

Cafcass Cymru Annual Report 2022-2023



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Foreword from Nigel Brown, Chief Executive of Cafcass Cymru

This year was a time of settling into new ways of working following the end of the significant restrictions that were placed upon us during the pandemic. The way we now work has been informed by feedback from our staff and our stakeholders and builds upon the Welsh Government approach to “Smart Working”.

Providing a consistent high-quality service to children and their families is our key priority and their feedback helped us shape how we operate. An example of this is the blended approach we take to meeting with children and families whereby we discuss with them the options of meeting in person or meeting remotely. This means we can work more efficiently and effectively than we have previously been able to.

During May and June 2022, Care Inspectorate Wales undertook an assurance check to review the quality and effectiveness of Cafcass Cymru’s main functions of providing expert advice to courts and safeguarding and supporting children and families. The assurance check had a particular focus on public family law and inspectors spoke with young people, families, stakeholders, and our staff as well as reviewing our involvement in cases before the family court. I am delighted that inspectors concluded that even though staff faced significant and increased pressure, the quality of our work is consistently of a good standard, and they found no areas of serious concern.

As part of the wider Family Justice System in Wales, we continued to play a key role in driving reform and improvement. This year we had significant involvement in testing, analysing and shaping a number of projects:

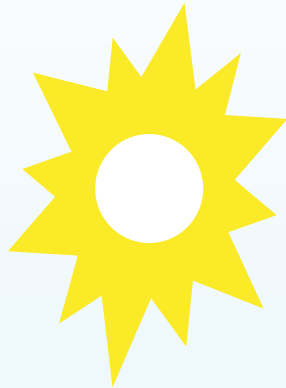
- The Pathfinder Pilot in North Wales has been operating since February 2022 and initial feedback from families and professionals is very encouraging. The model is intended to enhance safeguarding arrangements for survivors of domestic abuse; strengthen the voice of children by involving them at a much earlier stage in proceedings; and ultimately achieve a timelier outcome for children and families. Initial findings are very positive, and we look forward to working with Ministry of Justice as they undertake a full evaluation of the pilot.
- We appointed a PhD intern to undertake a project focused on gaining an insight into the experiences of children and young people involved in the North Wales Pathfinder Pilot.

Children and young people will be interviewed to explore their experience of being involved in the pilot. The study aims to build upon previous research, which found that children and young people involved in private proceedings often feel they have little say in decisions made about them, and that parental perspectives tend to dominate.

- We embraced the opportunities Practice Direction 36Y (now ZE) offered us in undertaking early resolution in private law. The new ways of working undoubtedly delivered earlier outcomes for children and their families in private law proceedings and also enabled us to realign our resources to provide a more responsive service across all our operational areas.
- The President of the Family Division re-launched the Public Law Outline in January 2023 in response to the increased length of public law proceedings. I very much welcome the relaunch of the PLO and recognise that Cafcass Cymru, alongside all partners in the family justice system, has a critical role to play in implementing the statutory guidance. We engaged extensively with our staff about the relaunch of the PLO and will be reviewing our work later in the year to understand how our practice is contributing to delivering more timely outcomes for children in line with the PLO Statutory Guidance.

As we evolve into our next phase of recovery and reform, we will need to keep our focus on playing our part in reducing delay for children involved in all family proceedings and ensuring their voice and rights are at the forefront of our practice. I am both proud and impressed by our dynamic and professional workforce who continue to adapt, embracing the many changes that we experienced over the last three years, and who remain focused on providing a safe and child centred service to those children and young people involved in the family courts in Wales.

Key Figures



We received **1,458** public law applications.

Of these **797** were Section 31 (care or supervision) applications.

Data gathered from our Case Closure information forms identifies that

in **63%** of cases (between July to September 2022) care plans were amended following our input.

This year we worked with a total of **11,226** children.

