courteous, helpful and appropriate service to children and families in contact with CAFCASS and to other relevant agencies; the provision of sufficient, clear information about CAFCASS and court-related proceedings for children and families and for other relevant agencies.

◆ **Corporate Governance**

Working arrangements that ensure regularity, propriety, probity and accountability in all CAFCASS' undertakings.

◆ **Strategy and Performance Management**

The establishment of a pertinent direction for its Service, complemented by a staged plan of action, mechanisms for implementation and review, and systematic management of performance.

◆ **Management of Financial Resources**

The deployment of funds to provide value for money.

◆ **Management of Human Resources**

The provision and deployment of staff capable of delivering CAFCASS's objectives cost-effectively.

◆ **Management of Physical Resources**

The effective and efficient deployment of buildings, IT and other equipment.

Defining elements

- 3.5 In addition to the summary statement that sets out the definition of each key function, further information, called ‘defining elements’ provide more detailed statements about each key function.

For example, the Management of Financial Resources key function, dealing with the deployment of funds to provide value for money, describes what CAF/CASS should be aiming for, but in a very general way. The answer to the question ‘*what does that entail?*’ produces three defining elements:

- funds are used effectively
- funds are allocated in accordance with identified needs, plans and priorities
- decisions are informed by timely reports on income and expenditure.

- 3.6 Defining elements are the most significant aspects of a key function. All the defining elements can be found under their key functions later in this section.

Assessment of defining elements

- 3.7 The assessment of defining elements is a key step towards the evaluation of how well a key function is being fulfilled. Inspectors will look for evidence that each of these elements is being addressed. It is not a simple question of adding up the assessments of all the elements. Their total effectiveness often depends on the particular balance between them and the way in which CAF/CASS has managed their inter-relationship.

For example, in the area of Management of Resources, CAF/CASS may receive regular reports on committed expenditure, but be weak in ensuring (through competitive tendering and market testing) that the expenditure represents value for money (VFM).

- 3.8 Inspector assessments of defining elements are based on findings about a range of actions, behaviours, systems and outputs that provide positive or negative indicative evidence about performance.

These pieces of evidence are called indicators and help answer the question: ‘*How might we know?*’ This indicative evidence is derived from the same sources as key functions and defining elements: standards expected of professional practice in and around the courts and of public sector bodies, generally accepted principles of management practice, and inspection evidence.

- 3.9 Much of the evidence will be based on inspection experience – that is, it reflects practice which has already been seen to lead to satisfactory performance. The term ‘satisfactory performance’ also includes, for example, evidence from research, performance data and National Standards.

Evidence is derived from different sources and is of different kinds, so that Inspectors constantly have to be aware of its appropriateness and relevance in particular circumstances. However, it is important to emphasise that each piece of evidence is merely an indication of performance in meeting the defining elements – its individual presence or absence is not enough to constitute proof.

3.10 Indicators will always have to be checked and weighed against each other before a final assessment about a defining element can be made.

Inspectors always have to be on the alert for evidence that an activity is being successfully carried out in a way that they have not encountered before or, conversely, that a practice which more usually results in satisfactory performance is failing in a particular situation. Indicative evidence is subject to change as new demands are made on CAF/CASS or as the external environment is altered. Moreover, indicative evidence needs to be considered in the light of local circumstances – for example, the need for interpreters or the difficulties of transport in rural areas. For all these reasons, there can be no definitive or complete list of indicative evidence.

Components of Inspection

3.11 The components that will be used in a programme of inspections - that is, the **key functions** with their **defining elements** – are set out below.

In each case, the key function is featured in a box. Each defining element is followed by a section, which gives **examples** (*shown in italic text*) of the kind of **indicative evidence** that would be sought in relation to it. As already explained, policies around human rights and diversity will be important dimensions of several of those functions. The list of indicators, as published below, is not exhaustive and may be extended to meet new circumstances, such as new statutory responsibilities affecting CAF/CASS.

Welfare of Children

Key function: CAF/CASS ensures co-ordination of professional practice, procedures, policies and strategies throughout the whole organisation; 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 services from CAF/CASS

◆ CAF/CASS demonstrates that it is a child-focused organisation

CAF/CASS is able to demonstrate how decisions have reflected the aim of improved CAF/CASS services for children; mechanisms are established to evaluate whether improvements have been achieved; cases are allocated promptly; staff listen and respond appropriately to the concerns of children; staff have the necessary training to undertake child-focused work; case records demonstrate that children's views have been fully noted and taken into account...

◆ CAF/CASS is proactive about preventing exclusion from services for whatever reason, including – gender, race, religion and disability

Appropriate resources (such as written materials and training) are available for staff to inform them about culture and lifestyle issues; consultation takes place with racial minority groups; service delivery is monitored...

- ◆ CAFCASS has clear policies and procedures that safeguard and promote children's welfare

CAFCASS has policies and procedures in all its offices; plans to safeguard children are developed using definitions that are agreed between agencies; plans are understood by those staff who are expected to implement them...

- ◆ CAFCASS promotes a culture within the organisation that ensures that children are respected at all times and their welfare is promoted

CAFCASS demonstrates that the principles of the Children Act 1989 inform practice with children and families

- ◆ CAFCASS ensures full compliance with the range of statutory powers and duties when its officers are appointed in family proceedings

CAFCASS has in place continuing professional development (CPD) training to ensure all relevant staff have a sound knowledge of their full statutory powers and duties and other professional skills and competencies; quality assurance systems are in place to assess compliance and there are agreed standard formats for court reports...

