



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Plant a Phobl Ifanc **The Children and Young People Committee**

Dydd Iau, 22 Tachwedd 2012
Thursday, 22 November 2012

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol **Committee members in attendance**

Christine Chapman	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Jocelyn Davies	Plaid Cymru The Party of Wales

Suzy Davies	Ceidwadwyr Cymreig Welsh Conservatives
Rebecca Evans	Llafur Labour
Julie Morgan	Llafur Labour
Lynne Neagle	Llafur Labour
Jenny Rathbone	Llafur Labour
Aled Roberts	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Simon Thomas	Plaid Cymru The Party of Wales

**Eraill yn bresennol
Others in attendance**

Gillian Baranski	Prif Weithredwr, CAFCASS Cymru Chief Executive, CAFCASS Cymru
Amanda Lewis	Pennaeth Gwasanaethau Plant, Cyngor Sir Powys Head of Children's Services, Powys County Council
Gwenda Thomas	Aelod Cynulliad (Llafur), Y Dirprwy Weinidog Plant a Gwasanaethau Cymdeithasol Assembly Member (Labour), Deputy Minister for Children and Social Services

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance**

Kayleigh Driscoll	Dirprwy Glerc Deputy Clerk
Sian Thomas	Gwasanaeth Ymchwil Research Service
Claire Morris	Clerc Clerk

*Dechreuodd y cyfarfod am 10.19 a.m.
The meeting began at 10.19 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introductions, Apologies and Substitutions**

[1] **Christine Chapman:** Good morning, everyone, and welcome to the Assembly's Children and Young People Committee. I remind Members to switch off any mobile phones or BlackBerrys because they affect the transmission. We have received an apology from Angela Burns.

**Ymchwiliad i CAFCASS
Inquiry into CAFCASS**

[2] **Christine Chapman:** I welcome Amanda Lewis, head of children's services in Powys County Council, who is representing the Association of Directors of Social Services. I thank you, Amanda, for the paper, which Members will have read. If you are happy with that, we will go straight into questions.

[3] **Ms Lewis:** That is fine.

[4] **Christine Chapman:** Okay. We will start with Jocelyn Davies.

[5] **Jocelyn Davies:** Amanda, you will remember the Children and Family Court Advisory and Support Service's 2010 inspection report. I do not suppose that it made very good reading for those who were there. There were no good judgments and no outstanding judgments. However, it did say that CAFCASS had very good, experienced and skilled staff and high staff morale, but that leadership and management was a big issue. The judgment was that it was inadequate in its capacity for improvement, and there was a list of recommendations. Can you give examples of how recent changes that have been made by CAFCASS Cymru as a result of those findings are impacting on the quality and consistency of the services being delivered to children and young people and their families in Wales?

[6] **Ms Lewis:** On behalf of the ADSS and the all-Wales heads of children's services, I would say that the changes that have taken place are very noticeable. We view those very positively as part of our ability to work in partnership. We are aware of the substantial restructure that took place within CAFCASS and the new leadership that came into place. Following what were some challenges through that transition process, which is what we would have expected, all the systems, the meetings et cetera have bedded down.

[7] As an all-Wales group, we meet regularly with HM Courts and Tribunals Service and with CAFCASS, and that is a very effective meeting, which has an agreed detailed work plan. Just through the building of those relationships with the opportunity to meet together, we are in a much better position to resolve any difficulties. That happens on an all-Wales basis. Because of the changes in its structure, the operational management in CAFCASS is based on the health board footprint, which allows for the relationships between heads of service within those footprint areas to meet regularly with the operational managers. In turn, the development of the practice manager within CAFCASS has been an important development from an all-Wales heads of children's services perspective and the service is very clearly now a managed service.

[8] So, the accountability of the work and activity that the guardians undertake has been welcomed. Within local authority areas, that has allowed for relationships between the operational manager and the practice manager and then the guardians to develop constructively and positively. For example, in many local authority areas, there are direct meetings and training between childcare social workers who are taking public law matters and children's guardians. That is an example of a very positive step forward because, at the end of the day, the children's guardian and the childcare social worker, on behalf of the local authority, have one aim, which is improved outcomes for that child, while safeguarding that child, and ensuring that that plan can be agreed at the earliest opportunity.

[9] **Jocelyn Davies:** It was only a short while ago, but it sounds as though there have been substantial changes since that report. Only about half the judgments were 'satisfactory', which means that CAFCASS was only just meeting the minimum requirements, and it came out as 'inadequate' on the remaining judgments. In context, this report means that it was making little or no contribution to improved outcomes for children. Working in collaboration, as you do, with an organisation such as that, did it have a significant impact on the way that you could work?

[10] **Ms Lewis:** At the time, there were challenges and difficulties. Under the leadership of Gillian Baranski, and with the way in which the organisation has restructured itself and put in place a work plan and a plan to address what those shortfalls were, we can see evidence of the difference and the real commitment to work in partnership. There will be professional differences at times; that is the nature of the business that we are all in. There will be

discussions and challenges that we need to have. If you have strong working relationships with your key partners—and, in this case, it is CAFCASS—that will enable any resolution to happen much more easily, because there is professional respect and a means by which that can happen. All heads of service share that view and there is openness and an active encouragement of the means to resolve difficulties. There has been an active encouragement, if those difficulties cannot be resolved locally, for us to escalate them. However, the fact that there is an agreement and a framework that allows for that to happen means that very few things now need to be escalated, because the environment in which we are all working is so much improved.

[11] **Suzy Davies:** There is a concentration in your evidence on the public child law element of CAFCASS's work, but it obviously has a role to play in private family law, as well. Have these structural changes improved the situation there, as well? Specifically, I know that family lawyers always complain of delayed or incomplete CAFCASS reports because it is trying to get the work done within the time. Has the change fully incorporated the demands of the private family law service as well, or has there been a main focus on public child law?

[12] **Ms Lewis:** I can comment on that point only from the discussions that we have had. CAFCASS is totally committed to both those important elements of its work. In the performance management reports that are now regularly sent to all children's services departments in local authorities, the information on public law activity is there, but the information on private law activity is there for us to see as well. In our tripartite meetings, we look at both lots of that activity and, where there have been some difficulties about where the responsibility to undertake the section 7 reports in private law matters lies, we have now agreed a protocol about when it would be the local authority's responsibility to undertake a piece of work and when it would be CAFCASS's responsibility, because, in a small number of cases, some of those families would be known to local authority children's services departments. So, we have a clear process in relation to that.