We were involved with **549** First Hearing Dispute Resolution Appointments (FHDRA):

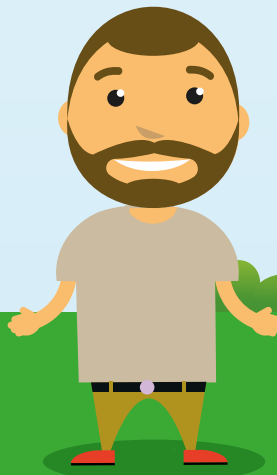
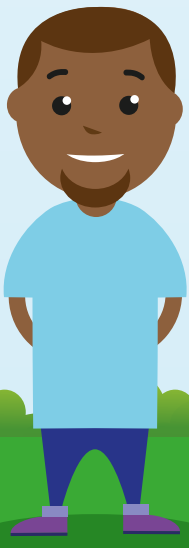
While this is a reduction on previous years, our involvement in the Pathfinder Pilot and the PD36Y temporary measure significantly impacted on the amount of FHDRA courts that are being held.

This year we resolved **33%** of matters at FHDRA, this is an increase on the previous two years, suggesting that by only progressing families where there are no safeguarding issues to FHDRAs, the new process is working more effectively.

183 FHDRAs were successfully resolved at that first hearing, meaning that children did not have to remain involved in any further court proceedings and that arrangements for them were agreed to be safe, suitable and in the child(ren)'s best interests.

We provided the courts with **999** Child Impact Analysis reports and **287** addendums to these reports.

In North Wales, where the Pathfinder Pilot is just into its second year, we undertook a total of **633** Child Impact Reports in the first year, with **561** of these being part 1 reports (and some addendums), and **72** leading to fuller part 2 reports.



Key Performance Indicators (KPIs)

Once again, we continued to achieve a high standard in terms of our KPIs. These are the indicators that show we are meeting our set goals:

Allocating s31 applications in public law matters within two working days:

92.26% – while this is down a little on the previous year due to resource pressures, we were able to ensure that all cases were allocated.

Allocating Child Impact Analysis/s7 requests in private law cases within five working days:

98.41% – exceeds our target of **95%** and as with s31 public law matters, the majority of these requests are allocated on the day of receipt.

Filing our CIAs/s7 private law reports on or before their court filing date:

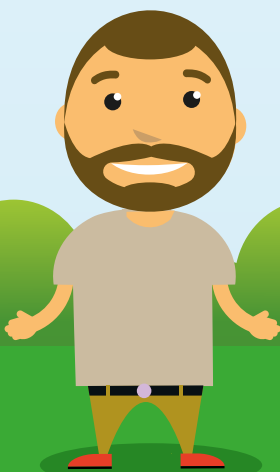
85.56% – while **757** of the **928** reports were filed on time, we will continue to focus on improving our performance in this area.

Filing our safeguarding enquiry reports (SERs) on or before the court filing date:

92.32% – is a very positive achievement but slightly below our target of **95%**. When a report is filed late, it is generally late by one day, but still in time for the court hearing.

A new KPI for 2023 is Pathfinder. Filing our Child Impact Reports on or before the court filing date:

91.94% – is below our **95%** target which represents **34** of the **422** reports filed being late. This is an area we will continue to monitor and improve as part of the pilot.



Our Strategic Plan 2020 – 2025

Developed with our staff, Our Strategic Plan provides direction and focus to what we do and how we do it and ensures our involvement in the lives of children and families continues to make a positive difference.

Our strategy includes 3 over-arching goals that describe how we will focus our efforts towards achieving our purpose.

These goals are focused on Our Service, Our Staff and Our Stakeholders.

- **Our Service**

We want to provide the best quality service to support improved outcomes for every child, young person and family we work with.

- **Our Staff**

We want an environment and learning culture where staff feel valued and their well-being is supported.

- **Our Stakeholders**

We want to share our knowledge, learn from partners and use our collective influence to improve the family justice system and children's social care in Wales.



Our Service

GOAL 1

Provide high quality, evidence-based analysis and recommendations tailored to the needs and circumstances of each child and young person.

