

Mr Nigel Brown
Chief Executive
Cafcass Cymru

Date: 09 August 2022

Dear Chief Executive

Care Inspectorate Wales (CIW) – Assurance Check 2022: Cafcass Cymru

This letter summarises the findings of our assurance check between 13 to 17 June 2022. The purpose of this assurance check was to review the quality and effectiveness of Cafcass Cymru's main functions of providing expert advice to courts, safeguarding and supporting children and families. The children and families within the scope of this review were those who are, or have been, subject to public family law applications.

Our focus was on:

- How well does Cafcass Cymru promote the safety and well-being of children and young people?
- How well does Cafcass Cymru consider and promote children's needs, wishes and feelings, making sure children's voices are heard?

We also reviewed the quality and effectiveness of leadership and governance at an operational and strategic level and considered evidence of how Cafcass Cymru has learnt lessons from recent experiences and how this is utilised to inform plans for service developments.

Summary

This assurance check was undertaken at a time when Cafcass Cymru was working through new approaches to practice while moving away from the restrictions imposed by the pandemic circumstances. Many practitioners welcomed the new hybrid approach to practice. They valued the time saved in some court hearings being convened virtually whilst recognising the importance of certain hearings being in person. They would welcome clarity from the judiciary moving ahead as there were variable views about the requirement to return to in person court hearings.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We recognised an increasingly complex workload for practitioners, partially attributed to people's needs not being fully met in the pandemic period when wider support to families and individuals has been disrupted. A significant deterioration in children's emotional and mental health was noted, with increasingly challenging complexity illustrated in the files we reviewed.

Cafcass Cymru help to ensure children are properly cared for and protected from violence, abuse and neglect. It ensures children who have been neglected or abused receive the right kind of help to address their holistic needs. Overall, the quality of practice we reviewed was good. Practitioners provided timely and high-quality advice to the court in most of the files reviewed. We saw good quality reports which contained an analysis of the unique circumstances of individual children and young people, clearly represented their voices and sensitively considered options and recommendations based on robust analysis.

The safety and well-being of children before the family court is a clear priority for Cafcass Cymru staff and this is underpinned by a supportive management culture led by the chief executive. The organisation is inclusive with approachable managers; this is something practitioners value. There is effective communication across the organisation, staff are aware of service developments and are included in planning new initiatives.

Cafcass Cymru has positive relationships with stakeholders with an appetite to improve working practices and relationships. We saw opportunities being maximised to liaise with other organisations.

Key findings and evidence

Leadership and Governance

Strengths

The organisation benefits from stable, experienced and approachable leaders who are focused on the safety and well-being of children and young people. Staff articulated the ambition and culture of the organisation in terms of both listening to children and achieving the right plan for the child. These tenets were embedded across the organisation.

Cafcass Cymru is a forward-thinking organisation evident in its engagement with new initiatives and opportunities. For example, Cafcass Cymru is directly involved in the piloting of Family Drug and Alcohol Courts (FDAC) (a specialist multi-disciplinary FDAC team works closely with the judge and other professionals to provide intensive support for parents involved in care proceedings). It has engaged with local authorities in the accelerated discharge of Care Orders work (a process designed to streamline and accelerate the court process upon an application being made to discharge a Care Order). There has also been work undertaken with the Nuffield Family Justice Observatory (NFJO), looking at how anonymised Cafcass Cymru data can be used to inform research.

Cafcass Cymru communicates effectively with stakeholders and has strengthened working relationships, both at strategic and operational levels. We found regular opportunities taken to engage across organisations to address challenges and openings. The organisation is a strong advocate in representing children in the Welsh family court context. Local authority social workers and managers were positive about their working relationship with Cafcass

Cymru. Operationally, staff said they were kept up to date and well informed through regular team meetings that included performance and case learning discussions.

The workforce is relatively stable, and managers have been working to maximise successful recruitment into the organisation. Practitioners are competent and committed in their roles to safeguard the safety and well-being of children. Stakeholders considered practitioners were professional and competent in their court functions. They said written and oral evidence was well prepared and presented, and confirmed reports mainly included a relevant underpinning analysis to help inform final court decisions.

We heard about positive experiences for staff new to Cafcass Cymru in relation to their induction. Staff had access to learning and development opportunities, although a few experienced staff said they required more focused training specific to the role. A few staff also said opportunities to progress their career were limited.

Supervision was infrequently evident on all files and was recorded as case updates and summaries. Whilst Cafcass Cymru practitioners are recognised as having autonomy and individual responsibility, there would be benefit in ensuring consistency of practice in these respects, as well as in relation to the recording of any subsequent decisions made by individual practitioners. Many practitioners and managers said reflective conversations were being held, albeit not consistently recorded. Peer support was seen by a few staff as equally important to them as line management support.

Good links between professional development and quality assurance have been established with an internal auditing process utilised across the organisation. A performance dashboard also allows managers to evaluate performance across regions. To develop the approach to quality assurance and performance management, Cafcass Cymru has recently recruited to two new dedicated posts.

What needs to improve

There is significant pressure on allocation of work. Practitioners described workload as variable, and a few said this was recently too high on occasions. There was evidence of practice managers working together across regions to help allocation of work at times when practitioner capacity across certain teams was limited. Managers told us they considered a range of factors in managing workload and used a Caseload Weighting and Allocation Tool. Overall, practice managers consistently address how they prioritise and allocate workload, although a few practitioners considered the allocation arrangements too ad hoc. There would be benefits in clarifying the process of allocation with practitioners.

How well does Cafcass Cymru promote the safety and well-being of children and young people?

Strengths

In meeting requirements to promote safety and well-being, practitioners scrutinise care and support plans and address interventions and services being recommended or provided for children and their families via the local authority. Where there was a necessity to challenge aspects of care and support plans, this was undertaken constructively.