[13] From my point of view, and on behalf of the all-Wales group, all the indications would suggest that the positive improvements that we have seen and the areas in which we are involved in private law matters also follow through to the private law matters in which CAFCASS is involved, as a single agency. Its checks, especially in relation to child protection, take place in a consistently robust way for all private law matters now, and the feedback to individual local authorities on those cases also happens regularly.

[14] **Suzy Davies:** Thank you, particularly for the reassurance about where it is not quite clear who should be taking responsibility for the section 7 report.

[15] **Rebecca Evans:** Are there any remaining areas of weakness in your partnership working, and do you see that there are improvements that still need to be made?

10.30 a.m.

[16] **Ms Lewis:** I do not see that there are any areas of weakness remaining. I see that we collectively have a lot of work to do. We are on a journey, but we have a joint commitment and full engagement to that, and a clear understanding of what those requirements are. Where that is the case, we know where we have to get to. The changes in the family justice review and the actions required place challenges on CAFCASS, local authorities and the courts to meet a very ambitious improvement programme, but we are having a very open dialogue about that. We are jointly part of a governance structure, and our tripartite meetings feed into that family justice network.

[17] So, I do not see it as a weakness. I see that we have some challenges collectively, such as the reduction of the timescale by which proceedings in public law should be

completed, which aims at 26 weeks. It is quite right that that should happen, but that will be challenging for all organisations. In the same way, there has been a reduction in the number of expert assessments being required and called in to public law. It is about a collective responsibility to look at and agree on some of the frameworks around that. We all feel that all the ingredients are there to enable us to work together effectively to meet those challenges collectively. Where there are difficulties for any one of the partners in that, those will now be brought to the table and we will look at how we respond to them. There is a system and a mechanism in place to allow that dialogue to happen to find any solutions to difficulties, if and when they arise.

[18] **Jenny Rathbone:** The Association of Judges of Wales has highlighted a particular aspect of the report by Mr Justice Ryder and the Norgrove report about a possible role for CAFCASS to provide independent reviewing officers of care plans. Aside from the staffing issues that that would imply, how would you respond to that suggestion, to give that additional role to CAFCASS? The reports say that some judges are concerned that the independent reviewing officers within local authorities are not that independent.

[19] **Ms Lewis:** Again, it is about the dialogue that needs to take place, and we have greater mechanisms for that to happen. Agreements are in place in all local authority areas whereby, at the end of proceedings, the guardian meets with the IRO as a formal handover about how that care plan will be delivered. We have not had a discussion in ADSS about that particular issue, but I would anticipate the response that we would not support that move, because the IROs are generally managed outside the line management responsibilities of childcare teams within local authority areas, and there are very clear and robust conflict resolution processes in all local authority areas.

[20] In addition, on the role of the heads of children's services, we are accountable for seeking to ensure the quality of care and experience for looked-after children, organisationally. We wish to ensure that those children are receiving the best possible care, and, therefore, the IROs play a critical quality-assurance role. We want to know and understand that. They have a route up through the director of social services, the chief executive and on to CAFCASS. I appreciate that the referral back through to CAFCASS is not something that has happened, but on one level that is an indication of the fact that that resolution has happened. That is what all social workers and heads of service would wish to see at an organisational level: a resolution of any difficulty to safeguard that child and to ensure that the quality of the care plan can be delivered.

[21] **Jenny Rathbone:** Why do you think that some judges are questioning the independent status of IROs in championing the interests of the child?

[22] **Ms Lewis:** As I said at the start, it is sometimes about having an understanding of the detail of the systems and processes that are in place. The family justice network allows for an enhanced dialogue about what those systems and responsibilities are. We will have to revisit that question when we have had more opportunities to discuss those things in detail. Also, I do not think that that is a consistent picture across all areas. There may be some local authorities that have experienced some significant difficulties—it might be a reflection of that—but I do not think that that means there are delays, difficulties or questions of independence across the whole of Wales.

[23] **Jenny Rathbone:** Therefore, are IROs clear that they can refer a matter to CAFCASS?

[24] **Ms Lewis:** Yes, absolutely clear: they are professionally registered individuals; they are clear about their accountabilities and responsibilities; and they meet collectively on an all-Wales basis and they are supported in that through the all-Wales heads of children's services

meeting. Both the directors of social services and the all-Wales heads of children's services actively encourage the challenge that IROs bring because that is a critical role. If there are things that are not as they need to be, we want to know that in order to rectify that in the first instance. That is the culture that is actively progressed and supported.

[25] **Julie Morgan:** In your written evidence—as was highlighted in the written inspection report—you mentioned that the amount of time that guardians spend with children and young people during the public law proceedings varies a lot. Could you expand on that and say whether anything could be done about that?

[26] **Ms Lewis:** As we reference in the written submission, those guardians who are appointed are generally very experienced, high-quality childcare practitioners who move from local authorities into CAFCASS at a certain point in their careers. It is difficult to generalise because each case is individual. From our dialogue, I know that CAFCASS is committed to ensuring that guardians can build those relationships and that at the heart of what they need to do is achieving the right outcome for the child. The child's needs should be paramount. The introduction of the practice manager is an important role so that there is oversight, a quality assurance system and a supervisory role that was not there some time ago. If there were any concerns about guardians not spending sufficient time with a child, on an individual basis, to make the decisions that they need to, we would first have discussions directly with the guardian. If that was not successful, we would have discussions with the practice manager, then the operational manager. We have a clear route to address that on an individual basis, should that be necessary.

[27] **Julie Morgan:** So, when you refer to variations in the time spent with children and young people, are you saying that less time needs to be spent with children and young people in some cases?

[28] **Ms Lewis:** Each individual family situation will be different. In some situations, there will be a number of other people that the guardian will need to gain information from and spend time with. It would be hard to be totally prescriptive about that. There are many different component parts that a guardian would need to consider. I am clear about this: if we had any concern about what an individual guardian was doing or not doing, we have a clear route by which we can have that dialogue.

[29] **Julie Morgan:** So, you would be able to easily identify if the guardian appeared not to be spending sufficient time with a child, because it is always easier to discuss things with the local authority and other agencies rather than having that direct contact, which is so essential.

[30] **Ms Lewis:** You would have a two-pronged safeguarding approach there. The fact that the practice manager role is now in place is holding guardians to account through the CAFCASS organisation. That was not previously there. We welcome that and see it as a very positive move. If there were any concerns, we also have a management route to address them.

[31] **Julie Morgan:** So, you have no concerns about whether guardians spend enough time with children directly.

[32] **Ms Lewis:** We recognise that there are variations in some of the time that is spent. Across a whole workforce, there will be differences. We have a route to manage those differences, if they gave cause for concern.

[33] **Julie Morgan:** We are asking because it was highlighted.