Whilst there have been operational challenges during the year, our commitment to adopting new ways of working and improving the service we provide has remained a priority.

An audit of private law work where children were made a party to the proceedings (rule 16.4), identified action we can take to improve our practice, so that children are not involved with the family court longer than is necessary.

In response to the findings of the audit, we worked with practitioners to develop a new approach to our work on 16.4 cases to support more timely outcomes for children.

This approach will be piloted in 2023-24.

Whilst children relinquished by their birth parent(s) for adoption form a very small proportion of our work, we considered the circumstances on these children (between 2011 and 2021) to strengthen our awareness of the lived experience of the families and understand the impact of our practice.

Identifying and understanding the complexities involved in the parents' decision to relinquish their child and developing clear guidance on best practice will support us in the way we work with the children and families that need our service.



Consistently listen to and promote the voice of the child in everything we do.

Introducing a new approach to capturing the uniqueness and diversity of children, young people and the parents/carers who work with us has been a key improvement during this year.

Following an initial pilot we adopted the approach across the organisation, which included developing our systems and processes to effectively capture diversity information and revising the information we provide to ensure everyone understands the reasons why we seek information about their diversity.

As we continue developing our relationship with the Family Justice Young People's Board (FJYPB), and building on last year's projects, this year we hosted workshops for members of the board to meet (virtually) with our business support staff.

Members of our business support teams are often the first people to connect with a child or young person when they visit our offices, or at times the only people they speak to if they contact us by phone.

These be-spoke sessions with members of the FJYPB and our staff supported all of our understanding around the vital role the teams play in assisting children/young people when they make that initial contact with us.

The FJYPB launched their first book this year called 'In Our Shoes'. The book, which incorporates a number of insightful experiences or poems from the young people who have themselves experienced the family justice system aims to inspire and guide all those who work with children and families involved in the family court. We actively promoted the book across the organisation, ensuring that everyone has access to it and drawing staff's attention to extracts that are relevant to articles in our organisational newsletters.



Understand and demonstrate the difference our service makes to children, young people, and families.

During the pandemic a temporary practice direction for private law matters came into force. In Wales, all areas (apart from the Pathfinder area in North Wales) adopted this new way of working, which meant families were not automatically asked to attend a court hearing on submitting a private law application, instead the court made decisions about how their situation should progress, after our safeguarding reports were filed.

We reviewed the impact of this temporary measure for families in Wales and concluded that the model is working well for both Cafcass Cymru and families. We found there are fewer First Hearing Dispute Resolution Appointments (FHDRAs) which means parents and carers do not attend unnecessary court hearings.

As a listening organisation, we always welcome feedback regardless of whether this is a concern about the service we provide or some positive comments.

This year we received 66 complaints, which is more than the previous year when we received 46 complaints. However, we were able to resolve the majority of complaints (63) at an early stage, either by our area team/complaints team at the first point of contact, or with our practice managers investing their time and professionalism in resolving the concerns by contacting people within 5 working days.

This year, only 3 complaints went on to be formally investigated by Cafcass Cymru. The Public Service Ombudsman for Wales corresponded with us about 8 complaint issues (2 relating to the same complainant), but they took no further action in any of the cases, demonstrating that we had responded appropriately to the issues raised.

We also received 37 formal compliments this year (compared with 49 during the previous year), including 19 from parents of the children and young people who were involved with us during family court proceedings.

Despite introducing different ways for children and young people to give us feedback, we haven't received any in the past year. We are therefore seeking to redress this by employing a PhD Intern to lead on a project to obtain feedback from children and young people involved in the Pathfinder Pilot.

The safe management and sharing of personal information are key priorities for us. Every year we share thousands of reports and e-mails with solicitors, courts, service users, police and local authorities in a secure and appropriate manner. However, there are times when data incidents occur and during 2022-23, we recorded 6 such incidents. One of these fell within the legal requirement for reporting to the Information Commissioner's Office, although they concluded no further action was warranted.

