

7 The work of CAFCASS

Proposals to change the role of CAFCASS

115. The Children and Family Court Advisory and Support Service (CAFCASS) was set up on 1 April 2001 as a national executive Non-Departmental Public Body for England and Wales to provide the full range of services that support and represent children and family law proceedings. As we noted above (Section 3), CAFCASS brings together work previously undertaken in three separate services: the Family Walk Court Welfare Service; Guardians ad Litem and Reporting Officers; and the Children's Division of the Official Solicitor. CAFCASS was not an immediate success. In an earlier Report we severely criticised the operation of CAFCASS.

As a result, the Chief Executive and Board members resigned.

116. CAFCASS practitioners are trained to undertake both public and private law work. In practice, much of its work consists of writing reports on families in disputed cases. Preparation of these reports (which will often involve highly complex and sensitive matters relating to the care of children) can take three to four months.

117. The Government's Green Paper initially proposed a major change in the role of CAFCASS, towards a "more active problem solving approach". The paper accepted that in order for this to occur the judiciary will need to reduce substantially the frequency with which CAFCASS is commissioned to write reports.

118. CAFCASS indicated that it fully supports these changes stating that:

CAFCASS has the necessary skilled and experienced practitioners to undertake the new role envisaged in the proposals. We welcome the opportunity to redeploy our skilled social work practitioners away from the current one size fits all report-focused service, to a service that is more problem solving, resolution and outcome-focused. Indeed, many of our practitioners and teams work in that way already, so what is proposed will not come as a change. They are assessors and change agents more than they are 'reporters'. As soon as the courts are consistently able to reduce the number of reports ordered, we will be able to undertake the new roles in full. We are keen to work with all partners in the family justice system to achieve this as soon as possible.

119. While it has been proposed that CAFCASS scale down its report writing, little clear information has been provided about how this will occur and what the timescale will be for changes to be implemented. In oral evidence the Minister for Children stated that, as the Minister responsible for CAFCASS, she did not want to:

promise more than we can deliver. I have said as much very, very clearly both to the chair and the chief executive of CAFCASS. I think a bit of this is "Watch this space". We know the direction of travel we want to go in, we know where we want to get to, but we must not try to rush at something and then simply fail to deliver in the way that CAFCASS has done in the past. So you are completely correct to draw our attention to it.

120. The President's Family Law Programme envisages a number of additional tasks for CAFCASS, including attending first appointments for conciliation in all county courts and taking proactive steps to keep in touch with the progress of contact, so that the CAFCASS officer can contact the court immediately if there is a need to get the parties back to correct

some failures in the delivery of contact already ordered.

121. We received evidence suggesting that there are risks that if report writing is reduced there will be an impact on the ability of the court to obtain detailed evidence about the child's perspective in the dispute. Other concerns were expressed by witnesses about the ability of CAFCASS to move towards a more problem solving approach and whether it issued guidelines so that parents knew how it would deal with their problems.

122. The proposals to transform the work of CAFCASS are ambitious and are also likely to be resource-intensive. CAFCASS and many of our witnesses welcomed the proposed changes. Given the problems suffered by CAFCASS, on which we reported in 2003, it is essential that strong leadership is displayed during this transitional period, and it is also essential that the Government provides CAFCASS with sufficient resources to ensure the success of its new role. Government needs to define that role and set a timetable for implementation. If the Government intends that CAFCASS is to become a problem-solving agency it should publish guidelines to ensure that consumers understand what service levels they can expect. Such guidelines would also allow monitoring of the agency's performance.