

Children and Young People Committee

Date: 22 November 2012

Venue: Senedd, National Assembly for Wales

Title: Inquiry into the work of the Children and Family Court Advisory and Support Service in Wales (CAFCASS Cymru)

Purpose

1. This paper provides CAFCASS Cymru's evidence to the National Assembly for Wales Children and Young People Committee's inquiry into the work of the organisation. The evidence is focussed on the areas identified for scrutiny by the Committee as part of its inquiry.

Introduction: Overview of progress and achievements

2. CAFCASS Cymru plays a vital role in supporting children and families involved in family court proceedings. It advises the courts on the best course of action based on an assessment of the best interests of individual children. Its purpose is to safeguard the child and ensure their voice is heard within the family justice system.
3. The child's future welfare is at the heart of every action taken by CAFCASS Cymru.
4. In response to the Care and Social Services Inspectorate Wales (CSSIW) report published in November 2010 CAFCASS Cymru began an ambitious change programme. Highlights have included:
 - An organisational restructuring creating a regional structure co-terminus with the Local Health Board model, described by a Prospect representative at a meeting of the Department of Health, Social Services and Children Partnership Forum in September 2011 as an exemplar reorganisation within Welsh Government.
 - The restructure enabled the release of resources to support front line service delivery.
 - Significantly reducing the backlog of cases for allocation despite receiving the highest number of care referrals in the organisation's history.
 - Developing strategic relationships with Local Authorities, the Judiciary and Her Majesty's Courts and Tribunals Service (HMCTS).
 - The launch in January 2012 of CAFCASS Cymru's Strategic Plan 2012 –15 following consultation with children and young people on its' development.
 - The children's version of the Strategic Plan.
 - Consultation with children and young people on the development of Children's Information packs which provide information to children about CAFCASS Cymru and the services provided in an age appropriate format. These packs were launched on 12th November 2012.
 - Introduction of a new Complaints process aligned to the First Minister's guidance on the management of complaints by Public Services.
 - Undertaking a comprehensive LEAN review of administration processes across the organisation to ensure improved consistency and efficiency.

- Undertaking a review of child contact services across Wales, implementing a strategy for improved provision, more equitable funding arrangements and improved management of the All-Wales network of service provision from April 2013.
- Developing and improving the capability to manage work electronically, including the implementation of a scanning solution which integrates with the electronic case management system and the WG electronic records management system.

Areas to be reviewed by the Committee

Progress made in implementing the recommendations of the Care and Social Services Inspectorate Wales (CSSIW) inspection of November 2010 and the subsequent organisational restructure of CAFCASS Cymru

- **Inspection recommendations**

5. The Care and Social Services Inspectorate Wales (CSSIW) undertook an extensive inspection of CAFCASS Cymru in 2010. Following an overall satisfactory rating, action plans and work programmes were developed to address the eight recommendations made by the inspection team:

Ref	Recommendation	Status
A	Review the overall structure of the organisation to ensure effective leadership, management oversight and accountability of the service.	Complete. New organisational structure in place October 2011.
B	Develop and implement systematic children and young people users feedback and evaluation which contributes to change in practice and policy.	Work in progress as part of the organisation's participation agenda (please see response at paragraphs 15-27).
C	Develop and implement systematic adult user feedback and evaluation which contribute to change in practice and policy.	Complete. Adult service user questionnaires are sent routinely to all service users as part of the organisational welcome pack. Evaluation of feedback undertaken quarterly by the organisation's Senior Management Team and actions identified where relevant.
D	Conduct a complete review of the complaints processes, procedures and practice and improve complaints handling across the organisation.	Review complete and new process introduced. Work now being undertaken to fully embed the new process effectively.
E	Improve services to children with disabilities.	Work in progress. Included as part of the organisation's participation agenda (please see response at paragraphs 15-27).