The well-being of children and young people is routinely promoted by practitioners, and they clearly highlight future support needs to the court. Practitioner recommendations to the court were well founded, based on constructive arguments which were well presented. They consistently presented options to the court and made clear recommendations, laying out their rationale. Court reports were well balanced and to a consistent standard of writing. Practitioners demonstrate a good understanding about risk factors, they consider the reasons application are made and whether there is evidence of sufficient consideration of the impact on children. Feedback from all stakeholders indicated they regarded Cafcass Cymru practitioners as having a trusted and expert voice.

Overall, there is improved liaison (since our last inspection in 2018) and information exchange between practitioners and local authority social workers and independent reviewing officers (IROs), though there was some inconsistency with regards to contact with IROs. We found practitioners attending children looked after (CLA) reviews. This provided practitioners with greater insight into children's lived experiences and placed them in a stronger position in relation to identifying potential gaps in proposed care plans.

There are productive relationships between practitioners and solicitors; overall practitioners were positive about the quality of legal support they received. This was also evident in file records, where effective joint working was identified.

What needs to improve

The quality of case planning records is inconsistent, they were not always detailed or sufficiently evidenced to fully inform planning. There was a similar finding following our 2018 inspection. Case plans were infrequently updated through the course of proceedings, so had minimal benefits in being used as a live working document. This did not, however, affect the quality of reports seen, which were consistently to a good standard.

How well does Cafcass Cymru consider and promote children's needs, wishes and feelings, making sure children's voices are heard?

Strengths

As far as it was in children's best interests, practitioners represent the position that children have a right to know their parents and as far as possible to be cared for by them. They also have regard for the importance of permanence and stability for children, which was evident in recommendations made to courts.

Children and young people told us practitioners were respectful and took time to explain their role. They said practitioners listened, took on board their views and provided them opportunity to share what they wanted to happen.

We saw examples of good work with older children, including those young people subject to Secure Order applications. There were understandable challenges for practitioners in engaging with many young people because of their complex circumstances, but we found persistence and resilience in practitioners to ascertain and understand the views of young people whose liberty was being restricted or would be restricted for safety reasons. Practitioners appropriately highlighted and challenged the availability of secure

accommodation placements as well as a lack of therapeutic support at some of the secure children's homes.

In child centred work with younger children, we found evidence on a few files of the use of tools such as three planets, three houses, and some creative use of dolls to engage children. Some practitioners used innovative ways in helping children communicate directly with judges, including letters written by the young person addressed to the judges and visits to the court to meet the judge where this was appropriate.

Practice is based on children and young people having the right to say what they think should happen when adults are making decisions that affect them and to have their opinions considered. When the child's view did not reflect the practitioner position, this was made clear and the opportunity for separate representation was consistently and appropriately considered.

Both children's and adult's views are clearly represented by practitioners in their work. This was also included and summed up in analysis, with balanced rationales that had clarity, weighing up options. The analysis we reviewed clearly informed decision making and recommendations.

Overall, practitioners are effective in obtaining children's views and in relaying those views to the courts. The voice of the child was prominent, and practice was respectful, having due regard to equality and diversity. Overall, the uniqueness, and set of circumstances for individual children was fully considered, albeit we recognise some urgent applications made this problematic.

Cafcass Cymru is, in the main, able to accommodate a request for a service in the Welsh language. The organisation's Welsh language framework 2022-2025 sets out its vision for strengthening the Welsh language service and how it intends to achieve this. We found evidence that language preference and culture is explored with families. Across Cafcass Cymru regions, the active Welsh language offer is supported by the availability of Welsh speaking staff including managers, practitioners and business support staff. We reviewed files where people were offered and undertook interviews in the medium of Welsh. Cafcass Cymru has identified the need to recruit more Welsh language speakers so peoples' language preference can continue to be met. At the time of this assurance check Cafcass Cymru had successfully recruited additional Welsh language speakers to the North Wales region.

Practitioners told us they use translation services as needed in relation to other languages and viewed responding to communication needs as something they have always considered and continually sought to improve. Cafcass Cymru also has an equality and diversity working group which has ambition to supporting learning, development and practice across the organisation.

What needs to improve

A few reports did not sufficiently detail the method of engagement with children and families. Notwithstanding the Covid context which has understandably curtailed and limited the options to communicate, some records did not clearly evidence direct work with children and families, nor did we see a wide range of tools being used to obtain children's views.

This did not appear to impact on outcomes for children and young people and their views, wishes and feelings were clearly represented.

There would be benefits in Cafcass Cymru making sure information is consistently distributed to families (children and adults) at the start of proceedings. This would help provide additional clarity about the role of Cafcass Cymru at a stressful time and be made available in a range of languages.

A consistent record to provide clarity in relation to who informs a child of the outcome of court proceedings would evidence children had been duly informed. This is essential as children have the right to be informed about important decisions such as where they will be living.

Method:

- we reviewed documentation supplied in advance of the assurance check
- we spoke with carers and young people who had been in contact with Cafcass Cymru
- we reviewed 33 files
- we held ten case tracking interviews with practitioners
- we interviewed stakeholders
- we held eight focus groups
- we administered four surveys

Next Steps

We have identified strengths and areas for priority improvement, and we will review the progress of these areas through our on-going engagement with Cafcass Cymru. We expect the areas of improvement we have identified to be included in Cafcass Cymru's improvement plans. We would like to extend our thanks to all those who helped with the arrangements for this assurance check and to those people and staff who spoke with us. Please see our Privacy Notice at <https://careinspectorate.wales/how-we-use-your-information>.

Yours sincerely



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