- ◆ CAFCASS ensures that systems are established to help achieve better outcomes for children who are in receipt of its services

CAFCASS practitioners fully utilise assessment skills, including 'Framework for the Assessment of Children in Need and their Families' (Department of Health, Department for Education and Employment and Home Office 2000); they demonstrate analytical skills in handling complex information and furnishing courts with sound judgements and recommendations; written reports are normally shared with parties; CAFCASS works with relevant agencies to develop definitions of 'better outcomes for children'; monitoring and data collection help inform the achievement of better outcomes...

- ◆ National Standards, performance targets, data collections and monitoring regimes help ensure continuous improvement in the delivery of high quality and consistent child-focused services

Strategies and business priorities reflect at all levels a drive for consistent high quality services for children, families and courts; regular reviews set improved performance targets; systems are in place to monitor these effectively and, where necessary, to take corrective action....

Care of Service Users

Key function: the provision of a courteous, helpful and appropriate service to all CAFCASS users

- ◆ Children, families and professionals using CAFCASS are treated with courtesy and are offered appropriate help

CAFCASS demonstrates that there is fair and equal access to services; those with similar needs are assured of similar access and outcomes, both in urban and rural settings; CAFCASS premises reflect the local communities served; user views are sought (for example, by satisfaction surveys); telephone calls and letters are dealt with promptly and efficiently within a framework of standards; performance is monitored...

- ◆ Complaints are followed up and practices changed where necessary

A complaints procedure is in place; service users know how to complain; information for service users about the complaints procedures is actively promoted; complaints are monitored and there is a written analysis of complaints, investigations and outcomes; analyses are used to inform service planning; there is evidence that appropriate action has been taken; in individual situations, users making complaints are aware of the process overall (i.e. the steps that have been taken and will be taken, as well as within what timetable)...

- ◆ CAFCASS users receive, or have access to, appropriate and clear written information about CAFCASS and court proceedings

CAFCASS provides information in a variety of formats about CAFCASS and any family proceedings at court with which users and CAFCASS are involved; information provided by CAFCASS refers to entitlement to its services, other legal rights and services provided by other organisations; written information is in plain language and is available in languages other than English, reflecting the community served; age-appropriate formats for children are also available...

- ◆ CAFCASS is proactive in engaging with user groups locally and nationally

Views of user Groups representing children's interests – as well as fathers, mothers, and families – are actively sought out at both local and national levels; views offered are given serious consideration and incorporated where consistent with the overall ethos of child welfare within CAFCASS.....

- ◆ CAFCASS ensures that race equality is a central part of its service delivery in accordance with the Race Relations (Amendment) Act 2000

CAFCASS's Race Equality Scheme demonstrates that it assesses the impact of policies and practices on racial minority service users; identifies any potential for adverse differential impact; remedial action is taken if necessary; monitoring regimes are in place regarding the implementation of its policies and programmes to ensure the needs of racial minorities are met...

Corporate Governance

Key function: working arrangements that ensure regularity, propriety, probity and accountability in all of CAFCASS's undertakings

- ◆ CAFCASS demonstrates adherence to appropriate principles of conduct in public affairs

The CAFCASS Board has a published Constitution and Standing Orders; a code of conduct for its members operates, incorporating the Nolan principles; a register of members' interests is in place; there are procedures for dealing with any conflict of interest; there are appropriate mechanisms for appointing Board members and providing them with suitable training; there are efficient and effective committee and sub-committee structures with clear lines of accountability...

- ◆ CAFCASS provides leadership and direction for the Service which is informed by appropriate advice

There is a clear statement of values and priorities; these are reflected in policies and management decisions; the respective roles of the Board and Chief Executive, as well as other senior managers, are clear and appropriate; Senior management have received training on their role and possess relevant skills; a scheme of delegation is in place; the powers of officers and any task groups are clarified; there are clear lines of accountability...

- ◆ CAFCASS accounts for its performance

There are explicit standards for performance expectations; data is collected and utilised to inform performance monitored and such information is widely disseminated; management structures throughout CAFCASS assure accountability for actions and performance...

- ◆ Financial responsibility and accountability are clearly established, and systems assure regularity, propriety and probity in management of public money

Written financial regulations define responsibilities and levels of delegation at appropriate levels; audit recommendations are implemented; checks are regularly made against inventory; systems meet requirements of the LCD's Management Assurance Programme...

- ◆ CAFCASS co-operates with others in meeting aims set for the family justice system

CAFCASS has effective mechanisms for incorporating Government and LCD initiatives into strategic and operational plans; joint performance management with other agencies is in operation; agreed joint procedures are in place and used...

- ◆ CAFCASS is responsive to the views of an informed local community

Effective communication strategies are in place that reflect corporate values and style; annual reports are accessible; mechanisms are in place for obtaining views of parents, children and others about services offered by CAFCASS and developments planned; race relations are promoted...