Ref	Recommendation	Status
F	Develop and implement effective performance management and quality assurance frameworks.	Work in Progress. Robust performance management processes in place with information routinely shared with HMCTS and Heads of Children's Services to collaboratively improve performance. Improved auditing mechanisms being developed and implemented.
G	Review of Case Planning, Recording and Assessment Framework.	Work in progress. A bespoke directory of assessment tools is currently being developed which are aimed at supporting and strengthening assessment practice and improving quality and consistency in decision making, recommendations and analysis. The tools will be launched in 2013 supported by focussed training sessions for practitioners.
H	Domestic Violence Toolkit to be reviewed.	Complete.

6. In their letter to the Chief Executive dated January 2012, CSSIW were encouraged to see the progress made in implementing their recommendations, and indicated that no further actions would need to be taken until their next inspection in 2013.
7. The Senior Management Team continues to rigorously drive forward the Inspection recommendations, which have now been incorporated within the organisation's Strategic Plan. This is monitored on a quarterly basis.
8. In anticipation of the requirements of the major reforms to the family justice system in response to the Family Justice Review (FJR), an Operating Framework is being developed. This will set out clear practice expectations and guidance to Family Court Advisors to ensure that all children referred to the organisation receive a consistent and quality based service. It is anticipated that this will be launched by April 2013.
9. A Domestic Abuse Toolkit has been developed which pulls together a number of electronic resources to support Family Court Advisors in ensuring that risks are identified at an early stage, and in making informed decisions and recommendations to the Court. CAF/CASS Cymru's intranet site has also been revised to improve the accessibility of Domestic Abuse related documents for front line practitioners.

- **Organisational restructuring**

10. Following the appointment of a new Chief Executive in November 2010 an immediate review of CAF/CASS Cymru's structure was initiated. Staff were consulted throughout, and kept informed of progress regularly. To minimise staff uncertainty consultation was completed by March 2011 and the new structure agreed and implemented.
11. Operational delivery areas have been reconfigured on the Local Health Board model with a reduction from 10 to 5 teams operating from 15 office locations.
12. The Senior Management Team was reduced by 50% and undertook a leadership programme targeted at strengthening the strategic leadership capacity and capability of the organisation.
13. The 3 central teams were reduced to one.
14. A centralised Private Law Work to First Hearing team has been established to improve consistency in service provision.
15. The organisation has established a new Practice Manager role to improve the support provided to front line practitioners.
16. Underpinning the structural changes was the development of a robust performance management information analysis system.

How effectively CAF/CASS Cymru is delivering its services in line with the United Nations Convention on the Rights of the Child (UNCRC) for example user engagement, decision-making in the best interests of the child

17. The implementation of the Rights of the Children and Young Persons Wales Measure is in two phases. The second phase, which comes into effect from 1 May 2014, will require Welsh Ministers to have due regard to the articles of the UNCRC in the exercise of all of their functions, including the functions of CAF/CASS Cymru. This means that when Family Court Advisors carry out their duties in family proceedings, they in turn will need to have due regard to the articles of the UNCRC. Currently, the Court report will reflect the fact that the welfare of the child will be the court's paramount consideration in line with the Children Act 1989.
18. The CAF/CASS Cymru Senior Management Team made a decision to make completion of the Welsh Government UNCRC training mandatory for all staff. Completion rates have been closely monitored to ensure full compliance with this requirement.
19. To visibly demonstrate the organisation's commitment to effective engagement with children, the Senior Management Team has received bespoke training on children's participation and how this could be developed and improved on an organisation wide basis.