[34] **Ms Lewis:** Of course, but what I am saying is that there is a means by which we can

manage those variations. What we have had from the senior management in CAFCASS is a total commitment to wanting to address any variations, to work towards consistency, and to ensure that things that may not be as worked through as they need to be are addressed. The practice manager role and the accountability of individual guardians is now much more embedded. That is a positive move forward.

[35] **Simon Thomas:** One of the weaknesses identified in the CAFCASS review was how it could get systematic feedback from users, particularly concentrating now on children and young people themselves. In your evidence, you highlight that the website, for example, is a bit weak on that. Of course, that is where young people generally go to find out information these days. You say that social media could be used. Can you give some examples of how you might see that being used in a way that would enhance feedback from children and young people?

[36] **Ms Lewis:** It is a challenge, not just for CAFCASS, but for many organisations and local authorities, to keep pace with the way in which children and young people communicate today and the rapidly moving social media world. Making websites much more interactive and engaging is an important way forward. Some organisations develop Facebook pages and some teams use Facebook pages, but some of these things must have very appropriate safeguards in place because, equally, there are challenges about accessibility and how those systems can be made very safe.

10.45 a.m.

[37] **Simon Thomas:** Young people, when they use social media, do not have the same view that you and I may have about privacy, for example. They are quite happy to put up on Facebook things that perhaps should not be discussed openly. Is that the concern that you were referring to?

[38] **Ms Lewis:** Absolutely. There are ways in which that can happen. There are examples of different ways in which services can be delivered safely online, but I think that there is a journey to get there to make sure that your systems allow that to happen. On one level, part of the guardian's role is about that face-to-face, direct contact with that child or young person whom they are representing. Equally, in terms of the other means by which you might be communicating, gone are the days of writing a letter. That might have been the case 10 or 15 years ago, but we are now talking about texting or—

[39] **Simon Thomas:** I saw some research that American teenagers, for example, are prepared to share on social media things that they would not tell someone face to face. So, it is an alternative route of communication. Is there an example in Wales of a really good use of that kind of approach, not necessarily in CAFCASS, but generally in the way that we interact with young people in this way?

[40] **Ms Lewis:** As the Chair said, I currently work for Powys County Council. Obviously, Powys is a huge rural area with a very large geographical area to cover and provide accessibility of services. One of the things that we have progressed quite successfully is our online counselling service. Given the level of rurality and the accessibility of counsellors, that is an example of a means by which young people over 11 years of age can receive support, if they wish to have it, all through an online provision with very tight safeguards in place, and with skilled and qualified counsellors. That happens; there is the back-up of direct, face-to-face counselling should they wish to have it. That is a discreet and distinct service, given the nature of some of those issues. Obviously, CAFCASS is not in the business of providing that kind of service, but that is an example of where you need to respond creatively to the nature of service delivery. Using and engaging young people to help to design and develop the media by which they want to communicate with you is very important. You would meet a

cohort of some young people who would be very clear, saying, 'I don't touch Facebook; I don't do all of this; I am not interested in this'. So, we must be very careful that we do not say, 'This is how it should be done'. At a recent forum that I attended, there was a cohort that said, 'We don't touch this; we don't want to do it. This is how we want to speak with you and engage with you'. So, one size does not fit all. I think that the development of CAFCASS's information pack for young people is another important step forward. I think that it is a challenge for all of us to keep up with those communication routes with young people.

[41] **Christine Chapman:** I remind Members to keep an eye on the time because we have our next evidence session at 11.00 a.m.. I have a supplementary question from Jenny.

[42] **Jenny Rathbone:** Just quickly, in terms of the importance of body language, does the online counselling that you offer include Skyping so that people, namely the child and the counsellor, can see each other?

[43] **Ms Lewis:** No.

[44] **Jenny Rathbone:** Okay. That might be an alternative one day, might it not?

[45] **Ms Lewis:** Yes, but again it is a matter of developing some of the safeguards in relation to that. There are many routes that are being explored.

[46] **Jenny Rathbone:** That is just like video-conferencing.

[47] **Ms Lewis:** Yes.

[48] **Lynne Neagle:** I wish to ask about the complaints and feedback procedures, which were picked up in the inspection report. Do you feel that those issues have been fully addressed, or are there any outstanding areas where you have concerns?

[49] **Ms Lewis:** I am not aware of any outstanding areas where we have concerns. CAFCASS has worked hard to review its process and to utilise the evidence that comes back in terms of the shaping and responding to its services. The utilisation of the advocacy service, where people want to make a complaint, is a very positive step forward. Obviously, all local authorities have access to advocacy services, especially if children and young people wish to make a complaint. That brings that in line with local authorities, and the providers that CAFCASS has identified also provide a number of advocacy services across local authorities in Wales.

[50] **Suzy Davies:** I would like to ask you about the contact services. We have had evidence from the Minister that significant progress has been achieved in the provision of contact services and that an independent contact manager has been identified to manage and support the all-Wales network of child contact centres. Yet, in your evidence, you say that you have little information about where this network manager operates child contact centres in Wales. Is that because local authority contact centres are outside this national network?

[51] **Ms Lewis:** Local authorities do not have contact centres per se. We have resources that are used for a range of different reasons, such as assessments for families, where contact may take place on occasion, and groups are run. We do not have contact centres in the same way as CAFCASS would be using contact centres.

[52] **Suzy Davies:** That is very interesting, because the programme that is being implemented is supposed to be completed by April 2013, yet social services do not seem to know an awful lot about it. Is that right? What are your concerns about the current situation?

[53] **Ms Lewis:** It is something that we will explore further—

[54] **Suzy Davies:** That is not a criticism, by the way.

[55] **Ms Lewis:** No, no. As has been indicated, much of the contact that CAFCASS is involved in is in private law, so social services or children's services across Wales would not be involved with those families. It is a very different provision. Through the private law work and CAFCASS activity, it may reach an agreement, upon conclusion, about what the contact arrangements are going to be between two acrimonious parents, and the contact centre would then be used to deliver that. With regard to children's social services, CAFCASS would be observing the contact. In the public law arena, that child has become looked-after and we have managed and developed a plan about what that contact is going to look like. That forms part of the assessment of what is going to happen for that child in the future, so CAFCASS would often come and observe the contact arrangements that we are managing. I am sure that there is further discussion to be had about using the resources, potentially, across the geographical areas that have been outlined, and we will look to do that. However, as it stands at the moment, we are not talking about the use for the same thing.

[56] **Suzy Davies:** If facilities are available, they could be useful to you in the public children's sector.

[57] **Ms Lewis:** Potentially, they could be.