Strategy and Performance Management

Key function: the establishment of a pertinent direction for CAFCASS, complemented by a staged plan of action and mechanisms for implementation and review, and systematic management of performance

- ◆ CAFCASS at both central and regional levels shows leadership in determining and communicating its strategic direction

The CAFCASS Board, Headquarters and Regional Management understand their respective roles in leading change; effective channels of communication and consultation exist within CAFCASS and its key staff as well as with other agencies and user groups...

- ◆ There is an effective organisational structure to deliver the CAFCASS strategy, including Government priorities

Respective roles and responsibilities of the Chair, Board, Chief Executive and senior management team are clearly, and adequately, defined; management structures support CAFCASS in delivering the key function; accurate job descriptions are available for all staff...

- ◆ Key strategic issues are identified and effective plans of action determined

Evidence is available that issues have been identified and addressed; effective planning documents are in place; there are strategies for human resources, buildings, information technology; responsive planning processes exist which allow for regular review; these are integrated within budgetary and other cycles, such as staff appraisals...

- ◆ Standards of performance are set and monitored by CAFCASS

Standards are identified for critical areas of performance; team and individual targets are set and reviewed; data analysis is presented regularly to Regional Management and Headquarters; expectations around performance are set, monitored and updated; regular progress reports are produced; a self-critical culture is promoted, aiming for continuous improvement...

Management of Financial Resources

Key function: the deployment of funds to provide value for money

- ◆ Funds are used effectively

Expenditure is in relation to workload; senior management makes cost comparisons across all CAF/CASS regions; unit costs are developed and used to manage services efficiently; mechanisms for assessing VFM from contracted out services are established; service level agreements are in place; where appropriate, competitive tender arrangements for supplies and services are used...

- ◆ Funds are allocated in accordance with identified needs, plans and priorities

Revenue budgets are produced on the basis of detailed estimates, strategic objectives and known cost; budgets reflect overall grant in aid and any other sources of income; capital expenditure bids are prioritised and demonstrates option evaluation...

- ◆ Decisions are informed by timely reports on income and expenditure

CAF/CASS demonstrates the use of appropriate tools of financial analysis; there is regular consideration by management of committed revenue expenditure and income reports; budgets are reviewed regularly; the long-term impact of decisions is understood...

Management of Human Resources

Key function: the provision and deployment of staff capable of delivering CAF/CASS's objectives cost effectively

- ◆ Human resource needs are systematically and continuously planned

The human resource implications of CAF/CASS strategic and business plans are identified; human resource needs are regularly reviewed and linked to budgetary planning as well as the changing business needs and priorities set out by CAF/CASS; recruitment, career development, remuneration, redeployment, redundancy and other employment practices, such as home working, are aligned with CAF/CASS strategy...

- ◆ Staff structures and numbers enable work to be carried out cost effectively

Staff costs and productivity are regularly analysed and compared within and across CAF/CASS regions; grading structure and work organisation are reviewed regularly to improve efficiency and effectiveness; staff numbers enable all the required tasks to be undertaken cost-effectively...

- ◆ Staff capabilities are identified, sustained and developed

Competencies required to fulfil CAF/CASS's responsibilities are identified and staff matched with them; recruitment and career development policies are appropriate to the long-term needs of CAF/CASS; a broad range of training and development opportunities is available; research findings and the most recent legal and diversity developments are fully incorporated into a system of continuous professional development...

- ◆ CAFCASS has due regard to racial equality in carrying out the recruitment, selection and development of its staff
CAFCASS monitors its workforce, ensuring fair treatment of racial minorities; policies are assessed for their possible effect on racial minorities; data is produced for monitoring purposes, some of which is reported publicly...
- ◆ Staff performance and development is continuously reviewed and targets agreed
Staff are aware of the standards required of them; individual and team targets are aligned with organisational targets; there is an effective process for appraising staff and helping them improve performance...
- ◆ CAFCASS has an effective dialogue with its staff and fosters a climate of involvement
Individuals and teams are encouraged, and have opportunities, to participate in organisational improvement; CAFCASS shares information and has an effective dialogue with its staff, including effective mechanisms for formal consultation and negotiation...
- ◆ CAFCASS recruitment policies and procedures ensure that children are safeguarded
Comprehensive and routine checking procedures are in place; staff checks, including disqualification, are routinely undertaken in accordance with legislative requirements, such as the Protection of Children Act 1999...
- ◆ CAFCASS ensures that its staff are effectively supported and protected from danger, including risk of violence
There are policies on staff safety; incidents of violence or threats to staff are dealt with thoroughly (for example, debriefing and key issues identified); guidance is updated as necessary...
- ◆ CAFCASS has effective procedures in respect of allegations against staff with direct contact with children, and monitors those procedures
There are clear policies and procedures; managers monitor and oversee processes...
- ◆ CAFCASS meets its statutory obligations as an employer and demonstrates good employment practice
CAFCASS complies with relevant statutory requirements, for example, health & safety and employment legislation; there are diversity policies and a range of personnel policies normally associated with a good employer; there are routine evaluations of health & safety risks alongside inspections; corrective action is taken; emergency instructions are updated and understood by all staff; regular building evacuations are undertaken; fire equipment, including alarms, are routinely tested; issues around first aid are addressed in each building; accident books are maintained and there are procedures for reporting accidents...