20. This has been supplemented by the delivery of a series of regional training events for the organisation's staff facilitated by Participation Wales aimed at raising awareness of the importance of participation and engagement in the work of CAFCASS Cymru.
21. During the summer of 2011 Child Participation events were held across Wales to consult on a children's version of the new Strategic Plan. These events also provided an opportunity to consult on the development and content of Children's Information Packs, which provide information to children and young people about CAFCASS Cymru's services in an age appropriate format.
22. Work is continuing on children's participation through the development and review of a participation plan and service user engagement.
23. Concerted efforts have been made this year to recruit a Participation Manager tasked with the responsibility of delivering the organisation's Participation plan. Thus far, these efforts have been unsuccessful. The organisation is therefore following the Welsh Government specification and tender process with a view to appointing an external participation provider to assist with taking the participation agenda forward.
24. As part of the organisation's bespoke complaints process for children, child advocacy arrangements have been agreed with Tros Gynnal Plant and National Youth Advocacy Service (NYAS) to ensure provision of and access to advocacy support where necessary for children wishing to make a complaint.
25. Information leaflets for children wishing to make a complaint are included in the Children's Information pack. We welcome the offer by the Children's Commissioner to share his office's complaints leaflet for children and providing the organisation with the opportunity to adopt and adapt this.
26. A child friendly information pack has been developed in consultation with children and young people, stakeholders and staff and is due for introduction in November 2012.
27. Improving our services to children with disabilities is part of the organisation's participation agenda. A CAFCASS Cymru directory of practitioner experience and skills in working with children with disabilities is currently being developed, and will act as a resource for practitioners to support effective work in this area.
28. The Child & Adolescent Welfare Checklist is an assessment resource that has been developed by Professor Gordon Harold, Child Psychologist, together with CAFCASS Cymru. It places children's responses and experiences centre-stage of the assessment process in the context of exposure to inter-parental conflict and/or domestic abuse.
29. One of the strengths of the organisation is that we constantly strive to ensure that the voice of the child is heard within Family Proceedings, as evidenced by the response of the Family Courts Committee of the Magistrates' Associations.

30. We welcome the suggestion by the Association of Directors of Social Services Cymru (ADSS Cymru) that our website should be enhanced by having a dedicated area for children and young people and that our use of social media should be reviewed. We will work with colleagues within Welsh Government to take forward these helpful suggestions.

How effectively CAFCASS Cymru is delivering its role in the provision of child contact centres

31. In 2011 CAFCASS Cymru undertook a comprehensive review of Child Contact Services across Wales. The review revealed that provision was inconsistent and patchy, funding was inequitable and the network for contact service providers was not being effectively managed. Following the review CAFCASS Cymru outlined its plans to the Deputy Minister for the future provision, funding and support arrangements for Child Contact Services in Wales.
32. These plans attempt to address the issues identified in the review, and will be fully realised from April 2013. To date, significant progress has been made in implementing the plans in partnership with existing providers.
33. Transitional arrangements are in place for 2012-13 and funding has been targeted to priority areas across Wales. As a result, an additional 4 Child Contact Centres have been funded on a 12 month basis in Abergavenny, Neath Port Talbot, Ebbw Vale and Pontllanfraith.
34. These plans involve the commissioning of contact service provision on a regional basis in line with the principles outlined in Welsh Government's framework for *Sustainable Social Services for Wales*, and are consistent with the Local Health Board model and the operational configuration of CAFCASS Cymru.
35. In order to bring about improved quality assurance and consistency across Wales, a key development has been the appointment of an independent Network Manager with recognised skills to manage the All-Wales network of Child Contact Service providers on behalf of Welsh Government.
36. Following a procurement exercise, CAFCASS Cymru, assisted by teams specialising in Grants Excellence, Legal Services and Procurement, appointed the National Association of Child Contact Centres (NACCC) as the Network Manager for the All-Wales network of Child Contact Service providers in August 2012.
37. A grants awards process has recently been initiated with respect to the provision of contact service provision from April 2013. Providers will be submitting grant applications by December 2012, from which decisions and recommendations will be made taking into account levels of demand. Successful bidders will receive indicative funding for 3 years.