We take data security incidents very seriously and seek to learn from them: improving staff awareness and our operational processes to mitigate against such incidents being repeated, as well as all our staff completing security and data protection training on an annual basis.



Continuously improve our service by exploring new ways of working.

Our response to the President of the Family Division's re-launch of the Public Law Outline protocol included convening practitioner workshops during March 2023 to raise awareness of the requirements relating to this area of practice.

We will continue to engage with stakeholders including the judiciary, local authorities and FJYPB to deliver the changes needed to effectively implement the PLO protocol.

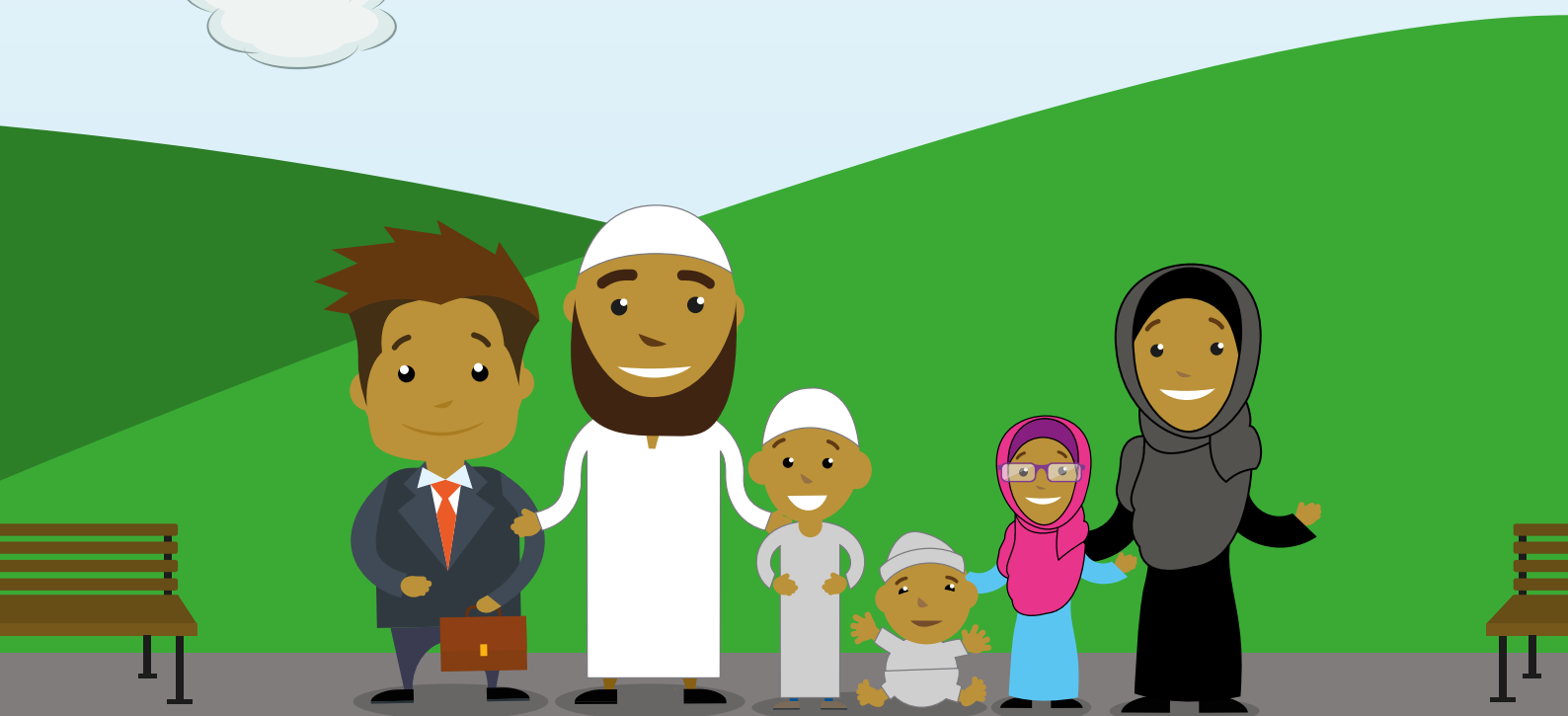
In 2023-24 we will also undertake an audit of our work to help inform our understanding of the contribution Cafcass Cymru has made to implementing the PLO protocol.