[58] **Simon Thomas:** I have a quick follow up on that. I appreciate what you are saying about CAFCASS and private law being slightly different. The association of judges in Wales has given us evidence saying that mid and west Wales, in particular, is bereft of such contact centres. Wearing your Powys hat, in a sense, is that something that you are aware of?

[59] **Ms Lewis:** Part of the challenge is around issues like, if you invest your resource into a building, it sometimes limits the number of people who can access that building. Some of the models that exist in Powys take a more virtual approach, so that you can take the resource to the individual, or you can utilise venues in a particular area. We certainly have not developed the route of family centres in the way that other geographically different areas have been able to, because you would seriously limit who could get there. There are some provisions that CAFCASS uses. Part of it is always going to be people's journey times, because of the number of towns where the right facilities would be available. If you live some distance outside the town, you may have to travel for an hour or an hour and a half to get there. Often, there is not a direct, easy solution for sharing that resource.

[60] **Christine Chapman:** Before I bring Aled in, Jenny has a supplementary question.

[61] **Jenny Rathbone:** I want to understand why we cannot use child-focused places, such as schools and youth clubs, as contact centres—obviously when they are not being used for their main purpose.

[62] **Ms Lewis:** Collectively, we are looking at that—how to make better use of resources and facilities in communities.

[63] **Jenny Rathbone:** That should not be difficult. They are all in the public domain.

[64] **Ms Lewis:** It should not be difficult, but it can be at times when it comes to accessibility or dealing with competing demand for those resources and supervisory issues for CAFCASS. Part of what is required is the supervision of the contact arrangement. It is not as straightforward as just using a public building.

[65] **Jenny Rathbone:** The buildings are not the problem. I appreciate that there are staffing issues.

[66] **Aled Roberts:** You mentioned that you share data, as far as public and private law are concerned, in this tripartite forum. Do those data include difficulties with regard to waiting times for contact sessions so that you are able to give a clear picture regarding any geographical problems as far as contact is concerned? We are given this indication by the Government that, as Suzy said, everything will be hunky-dory by April 2013. Do you have any data that would support that?

[67] **Ms Lewis:** I do not, I am sorry. I can raise that in our next meeting and get back to you. However, as things stand, with regard to the delay in actual contact, in private law, the answer is 'no'. The judge would be very concerned if there was any delay, so I am not aware that it is a significant factor in delay in setting up contact arrangements. The data that we have looked at include the length of time it takes to appoint a guardian or family court adviser. We are very clear about that and that has significantly improved. There is very little delay on that now. However, I am sorry that I do not have information on your specific point.

[68] **Aled Roberts:** Moving on to the implications of the family justice review, you have already mentioned the target of resolving cases within 26 weeks. What work does CAF/CASS Cymru still have to do to ensure that, as far as possible, it will be able to meet that target?

[69] **Ms Lewis:** Some of those things are not specific to CAF/CASS but relate to a number of the key partners around the table. Part of what we are looking at collectively is what determines a complex case. Obviously, it has been agreed to work to a timescale of 26 weeks and it would only run past that in exceptional circumstances or where there is a complex case. Therefore, collectively, we are looking to agree what that means. That is a piece of work, but, as I have said, it is more about our collective responsibility than it coming down solely to CAF/CASS. To ensure that everyone is clear about the requirements, there will be training, not just for CAF/CASS but for local authorities and the judiciary as well. Everybody welcomes what we need to do. We are pleased about what this will mean for children and young people. You have a commitment from all key partners to engage and to make this work.

11.00 a.m.

[70] **Aled Roberts:** You will be aware that there have been previous instances where targets have been given for resolution of family proceedings but the system has never really met those targets. Given the increased number of referrals, particularly in public law cases, how confident are you that the 26-week target will be realised?

[71] **Ms Lewis:** I am not aware that the robustness of the performance management framework has been in place in the way that we are about to enter into, and that the framework has been reported on and signed up to collectively in the way that it has. So, we are seeing a seismic shift in culture and what is expected. There is also a recognition that the length of time was detrimental to children and young people. We are all in the business of improving those outcomes. If what we are doing is contrary to that, we collectively need to make changes. We will collectively need to look at what that performance management information is telling us, and use that intelligence to redirect resource, if needed, in order to make it work. It is incumbent upon all of us to make it work. We welcome the other elements, about reducing the expert assessments when, in some situations, experts have regurgitated the expert assessment of the local authority childcare officer. You have skilled, trained, highly qualified childcare social workers who have made a judgment, and that is what is being put before the court. The guardian is giving an independent assessment of that, which we hope will suffice for the court to make its decision. The family justice review supports that, in practice. Some of the things that have previously brought about substantial delay will be

reduced because of some of the other areas.

[72] **Christine Chapman:** Thank you, Amanda, for attending this morning and for answering Members' questions. We will send you a transcript of the meeting to check for factual accuracy. Thank you.

11.04 a.m.

Ymchwiliad i CAF/CASS Inquiry into CAF/CASS

[73] **Christine Chapman:** I welcome Gwenda Thomas, the Deputy Minister for Children and Social Services, and Gillian Baranski, chief executive of CAF/CASS Cymru. Thank you for providing a paper in advance, which the Members have read. Are you happy for us to go straight into questions?

[74] **The Deputy Minister for Social Services (Gwenda Thomas):** Yes.

[75] **Christine Chapman:** I will start, Deputy Minister and Gillian Baranski. In your written evidence, you detail the organisational restructure that you have undertaken. What impact has this had on the performance and service delivery of CAF/CASS Cymru?

[76] **Gwenda Thomas:** I think that the organisational restructure, which was carried out very quickly, has had an immediate impact. It was looked upon by the Prospect trade union as being an exemplar of that process. I believe that there were 10 management areas, which have been reduced to five, which has given more clarity to the organisation and also more of a structured response to the issues that we face. I think that we are in the middle of a very important transitional process with regard to the work of CAF/CASS and the courts. You will know that we have had the family justice review and that, following that, we set up the family justice network. Having this reorganisation at the same time as that, doing it successfully and responding to the needs of the staff has been a very positive move for CAF/CASS Cymru.

[77] **Christine Chapman:** How are you measuring or monitoring the effectiveness of the organisation?

[78] **Gwenda Thomas:** I will ask Gillian to answer on the management side of that. I know that there are stringent performance indicators, and perhaps she will want to give a detailed response on those.

[79] **Ms Baranski:** As part of what we have done to support the new structure, we have introduced a very robust performance management system that is used not just internally, but we share it with our partners in ADSS Cymru, the judiciary and Her Majesty's Courts and Tribunals Service. Given that we are a national service, the information has enabled some helpful pan-Wales discussions about the differences that our figures show. The senior management team receives a report every month, and we are robustly ensuring that the changes and the direction that we have set is taking place.