Management of Physical Resources

Key function: the effective and efficient deployment of buildings, IT and other equipment

- ◆ CAFCASS strategy and plans for accommodation balance the needs of users with cost-effective use of resources
There is evidence of an appropriate strategy for medium- and long-term developments; there is a strategy to provide adequate facilities for staff, for families, including children, and for those with mobility needs...
- ◆ Maintenance of current building stock and equipment is timely and cost effective
Mechanisms are in place to identify and prioritise maintenance needs; arrangements are in place to ensure repair and maintenance services; these are available as required and provide good VFM...
- ◆ All users of CAFCASS services are able to enter and conduct their business within CAFCASS buildings
An accessible register of facilities for disabled users at each CAFCASS reception and office is available; there is a clear plan of action to assist disabled visitors when a particular facility is not provided...
- ◆ Facilities for users of CAFCASS premises offer adequate comfort
A satisfactory environment is provided in terms, for example, of cleanliness and ventilation; there is adequate seating; refreshments are available; appropriate children's toys and games are available; toilets and hand washing facilities are available...
- ◆ All CAFCASS users have access to facilities to conduct their business with appropriate levels of privacy
There are separate waiting and confidential interviewing areas; adequate provision is made for children; reception facilities are appropriate ...
- ◆ CAFCASS premises offer adequate levels of safety and security for service users and staff
Procedures are in place for risk assessments of health & safety issues e.g. fire drills; people and buildings are protected by adequate security e.g. CCTV; exceptionally, access to security staff services may be arranged; alarm procedures are in place; evacuation procedures and fire escape notices are clearly displayed for visitors to CAFCASS premises...
- ◆ There is a strategy for the development of the use of IT
Staff training needs are identified and met; there is an awareness of progress in, and implications of, internal CAFCASS roll-out and links to the Court Service IT projects and allied developments.....
- ◆ IT is adequately established in terms of quantity, availability and security
There is clear responsibility for management of the computer system; expert IT advice is available; effective arrangements for data security and disaster recovery are in place...

4. Preparation for the inspection

Notice of the inspection

- 4.1 MCSI will give CAF/CASS usually **not less than six months'** written notice of the proposed CAF/CASS region, the main fieldwork period and the key functions to be inspected. CAF/CASS will be asked to confirm whether the proposed dates are acceptable, or if there are any circumstances that make them particularly difficult. The Inspectorate may be able to adjust the inspection dates, but cannot guarantee to do so. Shorter periods of notice may arise where a special inspection of particular matters is initiated as a matter of urgency at the request of Ministers. Written notice to regions will also be copied to Headquarters.

Preliminary visit to the CAF/CASS region

- 4.2 The Inspectorate will make a preliminary visit to the region to be inspected **at least 12 weeks** before the main fieldwork period, and will arrange to see the Regional Manager, the Business Unit Manager, who is the head of administration, and the liaison officer that CAF/CASS has selected for the duration of the inspection (see paragraphs 4.5 to 4.7). No inspection activity will take place before this meeting. The purpose of this first meeting is to learn of any special features about the region that may influence planning of the inspection. Inspectors will also answer any immediate questions about the inspection. An outline timetable of the stages preceding and following the inspection will also be discussed at that meeting. Annex One gives an indication of the timescales involved.

Information required for an inspection

- 4.3 The Inspectorate will write to the Regional Manager (or the Chief Executive in respect of inspections of Headquarters) requesting initial briefing material, together with the names and addresses of local civil justice agency representatives, **at least 16 weeks** before the inspection fieldwork begins. CAF/CASS will be asked to provide this information **no later than four weeks** before the start of the main inspection fieldwork. If existing documents contain the requisite information, they may be provided with the relevant section clearly marked. The Inspectorate hopes that the production of new material solely for the inspection can be kept to a minimum.
- 4.4 The CAF/CASS region will also be invited to provide a written assessment of its performance against some, or all, of the key functions to be inspected. The assessment should include appropriate performance information and an indication of how this has been validated (or how it can be validated as part of the inspection process). It is expected that the assessment will increasingly form the starting point for Inspectors. As such, MCSI plans further discussion with CAF/CASS about the use of such methods for inspection purposes, as well as for internal quality assurance within CAF/CASS. Inspectors should receive the assessment **at least four weeks** before the inspection fieldwork.

Role of the liaison officer

- 4.5 CAFCASS will be asked to nominate a liaison officer for the inspection as part of the written notice of the inspection. This member of staff will:
- be the first point of contact for the Inspectorate on administrative matters
 - provide a day-to-day channel of communication between the Inspectorate and CAFCASS staff generally
 - largely be office-based and have access to additional administrative support when required
 - not be expected to be able to answer queries personally
 - need a good understanding of the structure and activities of the organisation and sufficient authority to ensure that action is taken
 - not accompany Inspectors on their visits to other organisations
 - need to be aware that the workload, although considerable just before and during the main inspection period, will not amount to a full-time commitment
 - need to understand that the liaison role requires administrative skills and good knowledge of staff and systems – appropriate for members of the Regional or Headquarters Management Team or an individual who reports to such teams.
- 4.6 CAFCASS will also wish to give the liaison officer responsibility for collecting the pre-inspection information, for arranging office accommodation for the Inspectors, and for setting up meetings as required. In addition, given the large size of the CAFCASS regions, the Inspectorate may ask for nominated local liaison officers for individual office bases. Their role – while similar to that of the main liaison officer – will be limited to the few days in which Inspectors are visiting the offices in their areas.
- 4.7 During their visits, Inspectors will need to inspect certain original documents ‘on site’ – for instance, case files, court reports, complaints logs, and procedures. The CAFCASS liaison officer will be given details about the Inspectors’ requirements before the main inspection period begins so that the additional material can be made available in appropriate offices.