The implications of the Family Justice Review and its effect on the work of CAF/CASS Cymru

38. CAF/CASS Cymru welcomes the major reforms to the family justice system being taken forward in response to the Family Justice Review (FJR) and the opportunities this brings to improve services and outcomes for children and families in Wales.
39. A new Family Justice Board for England and Wales has been established to provide greater leadership and co-ordination across the system. Membership from Wales consists of representation from the Welsh Government, the Association of Directors of Social Services (ADSS) Cymru, and CAF/CASS Cymru.
40. To complement and support the work of the Board, the Deputy Minister for Children and Social Services announced the creation of a new Family Justice Network to bring together core agencies in the family justice system in Wales, including CAF/CASS Cymru, to work together and unlock barriers for the purpose of improving performance in Wales.
41. CAF/CASS Cymru recognises that effective relationships with partners and stakeholders are essential for service delivery and improvement. During 2011-12 the organisation has strengthened relationships at national, regional and local levels, including:
 - a. The Chief Executive of CAF/CASS Cymru has regular engagement with Mr Justice Moor, Family Division Liaison Judge for Wales and senior officials from HM Courts and Tribunals Service (HMCTS).
 - b. CAF/CASS Cymru recognised it needed to develop a more effective relationship with ADSS Cymru in particular, and greatly appreciates the constructive discussions and engagement which now takes place regularly both nationally and locally.
 - c. Since February 2012, CAF/CASS Cymru has hosted trilateral meetings with the All Wales Heads of Children's Services and HMCTS to identify the challenges of the reform programme and to work together to improve the services provided to children, families and the Courts. This subsequently became a sub-group of the Family Justice Network.
 - d. In March and April 2012, CAF/CASS Cymru facilitated two joint conferences which included representatives from HMCTS Wales staff and family legal advisers; CAF/CASS Cymru practitioners, administrators and managers; family judiciary and panel magistrates together with Local Authority solicitors. The aims of the workshops were to develop closer working arrangements between all the relevant statutory family justice agencies within Wales, to reduce delays within family proceedings, contribute to ensuring better outcomes for children and focussing services around the needs of the child.
 - e. CAF/CASS Cymru appreciates the support provided by its' Advisory Committee chaired by Ms Catriona Williams. This Committee enables regular engagement with Third Sector organisations and has enabled CAF/CASS Cymru's change programmes to be scrutinised by a wide range of stakeholder organisations.

42. CAFCASS Cymru has taken a leadership role in the delivery of the reforms to the family justice system in Wales. In particular, CAFCASS Cymru regularly shares its core data with partners in Local Authorities and the Courts. This has resulted in discussion and research about the variation in referral rates between Local Authorities, the use of experts in cases and the variation in completion rates in Courts across Wales.
43. A key recommendation of the Family Justice Review is to reduce the length of time for completion of a public law case within the Court. Currently, the average for Wales is 55.4 weeks; the target is 26 weeks. CAFCASS Cymru is currently reviewing its working practices to ensure we are able to meet the requirements of the 26 week pathway for public law cases when it is implemented in 2014.
44. CAFCASS Cymru is also a member of the FJB's Performance and Improvement Sub Group which is responsible for analysing the available performance information and galvanising action to improve performance at the national and local levels in Wales and England, supporting the role of newly established Local Family Justice Boards.
45. Once further clarity regarding legislation and judicial expectations is published, CAFCASS Cymru has agreed to facilitate a series of joint workshops between Local Authorities, HMCTS and CAFCASS Cymru staff in early Spring 2013.

CAFCASS Cymru: the next stage

46. CAFCASS Cymru recognises that though it has made significant progress with its' change programme, work remains ongoing.
47. CAFCASS Cymru values the relationships it has developed with ADSS Cymru and the Heads of Children's Services across Wales ; the Judiciary and HMCTS and wider stakeholders through it's Advisory Committee. CAFCASS Cymru further appreciates that the necessary changes cannot happen in isolation and is working closely with our partners to develop common agreements on the post reform system.
48. CAFCASS Cymru is determined to fully deliver the aspirational plans set out in it's strategic plan.