[80] **Simon Thomas:** Mae gennyf gwestiwn penodol i'r Dirprwy Weinidog. Rwy'n eich cofio yn dod i'r pwyllgor hwn ac yn datgan cynnydd yn y gyllideb ar gyfer CAF/CASS Cymru, a dangosodd y manylion fod tua £0.5 miliwn o gynnydd o £9.6 miliwn **Simon Thomas:** I have a specific question to the Deputy Minister. I remember you coming before this committee to say that there had been an increase in the budget of CAF/CASS Cymru, the details of which showed an increase of around £0.5 million

i dros £10 miliwn. A oes rhywbeth penodol yr ydych yn disgwyl ac yn erfyn i CAFCASS ei ddelifro ar y pwnc hwnnw?

from £9.6 million to over £10 million. Is there anything specific that you would expect and urge CAFCASS to deliver in that area?

[81] **Gwenda Thomas:** Nid oedd hwn yn arian ychwanegol. Pan drosglwyddwyd cyllideb CAFCASS o'r *central administration main expenditure group* yn 2011, cyhoeddwyd cyllideb o £9.635 miliwn. Fodd bynnag, roedd y pwyllgor wedi datgan pryder ynglŷn â hynny ac yn dweud y dylem edrych arno eto, a gwnaethpwyd hynny. Roeddwn yn meddwl y byddai wedi cael ei newid yn y gyllideb atodol gyntaf, ond nid oedd hynny'n bosibl, felly mae'n cael ei wneud yn yr ail gyllideb atodol.

Gwenda Thomas: This was not extra funding. When CAFCASS's budget was transferred from the central administration main expenditure group in 2011, a budget of £9.635 million was announced. However, the committee had expressed concern about that and said that we should revisit it, which we did. I thought that it would have been changed in the first supplementary budget, but that was not possible so it has been changed in the second supplementary budget.

[82] Y sefyllfa gyda CAFCASS oedd iddo beidio colli 5%, a dyna beth yw'r arian hyn. Felly, mae CAFCASS yn gweithredu ar gyllideb o £10.162 miliwn, fel yr oedd y sefyllfa. Nid oes arian ychwanegol, ond ar ôl edrych ar gyfrifoldebau CAFCASS, ni ostyngwyd y gyllideb o 5%.

The situation with CAFCASS was for it not to lose 5%, and this is what this money is for. So, CAFCASS operates on a budget of £10.162 million, as it used to do. There is no extra funding, but after looking at the responsibilities of CAFCASS, the budget was not decreased by 5%.

[83] **Simon Thomas:** Rwy'n deall yn awr. Felly, i fod yn glir, nid ydych yn disgwyl i CAFCASS ddelifro unrhyw beth penodol yn ychwanegol. I bob pwrpas, mae'n *flatline*.

Simon Thomas: I understand it now. So, to be clear, you do not expect CAFCASS to deliver something specific in addition. In effect, it is a flatline.

[84] **Gwenda Thomas:** Na. Dyna'r gyllideb a dyna'r esboniad. Rwy'n gobeithio ei fod yn ddigon eglur o ran sut daeth hynny i fod.

Gwenda Thomas: No. That is the budget and that is the explanation. I hope that it is clear enough as to how that came about.

[85] **Lynne Neagle:** Minister, could you tell us a little bit more about the work being carried out to improve services for children with disabilities?

[86] **Gwenda Thomas:** There is recognition of the need for services for disabled people. I know that a kind of mock court scene was set up in a special needs school in Gwent to look at and, if you like, play out the needs of disabled children in the system. Lessons were learned from that. A template has been created to look at the needs of disabled children and at expertise within the service, so that, as far as is possible, we can ensure that the staff who are trained in services for disabled children are brought in when it is needed. We should also ensure that reports to the court make clear to the court and to the judiciary the needs of that disabled child as the matter goes through the court system. So, all that has happened. We are always looking for improvements in order to develop things, but this is something new that has happened to ensure that we meet the needs of children who are disabled.

[87] **Lynne Neagle:** Is there any work outstanding in terms of what you are looking to put in place for disabled children?

[88] **Gwenda Thomas:** Yes, it is a living process. I do not know whether Gillian wants to

comment on what has been done about the template and the uniformity of the forms used.

[89] **Ms Baranski:** One of the other things that the Deputy Minister referred to is the specially commissioned tool to identify the damage that is caused to children by interparental conflict. We have been working with a child psychologist who helped us develop that tool to incorporate a series of validated assessment tools that specifically cater for children with learning difficulties. We accept that this is part of our service where work is ongoing and where the development continues, but it is core to the service that we are trying to ensure that we provide, in an appropriate fashion, to the children who are referred to us.

[90] **Rebecca Evans:** In your written evidence, you note that effective relationships with partners and stakeholders are essential for service delivery and improvement and that CAFCASS Cymru has strengthened relationships at a national, regional and local level. Can you provide some specific detail on how performance has been improved as result of that?

[91] **Gwenda Thomas:** I have been impressed with the development of the relationship with ADSS Cymru and the way that that relationship has developed most positively. I am also impressed with the all-Wales heads of children's services group, and with the meetings that have taken place and the understanding that has developed. That has greatly facilitated the work of CAFCASS and the understanding of the roles of the different organisations. The development of the relationship with the judiciary and the regular meetings that are held with Her Majesty's Courts and Tribunals Service is also part of the transition that I spoke about earlier.

[92] It is important to recognise the role of the advisory committee, and I am glad to be able to tell the committee this morning that I have reappointed Catriona Williams as chair of that advisory committee; there is a list here of the committee membership. This committee brings in the third sector as a valued member, and I am sure that the chief executive values the advice provided by it. I know of examples of presentations being made on different topics in those committees, so it brings together statutory and voluntary partners. I sometimes think that we underestimate the value and importance of that committee and the way that it has been developed in the last year, involving such organisations as Families Need Fathers Both Parents Matter Cymru and Fathers for Justice. So, significant work has been done to develop relationships with partners across the sector.

11.15 a.m.

[93] **Rebecca Evans:** You mentioned Families Need Fathers Both Parents Matter Cymru, but the written evidence that we have received from it states that, although you have improved relationships with local authorities, it has found it particularly difficult to engage with the service—on a policy, strategic or operational level—to date. Do you accept that improvements need to be made in terms of these relationships and what sort of actions do you propose to undertake to resolve that?