Announcing the inspection

- 4.8 Inspectors will provide the region with posters, **at least four weeks** before the inspection fieldwork. Notice will also be given about the inspection, together with short briefing notes for distribution to CAFCASS staff. The posters should be placed in CAFCASS premises waiting rooms. CAFCASS will be asked to indicate if posters, briefing notes and inspection reports should be provided in languages other than English. For inspections in Wales, posters will also be provided in Welsh.

Data Protection Registers

- 4.9 CAFCASS may need to clarify with the Information Commissioner whether there is any restriction on sharing records held on computer with Inspectors. Given MCSI's statutory powers under section 63 of the Justices of the Peace Act 1997, as amended by the Criminal Justice and Court Services Act 2000, section 17, this is not expected to pose difficulties.

Inspectorate office requirements

- 4.10 For their visits to individual offices, the Inspectors will normally require an office base. In addition, they must be able to conduct interviews in private – either in individuals' own offices, or in rooms set aside for the purpose. These will be needed only for the days of the visits, and as much notice as possible will be given of accommodation needs and when these will be required.

Inspection timetable

- 4.11 The timetable for the inspection fieldwork will be drawn up in conjunction with the liaison officer. The final timetable will be provided to CAFCASS **two weeks** before the main inspection period. The timetable will indicate when the Inspectors will visit individual offices – and, in some cases, courts and local authorities – and when they will wish to meet staff. The CAFCASS Regional Manager, or the liaison officer, should ensure that all staff:

- are aware of the inspection
- know when Inspectors may be visiting their offices
- are informed when individual meetings with them are to be held.

- 4.12 It may be difficult to fit all the requisite visits and meetings into the period of inspection fieldwork. In some circumstances, therefore, some work such as file and report reading may take place outside that period, but after the preliminary visit. The liaison officer will be informed if any such visits are going to be made, or if there are any significant departures from the inspection timetable.

Visits to CAFCASS offices and courts

- 4.13 Inspectors may also visit some CAFCASS offices before the main fieldwork period. They will inspect the facilities available to the public and to professionals.

- 4.14 They may also visit courts at this time by prior arrangement and, with the permission of the Judiciary, may sit in courtrooms. Parties to the proceedings or their legal representatives will be advised by the Courts about this. When Inspectors sit in courtrooms, they are assessing aspects of CAFCASS such as the quality of service provided. *They are not inspecting judicial decisions or the individual recommendations of CAFCASS staff.*

Discussions with other professionals and the public

- 4.15 In the course of the court visits, Inspectors may talk to professional and non-professional court users, and to members of the court staff in direct contact with the public (for example, counter staff, ushers and clerks) but they will be careful not to disrupt court business. Any formal interviews will be conducted after prior liaison and agreement with the relevant senior Judiciary or, in the case of magistrates' courts, with the Justices' Clerk.
- 4.16 Views will be sought from a representative sample of professional users by direct or telephone interview, or postal questionnaire. Professional users contacted may include representatives of the Legal Services Commission, local private practice solicitors, relevant voluntary organisations, community groups, the Judiciary, Justices' Clerks, and local authorities. The purpose of these contacts is to gather views on the impact that CAFCASS has on the work of the court and on other professionals, as well as those members of the public with whom CAFCASS comes into contact.
- 4.17 MCSI's commitment to seeking the views of CAFCASS users is outlined above at paragraph 2.19.
- 4.18 The liaison officer will not be asked to arrange these meetings, but advice on contacts will be sought.

5. The inspection fieldwork period

Visits to CAFCASS offices

- 5.1 The inspection fieldwork will normally last for one week. During that time, Inspectors will be engaged in a range of visits and meetings, both at CAFCASS Regional Management level and at local office level. The visits will vary according to the nature of the CAFCASS region and the key functions to be inspected.
- 5.2 Inspectors will talk to a range of staff about their work – and, in some cases, about aspects of staff management – in group discussions or individually. Where necessary, Inspectors will have individual interviews with senior Heads of Departments and supervisors about their work and the systems they use to monitor performance. In addition, posters will tell staff how to contact the Inspectors if they wish to initiate a meeting. During their visits to offices, Inspectors may also look at the facilities for staff and the office equipment. They will also study any documentary material that they have requested.
- 5.3 The inspection fieldwork period may end with a short further meeting with the Regional Manager and Business Manager. This affords a further opportunity to clarify any key issues that have arisen during the inspection.

Other activities

- 5.4 During the inspection fieldwork, or in the months preceding it, members of the team may wish to attend meetings relevant to the focus of the inspection, such as Court User Groups, Family Court Business Committees, meetings of the CAF/CASS Board or sub-committees, Directorate or Regional Management Team meetings. Other activities may become necessary as the inspection proceeds.