We had an ongoing role in the development and continued improvement of His Majesty's Court and Tribunal Services (HMCTS) portals.

Advantages of the portal include:

- Negating the need for confidential information to be passed from one secure platform to another.
- Allowing practitioners to access documents faster as they can see them as soon as they are filed/uploaded.
- Reduces risk of data loss if information is passed from the portal to service users.
- All organisations feed data into the same secure point.
- Accessing information after matters have concluded if needed, via the portal, including final orders.

While we have been accessing/using the Public Law portal for almost two years, the Private Law portal is due to be implemented via a phased rollout from May 2023.



Our Staff

GOAL 5

Promote the health and well-being of all staff, to achieve a work-life balance whilst sustaining the delivery of an efficient and effective service.

Cafcass Cymru embraced the Welsh Government's SmartWorking principles, and our priority is to effectively meet our business needs whilst enabling all colleagues to benefit from this way of working.

Our business needs will involve colleagues working from a combination of home, office, community settings, courts and family homes and other locations depending on their role.

The organisational charter that sets out what we will do, informed the development of team charters that give more detail in terms of the needs of individual staff within their team settings.

We also continue to champion our dedicated Teams Channel ensuring that all staff have access to a number of hints, tips, courses, and webinars, as well as links to the resources provided by the wider Welsh Government, for example, Health, Safety and Wellbeing, St David's Day – Random Acts of Welshness and Preparing for Menopause.



Our Staff

GOAL 6

Invest in continuous learning, helping to inspire and motivate staff to develop in their roles.

All our practitioners are qualified, experienced child-care social workers who are committed to improving the lives of the children they work with. In our continued commitment to them, and in line with our ongoing learning and development programme, we provided a range of new and refresher training events.

Events are a mixture of webinars, podcasts, remote or face to face workshops and on-line accessible sessions.

While many of our training events are targeted at practitioners who's ongoing learning and development is mandatory as part of their continued social work registration, sessions are open to all staff across Cafcass Cymru.

Also during this period, we established the post of Head of Practice which will lead on practice development and improvement across the organisation.



Our Staff

GOAL 7

Recruit, retain and invest in a highly skilled, motivated, and diverse workforce.

We changed the wording of our job adverts to actively reflect our commitment to becoming an increasingly diverse organisation, which resulted in us welcoming more staff with diverse, lived or professional experience.

In view of the national challenge in recruiting qualified social workers, we established the post of Trainee Family Court Social Worker. The successful candidates will work for Cafcass Cymru whilst undertaking a professional social work qualification and once qualified will join our team of social work practitioners.

The number of staff involved in our Diversity and Inclusion champions groups continues to grow and includes business support staff as well as practitioners. We currently have two groups: *Ethnicity, Religion and Culture, and Neurodiversity and Disability.*

Promoting the use of the Welsh language in all areas of our work is an ongoing goal for us, and in line with the Welsh Language Standards, we undertake annual staff skills analysis.



Our Stakeholders

GOAL 8

Enhance and strengthen our relationships with stakeholders.

Being a progressive and listening organisation means that we continually look at what we can do better, as well as how our stakeholders can better support us.

This year we responded to feedback from our local authority colleagues on our involvement in the family court ordering them to undertake Section 37 reports. Section 37 reports are undertaken by local authorities following their investigations into the welfare of a child, which may result in care or supervision orders being sought. In response to their feedback we adopted a new approach that requires our practitioners to liaise with the relevant local authority before recommending to the family court that a Section 37 report should be ordered.

