

NAGALRO PRESS RELEASE

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Cafcass is not child-focused and requires major change, Justice Committee says

Cafcass as an organisation is not focused on the best interests of children. This stark evaluation comes in a hard-hitting report from the House of Commons Justice Committee on the operation of the family courts, which is published today.

The Committee questions the mindset of Cafcass senior management and calls for a change in management culture. The report is particularly scathing about Cafcass's draft Operating Manual, calling it "*process-driven*" and "*very imperfect*". It found the Manual placed "*insufficient weight on the needs of children*". It suggests that Cafcass overloads its frontline staff with work, preventing them spending enough time with children.

The Committee recommends that the Family Justice Review look in detail at Cafcass and believes that a series of reforms are needed to transform the organisation.

Cafcass is criticised for not using its resources effectively. The Committee was "*puzzled and concerned by Cafcass's continued aversion*" to making better use of its highly-regarded self-employed practitioners and that instead it has greatly increased its use of more costly, less flexible and less experienced agency staff.

The Justice Committee calls on Cafcass to embrace the approach of Professor Eileen Munro, which emphasises the value of professional judgment by social workers. This follows the criticism of Cafcass by the President of the Family Division in his landmark judgment on 4 July, which emphatically underlined the independent status of the Children's Guardian as a vital part of protecting children.

Ann Haigh, Chair of Nagalro, professional association for Children's Guardians, today warmly welcomed the report and called on the government to address the call for change as a matter of urgency: "*It is shocking that a body whose sole purpose is to safeguard the interests of vulnerable children should fail to be child-focused. Children require a better service from Cafcass immediately. However, genuine culture change is required to bring about significant change at the top levels of the organisation.*"

At the moment Cafcass's minimum 'proportionate' service is being systematically embedded and it is not good enough for children. Experienced guardians need to be freed up so that they can safeguard children effectively once more. There are many skilled guardians who could be brought back with the right approach."



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Notes to Editors:

1. NAGALRO is the Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers. The association aims to promote and enhance the quality of practice of those concerned with the independent representation of children's interests before the courts, throughout England and Wales.
2. Children's guardians are appointed in public law proceedings in the family courts i.e. where Local Authority Children's Services take court action to protect children whom they believe are suffering significant harm within their families, - physical, sexual or emotional abuse. The role developed to give children an independent voice and access to independent representation after the tragic death of Maria Colwell, a seven year old girl whose voice was not heard when the court returned her to mother and step father who murdered her. Children's Guardians act in 'tandem' with children's solicitors to critically appraise the actions of local authorities acting in loco parentis as well as those of parents or carers. Their independent investigation and assessment of the child's situation ensures that his or hers rights and welfare are protected by the court. It is the independence of the Guardians view which provides the critical safeguard for the child.
3. Guardians are also appointed in adoption proceedings, emergency protection orders, and applications for secure accommodation. In addition, Family Court Advisers act in private law cases, reporting to the court on children's welfare in relation to contact and residence issues. A Guardian can also be appointed for a child in private law proceedings under Rule 16.4 Family Proceedings Rules 2010 where their welfare requires independent representation.
4. The NAGALRO website can be found at: www.nagalro.com