Headlines feedback meeting

- 5.5 Within **ten working days** of the end of the fieldwork period, MCSI will provide a headlines feedback meeting for senior managers of the CAF/CASS region that has been inspected. This meeting will usually take place at the offices that serve as the region's administrative centre. A senior member of Headquarters, such as the Director of Operations, will normally attend.
- 5.6 The purpose of the headlines feedback meeting is to provide, as soon as possible, an outline of the main work undertaken during the inspection, the findings and the recommendations that may be made in the inspection report. It is an information-giving exercise, although those attending will be given every opportunity to ask Inspectors clarifying questions, and to make any immediate observations on the findings. The meeting should not be recorded other than through the taking of notes.
- 5.7 If Inspectors wish to report key findings to the Board before or after publication of the inspection report, this request will be routed via the Chief Executive.

CAF/CASS action checklist

- 5.8 A brief checklist of action required of CAF/CASS before, during and after inspection is set out in Annex Two.

6. The inspection report

Report structure

- 6.1 The inspection report will normally contain:
- an introduction detailing the dates of the inspection and its focus
 - the context of the inspection; the management structure of the region subject to the inspection; its geographical coverage as well as the overall regional coverage of CAF/CASS across England and Wales
 - the main findings related to the performance of CAF/CASS in the key functions inspected
 - recommendations for future action and CAF/CASS's action plan response to each recommendation
 - annexes containing statistical information, details about inspection methodology, other data and background information.

- 6.2 If there are matters to report that could compromise the security of people, buildings or money, or matters that relate to the employment of staff or contracts, they are set out in a confidential annex, which is not published and is subject to restricted circulation.
- 6.3 Inspection reports are directed to the Lord Chancellor. Copies are also sent to his officials, the inspected region of CAF/CASS, professional users in the inspected area, other CAF/CASS regions, local Members of Parliament, the Welsh Assembly, Government departments and interested national organisations. Copies will also be available more generally on request, through the CAF/CASS offices inspected and on the MCSI website at: www.mcsi.gov.uk

Draft reports

- 6.4 Drafts of any tables or statistics to be included in the report may be forwarded to CAF/CASS two weeks before the main inspection fieldwork period, for comments on accuracy which should be provided by the start of the inspection fieldwork. A draft of the completed report will normally be sent to the Regional Manager and copied to Headquarters within **five weeks** of the headlines meeting. CAF/CASS will be asked to return comments on any factual errors within **two weeks**.
- 6.5 If any of the recommendations in the report relate to other organisations, the relevant sections will be sent to them by the Inspectorate for comment on their factual accuracy, and for response.
- 6.6 Following the return of the comments, exceptionally a meeting may be held between members of the inspection team and CAF/CASS, (such as the Director of Operations or Regional Manager) to discuss factual inaccuracies and the detailed wording of the report. The Inspectorate will correct factual errors, and prepare the final reports for submission to the Lord Chancellor. The report will be sent to CAF/CASS.
- 6.7 Reports should be treated as confidential at that stage and circulation restricted until publication.

CAF/CASS action plans

- 6.8 Once CAF/CASS receives the first draft report, besides commenting on any factual errors, it should also begin to prepare its action plan using a format provided by Inspectors. The action plan should address all the recommendations made to CAF/CASS. The plan should state for each recommendation:

- the action CAF/CASS intends to take
- the timetable for such action
- who will be responsible for taking action.

If a recommendation is not agreed, the reason should be given.

- 6.9 The action plan:
- should be sent to the Inspectorate, within **four weeks** of receipt of the draft report
 - should not normally exceed 120 words for each recommendation contained in the inspection report.
- 6.10 The Inspectorate will acknowledge receipt of the action plan by letter. If the plan is unclear or incomplete (missing a timetable for action, for example), reference to that will be made in the letter, and further detail requested.
- 6.11 The action plan as finalised will be included in the report without textual amendment. Its inclusion in the inspection report does not, however, constitute any endorsement of its contents by the Inspectorate.
- 6.12 MCSI is able to be flexible about the timetable for finalising action plans. The Inspectorate does not guarantee to publish plans or responses, or parts of responses, which fall outside these guidelines e.g. that are received late or are otherwise incomplete.

Press release

- 6.13 The Inspectorate will prepare a press release and invite the CAFCASS region and Headquarters to make a contribution to it.

Monitoring the implementation of the action plan

- 6.14 The objectives of MCSI monitoring the implementation by CAFCASS of its action plan are:
- to assess and comment on progress made by CAFCASS in implementing its action plan in respect of recommendations made in inspection reports
 - to offer advice and guidance in relation to matters concerning the recommendations.
- 6.15 MCSI will advise CAFCASS which inspector(s) will monitor action plan implementation for a period of **12 to 18 months** following the inspection.
- 6.16 Inspectors will agree a timetable for any inspection activity connected with monitoring the plan. This may involve CAFCASS in providing written information that may include:
- a written update of progress made towards implementing each recommendation in the inspection report
 - minutes from CAFCASS of relevant meetings held since the inspection
 - any other supporting material indicating the action taken in response to recommendations
 - evidence of the impact on performance.
- Further documentary evidence may also be requested.

- 6.17 Inspectors may wish to meet the relevant CAFCASS Regional Manager to discuss progress in implementing the action plan. They may visit CAFCASS offices and interview staff. The style of monitoring adopted by MCSI will be determined by the nature of the recommendations and the progress made.
- 6.18 Inspectors may also wish to meet members of the Board or the Chief Executive in order to discuss its actions since the inspection. CAFCASS has internal arrangements to inform the Board of progress in implementing inspection report recommendations.
- 6.19 MCSI's monitoring will conclude with a final meeting with the CAFCASS Regional Manager. This will primarily be concerned with clarification of any issues raised during the monitoring period concerning the implementation of the action plan.