[94] **Gwenda Thomas:** I have explained that I think that the role of the advisory committee, of which this organisation is a member, is an important one. All matters that it would like to raise can be done so in that forum. There is discussion, participation and information sharing in that forum, which is of great importance to the children we serve. There are issues regarding shared parenting and others of that nature. The family justice review looked at all of that and extensive evidence was gathered for that process. I understand that people want to voice these opinions. I stress to any organisation, whatever it wants to say, that we have ensured that we have sent out a clear message that there can be an open dialogue. These things need to be dealt with as they arise and filtered through the advisory committee—that can be an important tool to ensure that we hear those voices.

[95] **Simon Thomas:** A gaf i droi at brifweithredwraig CAF/CASS, Gillian Baranski? Sut ydych wedi gwella'r ffordd yr ydych yn derbyn adborth a gwerthusiad gan ddefnyddwyr sy'n oedolion yn benodol? Cafodd hyn ei gydnabod yn adroddiad yr Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru fel gwendid yn hen weithdrefnau CAF/CASS. A ydych wedi cymryd camau i wella hynny? Yn olaf, a ydych wedi derbyn unrhyw werthusiad o'r camau hynny o ddefnyddwyr sy'n oedolion?

Simon Thomas: May I turn to the chief executive of CAF/CASS, Gillian Baranski? How have you improved the way that you receive feedback and evaluation from adult users in particular? This was recognised in the Care and Social Services Inspectorate Wales report as a weakness in the old CAF/CASS procedures. Have you taken steps to improve that? Finally, have you received any evaluation of those steps from adult users?

[96] **Ms Baranski:** As you said, it was one of the recommendations in the CSSIW inspection review. So, it was set out in our strategic plan as one of the pieces of work that we were going to take forward. We started the new system in April this year and the response rates have been disappointing. In the first quarter, we received 13 adult user feedback comments and in this July to September quarter, we have had 27. So, it is going in the right direction, but it is still a very small proportion. Suggestions that come in go to the senior management team and we review the comments and consider any suggestions for improvements. To try to encourage adult users to feed back, our family court advisors, when they have their first meetings, make reference to the feedback that is contained within the pack and encourage users to send it in.

[97] It is fair to say that, in addition to the formal routes that we have through the evaluation process, we regularly receive compliments and letters. We had 11 compliments to our staff in October, which is also feedback on what adult users think about our services. So, it is ongoing work. The systems are in place and we are trying to encourage our users to use them. One of the conversations that we had with our advisory committee was to seek its expert input as to how other organisations have improved the feedback that they have had.

[98] **Simon Thomas:** It sounds to me as though you are seeking feedback from individual users. Do they ever have an opportunity to come together as a group and feed back in that way? That is more of a third sector approach, perhaps.

[99] **Ms Baranski:** Yes. It is not one of the things that we have done to date, but this is a developing programme. Following a discussion with our advisory committee, we are considering several ways in which to encourage wider engagement. Clearly, through the family justice review programme and the family justice network, which the Deputy Minister has commissioned, we have fairly major stakeholder events coming up in March next year, where we will focus on children's feedback, because while we are keen to get a whole-system feedback, we are particularly interested in what children have to say about our services.

[100] **Christine Chapman:** Before you continue, I have a supplementary question from Jenny.

[101] **Jenny Rathbone:** You mentioned earlier that you have done a piece of work with a psychologist on the impact on children of inter-parental conflict. I wondered how well you were able to get parents to see CAF/CASS as a way of mediating between parents and not to continue to see their children as pieces of property, which is so damaging for children.

[102] **Ms Baranski:** We have developed with Professor Gordon Harold from Cardiff University a tool called the child and adolescent welfare assessment checklist. The whole point of this is to try to help parents to face the fact that their conflict is not just about them,

but has a very damaging impact on their children. Using this tool, we are able to bring forward academically accredited research and say to parents, 'Look, if this is the impact, let's try to work a way through this'. It is core to the work that we do in private law, in particular. There are two levels, at the first hearing, we send our skilled workforce in to try to conciliate a solution, because an agreed solution between parents is always the best way to take forward the interests of the welfare of the child. If that does not work, we use the tool and try to encourage parents that, if they want to minimise any potential damage to their children, to tell us how we can help them to develop a solution.

[103] **Jenny Rathbone:** However, in terms of trying to improve user engagement, do you think that you have made any progress so far?

[104] **Ms Baranski:** The impact of the tool on some parents has been quite startling. Surprisingly, they had never thought about the situation as damaging their child, and when they are faced with the evidence of that, the response from some parents is quite startling.

[105] **Jenny Rathbone:** Good.

[106] **Gwenda Thomas:** There is also the participation of children, which is very important. We have developed information packs for children. The family court advisers go through those packs carefully with children, and they contain clear advice for children if they want to complain, for example. One disappointment is that we were not able to recruit a participation manager. I am sorry that that has not happened, but we are pursuing that, because having a participation manager would be very helpful. We are working with Dynamix and Participation Workers' Network for Wales in order to develop this thinking on participation, the need to train staff, which is participation, and how we participate with children on the rights agenda and on the UNCRC. So, we see a role for a participation manager and, hopefully, we can see that happen in the not-too-distant future.

[107] **Julie Morgan:** I was going to ask you about the involvement of children. Can you tell us what form the participation events with children took in 2011?

[108] **Gwenda Thomas:** I can remember attending one of them, I am sure, but I am not very clear about it, perhaps Gillian is.

[109] **Ms Baranski:** We worked with Dynamix, because we recognise that this is an expert line of country, and we have also been in discussion with the children's commissioner, because we are conscious that when we engage with children, we want to do it in a way that is meaningful and does not cut across anything else. To help with these children's information packs, we met with three groups of children across Wales, and that was facilitated by Dynamix. We discussed with them the type of information that they wanted, because we had our checklist, which we took to them, and said that it was what we were thinking of doing, and they said, 'That's very interesting, but we would like it if you did this, this and this'. They also talked about the format of the pack; they did not like our suggestions about that, so we changed that as well. We also used those consultation events as a springboard to talk about our strategic planning process, and, as a result of the suggestions those children made to us, we developed a children's version of the plan. I have to confess that that is the version that is in all the offices, and the one that is generally referred to, because it is so easy to follow, and so easy to understand. As a follow-on from that, as part of our stakeholder events in March about the role of the family justice network, we have been in discussion with the children's commissioner and are starting a series of meetings next week with some children's groups across Wales to explain that we are saying that the voice of the child is imperative and important, and to ask, 'What does that mean to you? What are you expecting from the service that focuses on the voice of the child?' Also, we are asking them how we can better communicate with them, because we recognise that some of us are of a certain age, and our

communication methods and skills are not necessarily those that impact on children today.

