

# Health, Wellbeing and Local Government Committee

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## Health, Wellbeing and Local Government Committee Inquiry into Local Safeguarding Children Boards (LSCBs).

### Purpose

1. CAFCASS Cymru welcomes the opportunity to provide oral and written evidence to the committee in relation to its enquiry into Local Safeguarding Children Boards (LSCBs).

### Background

2. The Children and Family Courts Advisory and Support Service (Cafcass) for England and Wales was set up in 2001 when those organisations dealing with children involved in the family courts were merged into one. Following provisions within the Children Act 2004, CAFCASS Cymru was transferred into the Welsh Assembly Government on the 1<sup>st</sup> of April 2005. CAFCASS Cymru is a child-focused Social Work organisation, which provides expert Social Work advice to Family Proceedings Courts, the County Courts and the High Court. Its primary duties are set in Part 4 (Section 35) of the Children Act 2004.

3. After moving into the Welsh Assembly Government in 2005, arrangements were put in place to oversee the effectiveness of CAFCASS Cymru, whose front line staff work within the Family Courts. Family Court Advisors are employed within CAFCASS Cymru and their practice is managed within the service but in relation to each case to which they are appointed, they are also accountable to the Court. The Chief Executive is accountable to the Deputy Minister for Social Services for the operational effectiveness of the organisation and accountable to the Director General for Health and Social Services for other matters such as finance and accommodation etc.

4. The Chief Executive is supported by the CAFCASS Cymru Advisory Committee which was set up to advise on issues which are important to key partners and stakeholders, and on how the services could be improved. The Committee is chaired by Catriona Williams, Chief Executive of Children in Wales.

### Duties and Responsibilities

5. The main functions of CAFCASS Cymru, on behalf of the Welsh Assembly Government, are set out in Part 4 of the Children Act 2004.

6. These functions are, in relation to family proceedings in which the welfare of children ordinarily resident in Wales is or may be a 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 families.

7. The Children and Adoption Act 2006 gave CAFCASS Cymru additional responsibilities. Whilst the organisation, since its inception, has fulfilled its statutory duty in terms of safeguarding, this new legislation placed an additional duty on Welsh Family Proceedings Officers to provide formal risk assessments to the court in private law proceedings, where issues of safeguarding have been identified. Further duties imposed in December 2008 include the requirement to monitor contact and compliance with contact activities in cases where this is directed by the Court.

8. CAFCASS Cymru therefore, has functions of a frontline nature in relation to improving, safeguarding and promoting the welfare of children and young people in Wales. Because of the nature of the work undertaken by CAFCASS Cymru, there is a high degree of specialist knowledge and experience held by its practitioners. Their work brings them into direct contact with those children and families whose cases are being considered by the family courts.

### What does CAFCASS Cymru do?

9. CAFCASS Cymru's work can be broadly divided into the categories of Public and Private Law. Although there are occasions when Public and Private Law matters overlap, they can be explained as:

Public Law - proceedings brought by Local Authorities under the Children Act 1989 relating to the care and supervision of children and young people and secure accommodation, and some adoption applications under the Adoption and Children Act 2002.

Private Law - proceedings brought by individuals seeking orders in relation to such matters as contact with children following separation or divorce and deciding where a child or young person should live as well as some adoption and special guardianship applications.

10. CAFCASS Cymru's main work involves assisting and advising Courts in dealing with cases where the safeguarding/welfare/wellbeing of a child/young person is in question. This includes advising the Courts on the effectiveness of arrangements made by Local Authorities in public law cases by considering future care arrangements for children who have been the subject of abuse and neglect. In such cases a Court will ask a Family Court Advisor (FCA) to make enquiries, and assess and analyse the impact of any proposed change on a child or young person who lives in Wales. The FCA will complete a detailed report which will present recommendations for the Court to consider. The issue of the protection of children is also highly relevant to the work of CAFCASS Cymru within private law cases where allegations of a safeguarding nature are made and where parental disputes can have serious implications for the wellbeing of the children concerned.

## **Operations**

11. The services provided by Family Court Advisors to the Courts on behalf of children and young people are organised geographically into 10 area branches operating from 15 sites throughout Wales. The Branch locations provides easy access for families to the service and are equally convenient for the courts. The Area Branches are generally co-terminous with between two and three Local Authority boundaries. Each operational branch is managed by an Area Director, supported by two Executive Directors who are accountable to the Chief Executive.

12. Safeguarding children and young people is seen as fundamental to the role of CAFCASS Cymru underpinned by its statutory responsibility "to safeguard and promote the welfare of children" as outlined in s35 (1)(a) of The Children Act 2004. CAFCASS Cymru has signed up to the All Wales Child Protection Procedures (2008), a copy of which has been provided to all practitioners in the organisation, and its own child protection and safeguarding policy and procedures have been updated to reflect the changes in these overarching All Wales procedures.

13. In recognition of the priorities around safeguarding, CAFCASS Cymru has a Lead Area Director for Safeguarding who also sits on the All Wales Child Protection Procedural Group and the Welsh Assembly Government Safeguarding Officials Group as well as the Welsh Assembly Government's Domestic Abuse Working Group.

## **CAFCASS Cymru's Membership of Local Safeguarding Children's Boards**

14. CAFCASS Cymru is not one of the agencies prescribed within the Welsh Assembly Government's guidance document, SAFEGUARDING CHILDREN: Working Together under the Children Act 2004 as a statutory partner of Local Safeguarding Children Boards in Wales, because the organisation is part of the Welsh Assembly Government.

15. However, the guidance does make specific reference to the membership of CAFCASS Cymru on Local Safeguarding Boards. The guidance outlines the function of the service of CAFCASS Cymru in Wales (see paragraph 6 and 7 above) and states that:

'With its statutory duty to safeguard and promote the welfare of children, CAFCASS Cymru should remain a key member of each Safeguarding Board. Local Safeguarding Children Boards should therefore ensure that CAFCASS Cymru representation is included within LSCB membership'.

16. The organisation has secured representation on all Local Safeguarding Children Boards in Wales through its 10 operational Area Directors, who also assume safeguarding responsibility in their respective Branches.

17. In addition, CAFCASS Cymru's Area Directors are also members of Local Safeguarding Children Board Sub-Groups. For example the Area Director Mid Wales is a member of the Powys LSCB Policy and Audit Group, which includes Serious Case Reviews. The organisation is also represented on the Flintshire LSCB Training Sub Group.

18. In the spirit of working together, CAFCASS Cymru actively engages with LSCBs in Serious Case Reviews where there is or has been involvement by the agency within the case being reviewed. Since April 2005, CAFCASS Cymru has been involved in ten Serious Case Reviews, four of which are ongoing. There have been a number of cases where CAFCASS Cymru has been proactive in identifying the need for Serious Case Reviews because of the concerns of the Family Court Advisor involved in these cases at the point of proceedings being issued.

Catrin Williams  
Chief Executive (Interim)  
May 2010