Management letter

- 6.20 Following completion of the monitoring of the CAFCASS action plan, MCSI will send a draft of the letter and annex to the Regional Manager (and copied to Headquarters) within **four weeks** of the final meeting with the Regional Manager for a check of its factual accuracy. Comments on factual accuracy should be provided within **two weeks**. The final version will normally be sent **two weeks** after CAFCASS's comments have been received.
- 6.21 The management letter will be sent to the Regional Manager and copied to CAFCASS Headquarters. It will also be copied to the LCD Sponsorship Unit. While the management letter will not be published, it will be available upon request. The management letter will consist of a brief overview of the Inspectors' assessment of CAFCASS's performance in implementing the recommendations, supported by an annex describing the methodology used and another detailing the Inspectors' findings in relation to each recommendation. In some instances, an interim management letter may be issued detailing progress.
- 6.22 Inspection activity around the implementation by CAFCASS of its action plan ends at the point of sending the management letter.
- 6.23 The Chief Inspector will comment in his Annual Report each year on the extent to which CAFCASS has implemented the recommendations addressed to it.

7. Further steps

Unsatisfactory response

- 7.1 If an inspection were to reveal serious inadequacies that were not satisfactorily addressed by CAFCASS's response, the Inspectorate would write formally to that effect.
- 7.2 CAFCASS would then need to agree and implement remedial action. Similar steps would be taken if post-inspection monitoring revealed that CAFCASS had done little or nothing to implement its action plan concerning the Inspectorate's recommendations. If, following formal notice, remedial action were not agreed or not implemented, and the Inspectorate judged that CAFCASS had thereby failed to fulfil its statutory duties, it might institute a regime of close monitoring. Alternatively, MCSI may recommend the Lord Chancellor to take further action within his powers under the Criminal Justice and Court Services Act 2000.

Close monitoring

- 7.3 Once CAFCASS has been notified that a region is to be subject to close monitoring, MCSI's role will involve more frequent contact aimed at assisting regional management of CAFCASS in:
- rectifying any failure on its part to discharge its responsibilities adequately
 - establishing procedures and systems designed to prevent the recurrence of the problems experienced
 - achieving adequate standards of service and levels of performance.

During this time, MCSI will work closely with CAFCASS Headquarters to ensure that the Inspectorate's responsibilities for the above matters do not duplicate line management accountability within CAFCASS.

- 7.4 MCSI will report to the Lord Chancellor regularly on the progress of any CAFCASS region subject to close monitoring. These reports will be copied to the Chairman and Chief Executive of CAFCASS and the Sponsorship Unit in the Lord Chancellor's Department and will be available to members of the public upon request. Once MCSI is satisfied that the identified failings have been rectified, it will report to the Lord Chancellor that it no longer considers that region of CAFCASS to be in need of close monitoring.

8. Complaints

MCSI's complaints procedure

- 8.1 The Inspectorate has established a complaints procedure for those who wish to express dissatisfaction about the actions (or lack of action) of its staff, including staff such as Associate Inspectors acting on behalf of the Inspectorate. The procedure covers complaints about the standard of service provided by the organisation as a whole, but does not extend to expressions of dissatisfaction about the judgements contained in inspection reports.

Oral complaints

- 8.2 Oral complaints will be referred to the Chief Inspector, who will contact the complainant within **two working days**. He may wish to discuss the complaint further with the complainant before responding. If appropriate, the Inspectorate will look further into the complaint and reply within **15 working days**. If this target cannot be achieved, the complainant will be notified and told when a response may be expected. Complainants who remain dissatisfied will be asked to make a formal, written complaint. Telephone complaints should be made to the Inspectorate on 020 7217 4342.

Written complaints

- 8.3 Letters of complaint should be addressed to HM Chief Inspector at:
MCSI Inspection of Court Services, 8th Floor, Millbank Tower, Millbank,
London SW1P 4QP, or by e-mail to: Kit.Chivers@mcsi.gsi.gov.uk
- 8.4 An acknowledgement will be provided within **two working days** notifying the complainant which senior member of staff will investigate the complaint. If this cannot be achieved, the complainant will be notified and given an indication of when a reply may be expected. If the complainant is dissatisfied with the reply, he or she should write to the Chief Inspector, who will re-examine the complaint and respond within **15 working days**

Welsh language

- 8.5 The MCSI complaints procedure is available in Welsh. MCSI undertakes to respond in Welsh to any written complaints made in Welsh about the work of the Inspectorate in relation to CAF/CASS in Wales.