[110] **Julie Morgan:** Since you have held those sort of events, has there been an increased response from children? I do not know how you are monitoring it.

[111] **Ms Baranski:** Well, they know what happened with the packs and the strategic plan. The stakeholder events that we are holding in March will be the main follow-up to ask, 'Where next?'

[112] **Julie Morgan:** So, you are not really able to measure whether you have made any progress in getting the voice of the child in yet.

[113] **Ms Baranski:** I think that this has been our disappointment about not being able to recruit a participation manager. We have tried to take the work forward, but the organisation recognises that it needs some expert support in how we do this on a larger scale.

[114] **Gwenda Thomas:** We have only had one complaint from a child, and there is an offer of advocacy at that point. That is also a support for children. Contracts have been allocated to Tros Gynnal Cymru and NYAS to provide that support at that point. However, there has only been one complaint. The packs are very clear, helpful and child-friendly as is the strategic plan, which is very important. I see these about the place, and I find them useful for me to understand CAFCASS's role and strategic plan, so we have produced that poster, and a lot of things have happened that, traditionally, were not happening as well as they should have. So, the development of this child-friendly information, I think, is very important, but there has only been one complaint.

[115] **Simon Thomas:** Should all Government departments have child-friendly information to help us all understand a little better?

[116] **Gwenda Thomas:** I think so. We saw the launch yesterday of the plan on the Welsh language in health and social services, and that has a child-friendly aspect. There are other good examples. This has helped me to understand CAFCASS, as I say, and perhaps we can let the committee have a poster to look at.

[117] **Jocelyn Davies:** Hiding simple information under the banner of 'child-friendly' is very useful, is it not? [*Laughter.*] You mentioned that there had been one complaint from a child. Did that child then use the advocacy service that was offered?

[118] **Gwenda Thomas:** I think that that complaint is still in process.

[119] **Ms Baranski:** Yes, it is. They did not use the advocacy service.

[120] **Jocelyn Davies:** So, they did not use the advocacy that was available, but were they made aware of it?

[121] **Gwenda Thomas:** Yes, as part of the information pack. It might be helpful to committee to have the packs and the poster to have a look at. You might have suggestions to make with regard to the packs. I find them very useful. They are a big step forward for the participation of children in the system, and are something to reflect upon. I find them to be excellent packs.

11.30 a.m.

[122] **Jocelyn Davies:** You will know that the handling of complaints was found to be wanting in the inspection; in fact, a complete review of the processes, procedures and practice

was recommended. In relation to complaints overall, not just those about children, what is the current level of complaints and how does that compare with the past?

[123] **Gwenda Thomas:** The complaints process has been completely changed and is now in line with the First Minister's guidelines, and there is consistency of the complaints process now throughout the Welsh Government. This new process has been developed by CAF/CASS Cymru. By virtue of its work, this is an organisation that will attract complaints. Perhaps on the substance of the family court adviser's report, if it does not say what one parent or the other wants it to say then you can see that such a process would attract complaints that really are there for the court to decide. So, it is an issue, but the complaints procedure needed to be simplified. If you recall, we had a report from the advisory committee a year or two ago on the complaints process, but there is a new complaints procedure.

[124] There have been 101 complaints since the process was introduced on 6 February this year. There might be one overall complaint that contains quite a few elements, so those are themed and are used as a lesson-learning process. However, it might be interesting for you to have the example that, under the old system, from April 2011 to February 2012, there were 50 complaints and 40 representations. I am not sure what 'representations' means. I would prefer to know that there were 90 complaints, if that is what they were. There are other examples of that: between April 2010 and March 2011, there were eight complaints and 54 representations. Does that mean that there were 62 complaints? I would prefer to know exactly what is what. So, we are recording complaints under the new system. I think that it is a much simpler system and much easier to understand. The complaints are dealt with and, as I have said, they are themed. Very often—as I know from my post box and yours is probably the same—it can be one parent or the other saying, 'That is not right', and that is often about the substance of the family court adviser's report to the court. The courts take the ultimate decision.

[125] **Jocelyn Davies:** So, in making a comparison between the current levels and those in the past, it could be because the complaints procedure has improved that more people are using it, rather than being due to the service itself. In its response to us, Fathers 4 Justice and Both Parents Matter Cymru—

[126] **Christine Chapman:** It was Families need Fathers.

[127] **Jocelyn Davies:** What did I say?

[128] **Christine Chapman:** Fathers 4 Justice.

[129] **Jocelyn Davies:** I am sorry. Families Need Fathers Both Parents Matter Cymru has made the point that it did not pursue formal complaints because it saw that there was little point in doing so because no notice was taken of them. Do you think that the complaints procedure has improved enough to dismiss that reflection on the way that things were in the past?

[130] **Gwenda Thomas:** I think that we have a coherent complaints procedure now, and that complaints procedure is uniform across the Government. I think that is a good thing. It is clearly set in stages, with, ultimately, the ombudsman giving a view, if the complaint goes through the process to the ombudsman. However, with Fathers 4 Justice and Families need Fathers Both Parents Matter Cymru, I have certainly made it clear to them that I will meet them and listen to them. It is a while since I have met Fathers 4 Justice, but I have met it and offered a regular meeting, and I think that we had built up quite a positive relationship. I remember the establishment of Families Need Fathers Both Parents Matter Cymru and I will listen to it, as will Gillian Baranski. It must use the advisory group in which it is a valued partner. We need to listen to what it says and feed in through that process, which was set up

for that very purpose. That forum will not be able to accommodate all its complaints, but I would expect every complaint to be fully investigated. I know that Gillian is also committed to that and to taking every complaint seriously, to learn from complaints when we can and, importantly, to take them to a conclusion. That might not always be acceptable to the complainant, but at least it allows them to track the record of the complaint and, ultimately, to take it to where it sometimes needs to be taken.

[131] **Jocelyn Davies:** Both Parents Matter Cymru is also included in that. Given that the complaints procedure was particularly identified in the inspection report as needing to be completely reviewed—and you have undertaken that review, and you have a new system—will you ensure that your advisory group monitors that particularly carefully, so that you can be satisfied that this is a better route for people, which does not deter them from making complaints.

[132] **Gwenda Thomas:** Yes, and in my regular meetings with Gillian Baranski, this is one of the agenda items.

[133] **Jenny Rathbone:** You have made training on the United Nations Convention on the Rights of the Child mandatory for all CAFCASS Cymru staff. Could you tell us how that training has enhanced or changed how you work with children—and, indeed, with adults?