The Children's Commissioner for Wales, Rocio Cifuentes, attended our all-staff conference in October 2022 and provided us with an overview of her role and her priorities during her time in office. This was followed up with her meeting our practitioners to engage in a question-and-answer session in March.

Over 80 members of staff joined the session during which a range of issues were covered including:

- Secure placements.
- Mental Health support for children.
- Diversity and equality.
- Separating families in private law.
- Impact of the COVID pandemic.



Our Stakeholders

GOAL 9

Continue to improve our systems for capturing, reporting, and analysing information.

Ensuring our data is as accurate as possible is of vital importance not just to us, but to our stakeholders who need to have faith that the information we provide is correct.

Since January 2023, the Digital and Business Process and Engagement managers have met on a weekly basis to exchange information on data challenges, changes in processes and planned improvements to either technology, practice, or processes.

This collaboration between teams has led to a number of data cleansing initiatives, leading to more accurate data being available.

Other benefits of these regular meetings are the early identification of issues with the way we are collecting data, improvements to the system, new staff and refresher training needs being identified and smarter, more streamlined processes being developed.



Our Stakeholders

GOAL 10

Play a leading role by appropriately sharing our information and intelligence with stakeholder to support improvements in the family justice system and social care.

This year the University of Bristol published its research into Discharge of Care Orders. Their research which was funded by the Nuffield Foundation, looked at data shared from across a number of organisation, including Cafcass Cymru.

Some of the key findings from this in-depth study include:

- A substantial increase in the number of applications made between 2010 and 2019.
- Around 60 to 70% of applications were made by local authorities.
- The rest of the applications are made by parents with just one from the study sample made by a child.

- Of the sample, 61% of applications were for children who lived with a parent and 39% were intended for special guardianship orders to the current carers, most of whom were related to the child.

During the coming year, we will be considering these findings, together with the changes to practice that the President of the Family Division's re-launch of the Public Law Outline has on our role and our responsibility to improve the outcomes for children involved in family court proceedings.



A look to the future

Our Service

Following the feedback from Care Inspectorate Wales' assurance check, we continued to make improvements to our allocation processes, case planning and improving the way we record our methods of engagement with children and their families. During the forthcoming year we will be rolling out and implementing these improvements.

We also took on board comments about the benefits of making sure information about Cafcass Cymru is consistently distributed to families (children and adults) at the start of proceedings.

We are doing this by reviewing all of our early information and collaborating with colleagues from Cafcass (England) and HMCTS to improve both the quality and accessibility of our information.

Ensuring families, especially children and young people, are informed of the outcome of any court proceedings they are involved in, is also a priority for us in the coming year.

Our Staff

Feedback from staff across all areas of our organisation identified that further improvements around learning and development for non-practitioner teams, (i.e. Business Support or Central Support staff), would be beneficial.

In response, our learning and development team is working to deliver relevant training for this group of staff while continuing to identify, access and co-ordinate the specialist training that our practitioners need linked also to their social work registration.

Our stated commitment to support all of our staff to work more flexibly, in many instances helping to promote a healthier work life balance, is clearly set out in our Organisational Charter.