Indicative inspection timetable

Pre-inspection

At least

- | | |
|--|--|
| ■ 16 weeks before the inspection fieldwork | Initial briefing material requested by Inspectors |
| ■ 12 weeks before the inspection fieldwork | Preliminary meeting with CAF/CASS senior management |
| ■ 4 weeks before the inspection fieldwork | CAF/CASS assessment of its performance against the key functions to be inspected and initial briefing material received by Inspectors. Posters and briefing notes sent to CAF/CASS |
| ■ 2 weeks before the inspection fieldwork | Fieldwork timetable sent to CAF/CASS; drafts of statistics and tables to be included in the report for comment on accuracy |

Main inspection fieldwork period:

one week

Feedback of findings and possible recommendations to CAF/CASS:

within ten working days of the end of the main inspection fieldwork period

Report production

Not more than

- | | |
|------------------------------|--|
| ■ 5 weeks after the feedback | Draft report sent to CAF/CASS for comments on accuracy |
| ■ 2 weeks later | Comments received by the Inspectorate |
| ■ 2 weeks later | Action plan received by the Inspectorate |
| ■ 2 weeks later | Report and action plan finalised |

Reports will normally be published within 16 weeks of the inspection fieldwork.

CAFCASS action checklist

Most of the *Guidelines for Inspection of CAFCASS* deals with what the Inspectorate proposes to do. This annex summarises the actions that CAFCASS will need to take before, during and after an inspection. (The references are to paragraphs within this document.)

Inspection	
<i>Key actions</i>	<i>Paragraph</i>
Confirm proposed inspection dates	4.1
Prepare for preliminary visit by considering which key issues to bring to the Inspectorate's attention	4.2
Nominate liaison officer(s)	4.5 to 4.6
Supply initial briefing material in accordance with requirements of the inspection timetable	4.3 and 4.7
Provide a written assessment of performance against the key functions to be inspected at least 4 weeks before the main inspection starts	4.4
Ensure CAFCASS staff and users are aware of impending inspection	4.8
If necessary, amend Data Protection Registers prior to inspection	4.9
Check availability of CAFCASS staff in accordance with requirements of inspection timetable	4.11 to 4.12
Provide points of contact for external, associated agencies	4.15 to 4.18
Provide appropriate office and interview facilities for Inspectors	4.10
Ensure material requested by Inspectors during inspection is available at CAFCASS offices	4.7
Make arrangements for the Headlines meeting, including attendance by Headquarters	5.5 to 5.6
Comment on the factual accuracy of the draft reports within the agreed deadline	6.4
Prepare an action plan for implementation of report recommendations	6.8 to 6.12
Contribute to press release	6.13

Monitoring the implementation of the action plan	
<i>Key actions</i>	<i>Paragraph</i>
Provide written information about progress in implementing the recommendations	6.14 to 6.16
Make arrangements for the concluding monitoring meeting, including attendance by Headquarters	6.19
Comment on the factual accuracy of the draft management letter	6.20

Availability of MCSI material in languages other than English

A Welsh version of the Guidelines is also being published.

The full report on CAF/CASS Cymru will be issued in Welsh and English.

Translated copies of the recommendations and action plan arising from inspections of CAF/CASS throughout England can be made available, on request, in the following languages.

- Arabic
- Bengali
- Bosnian
- Cantonese
- French
- Hindi
- Mandarin
- Punjabi
- Urdu
- Vietnamese
- Welsh

Please write to:

Publications Section, MCSI, Block 2, Government Buildings, Burghill Road, Westbury-on-Trym, Bristol BS10 6EZ

Handling of child protection concerns and ‘whistle-blowing’ issues arising during inspections

Child protection

Where, in the course of inspection activities, information is given to the Inspectorate which suggests that there are child protection concerns (that is, a child has suffered, or is at risk of suffering, significant harm) which have not been investigated by the appropriate authorities in accordance with their statutory duties and guidelines set out in *Working Together to Safeguard Children* (Department of Health, Home Office, Department for Education and Employment 1999), or there are other concerns about domestic violence, the Lead Inspector will:

- i. bring the information to the attention of the CAFCASS Regional Manager as soon as is practicable, orally and in writing
- ii. ask the Regional Manager to keep the Inspectorate informed, in writing, of subsequent steps taken by CAFCASS.

‘Whistle-blowing’

The Public Interest Disclosure Act 1998 (PIDA 1998) came into force in July 1999. It enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are unfairly dismissed or suffer any other form of detrimental treatment by their employer for so doing. PIDA 1998 identifies specific categories, referred to as ‘qualifying disclosures’ which are the subject of special protection. In order for a disclosure to be a qualifying disclosure (or protected disclosure), it must be disclosure of information which tends to show one or more of the following:

- that a criminal offence has been, is being or is likely to be committed
- that a person has failed, is failing or is likely to fail to comply with any legal obligation
- that a miscarriage of justice has occurred, is occurring or is likely to occur
- that the health and safety of any individual has been, is being or is likely to be endangered
- that the environment has been, is being or is likely to be damaged
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be, deliberately concealed.

CAFCASS will have procedures in place for staff to raise concerns covered by PIDA 1998. It is hoped that staff will be satisfied with any action taken by CAFCASS. If any person is not satisfied and feels it right to take the matter outside CAFCASS, there is a range of possible contact points including:

- The Lord Chancellor's Department
- Magistrates' Court Service Inspectorate
- External Auditor
- Police
- Judiciary
- Other relevant professional bodies or regulatory organisations, including those prescribed in the Public Interest Disclosure (Prescribed Persons) Order 1999 (SI 1999 No 1549), for example:
 - Audit Commission for England and Wales
 - Data Protection Registrar
 - Health & Safety Executive
 - Comptroller and Auditor General of the National Audit Office.