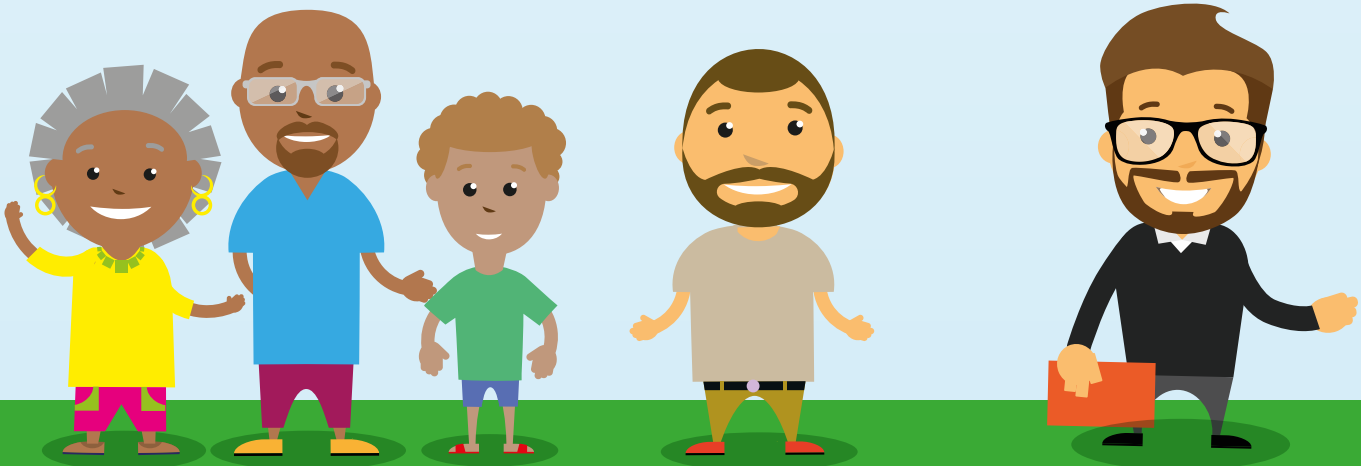
Our Stakeholders

We will maintain our role in continuing to improve outcomes for children by our commitment to collaborating with our stakeholders; sharing information; shaping new services; and reflecting on how our practice can evolve to support the reform and improvement of all areas of the family justice system in Wales.

At the end of January 2023, the Transparency Implementation Group Reporting Pilot launched in Cardiff, Leeds, and Carlisle.

The aim of the pilot is to introduce a presumption that accredited media and Legal bloggers may report on what they see and hear during family court cases, subject to strict rules of anonymity.

We will consider how this pilot impacts on the children and families who are subject to 'Transparency Orders' that allow for the safe reporting on matters which are heard in the family court in Cardiff.



Glossary

Care Inspectorate Wales (CIW)

Is an organisation that is responsible for inspecting social care and social services across Wales to make sure the services provide the highest standard of service to children and families in Wales.

Family Justice System

Exists to help families resolve disputes arising in respect of family matters quickly and with the minimum of disruption to those involved.

FHDRA – First Hearing Dispute Resolution Appointment

Is usually the first hearing within private law proceedings under the Children Act 1989. The purpose of the FHDRA is to assess the issues between the parties at an early stage, and to determine how best to progress the case.

Information Commissioner's Office (ICO)

Upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. ICO is an executive non-departmental public body, sponsored by the Department for Science, Innovation and Technology.

Pathfinder Courts

A radically different approach to private law, above all else it seeks to promote a 'safety first' approach, meaning those cases which require it, will have the assistance of the court, support to guide them through times of crisis and reduce conflict.

Practice Direction

Under UK law, a practice direction is a supplemental protocol to rules of civil and criminal procedure in the courts – "a device to regulate minor procedural matters" – and is "an official announcement by the court laying down rules as to how it should function.

Rule 16.4

If the family court decides to make your child or children a party to private law proceedings, it will order Cafcass Cymru to appoint a children's guardian to represent them. Practice Direction 16A and Rule 16.4 of the Family Procedure Rules set out the court rules about appointing children's guardians and their role.

Section 31 of the Children Act 1989

Allows the court to make a care order or a supervision order for a child on the application of a local authority.

Section 37 report

Is a report prepared by the local authority (Social Services) and directed by the Court when it appears to the Court that it may be appropriate for a care or supervision order to be made in respect of a child.

Transparency Pilot

From 30th January 2023, for a period of 12 months, the media or Legal bloggers who attend family court hearings in three courts (Cardiff, Carlisle, or Leeds), will be able to write about the case, subject to a very strict transparency order that will ensure children are not identified.

Welsh Language Standards

A set of legally binding requirements which apply to the Welsh Government. They clearly set out our responsibilities in providing excellent bilingual services.