[134] **Gwenda Thomas:** This is generic training established by the Welsh Government on the rights agenda, and CAFCASS Cymru is no exception and its staff are being trained. The target now is to ensure that staff training has been effective so that it can complement the scheme that we are developing and, crucially, so that CAFCASS Cymru, like every other Minister or department of the Welsh Government, can be ready to roll out this responsibility by May 2014. That will be the next target: when every Minister and department will have to have due regard to this in whatever they do. CAFCASS Cymru is no exception and its staff are being trained to meet that target. Gillian, would you like to say anything more?

[135] **Ms Baranski:** One encouraging thing about reading through the evidence submitted by other organisations was the recognition of how child-focused the work of our CAFCASS Cymru officers is. Arguably, as a division of the department, we are probably one of the most child-focused parts of Welsh Government as it stands. However, we will ensure that the UNCRC commitments are embedded in the way that we work.

[136] **Suzy Davies:** I have a question on contact services, which I would like to ask Gillian first, if that is okay. Obviously, things are in transition at the moment, and the Deputy Minister has made that point. Are you confident that that transition period will have come to an end by April 2013, and that the new system will be up and running, ready to go? What are you expecting from this new all-Wales network manager?

[137] **Ms Baranski:** Yes, we are fully on track to implement the new system from April 2013. As you know, NACCC, the National Association of Child Contact Centres, has been appointed to run the all-Wales network. It is a membership body for around 350 child contact services across England, Wales and Northern Ireland, and it has significant expertise in the development of contact services. We are expecting it to ensure quality assurance and consistency across Wales. It will also enable some support to be provided to the contact service providers that exist, which are doing a very valuable job at the moment. The sharing of best practice will be imperative.

[138] **Suzy Davies:** Are you looking for a wider geographical spread of services—not necessarily of buildings, but with services being available more locally?

[139] **Ms Baranski:** We have 14 contact service providers, and that is exactly the issue.

Contact is not about a building, but about a service and enabling parents to access their children in a safe and appropriate environment. The network manager's brief is to look at the regional footprint and ensure that appropriate services exist pan-Wales, rather than there being a patchwork quilt effect.

[140] **Suzy Davies:** I do not mind who answers the next question, but I want to understand the order of events. The network manager will be in place, and there is a grants awards process for who the providers will be, and applications for that are being sought now, with the deadline in December, which is only in a couple of weeks' time. Yet the manager will decide who gets what funding by April. Have I got that the right way around? How can applications be made if they are not sure what the likely budget will be? I raise that issue because you mentioned earlier, Deputy Minister, that there is no new money in the system, and it is just being used differently. We have heard a concern from the judges' association that there may be no more money in the system, so how are you going to deliver this new-look system, particularly as each new provider is not yet sure how much money they will get?

[141] **Gwenda Thomas:** There is a way to use resources in a different way. As we have explained, it does not have to be for a service provided in a building. There are much more innovative ways to set up this service. I am confident that NACCC will take this forward. The budget is £198,000 as published, but Gillian has been able to find another £25,000 to facilitate this, so it is about £223,000 now. By working in different ways, we can get much more out of that. We know that there is no more money in the system, but I am glad that, through looking at ways to achieve this, she has been able to find that £25,000.

[142] **Suzy Davies:** That is very encouraging news, but I am still not clear how a potential provider makes their bid in the first place. Do they say, 'I can do X amount for Y amount of money'? If you have 300 applications, you are never going to get them all into £200,000.

[143] **Ms Baranski:** At the moment, bids are coming in. We have received quite a lot of bids. We have been in discussion with all current child contact providers since the review finished in January of last year. So, this has not come to them cold. We have been in discussion about our plans, what we are looking to achieve, and how we are hoping to achieve them. There has been a lot of discussion between providers and our team as to what is expected of them. I hope that that has provided them with the clarity that they need.

[144] **Jocelyn Davies:** Several people have said that it is not about buildings, but it is about the child's access to the parent—and not the other way around—and it has to take place somewhere, and it has to be facilitated. So, if it is not in a building, how do you envisage it being delivered? What are people bidding for? What services are they expected to provide?

[145] **Gwenda Thomas:** There is also a difference between supported contact and other contact. Perhaps we can say a little about that.

[146] **Ms Baranski:** Currently, we have different models across Wales. For example, in north Wales, it is very much a peripatetic service that tends to use other facilities that already exist for children. They do not have a bespoke centre. They use other buildings that exist that are child friendly, and they facilitate contact in those. There are two types of contact services: supported and supervised. In supervised contact, there are concerns, and so there has to be someone there. For supported contact, which is the majority that tends to take place, it is really about facilitating it to happen. There are different requirements for different types of contact.

11.45 a.m.

[147] **Jocelyn Davies:** When you say that contact happens in different places, could that be

in McDonald's on the motorway? I think that Jenny would have something to say about that.

[148] **Gwenda Thomas:** It could be. It is whatever is in the best interests of that child. It would be helpful if we were to let the committee know how NACCC is intending to manage the service. It has already started to do that, but the management programme has to be operational by April 2013. We have had a transitional year. You know that there were difficulties in some places, and Peter Black spoke of that quite strongly. For this year, we have made funding available on a 12-month basis, for example for Abergavenny, Neath Port Talbot, Ebbw Vale and Pontllanfraith. We have had the continuity of funding during this year. What I want—and I am sure that it can be produced—is for the National Association of Child Contact Centres to tell us clearly what the management programme will be. That would be helpful for the committee as well.

[149] **Christine Chapman:** Yes, that would be useful.

[150] **Aled Roberts:** A fyddai'n bosibl cael gwybodaeth am yr amseroedd aros mewn ardaloedd gwahanol? Mae'r barnwyr wedi dweud bod anawsterau mewn rhai ardaloedd, a byddai'n help inni ddeall y sefyllfa cael gweld union faint y broblem ar hyn o bryd.

Aled Roberts: Would it be possible to have information about waiting times in different areas? The judges told us that there are difficulties in some areas, and it would help us to understand the situation if we knew the full extent of the problem at the moment.

[151] **Gwenda Thomas:** Rwy'n siŵr y gwnaethom ymweld â Dynamix gyda'n gilydd ar un adeg o ran y gwaith hwn. Rwy'n eithaf *bemused* gan dystiolaeth y barnwyr. O edrych ar atodiad B, nid wyf yn ei weld yn berthynol i'r papur cyntaf o gwbl. Rwyf wedi sôn am hynny, a chefais nodyn gan Mr Ustus Moor brynhawn ddoe lle mae'n ei gwneud yn eithaf eglur i mi fod perthynas dda iawn gyda CAF/CASS a Gillian Baranski. Bydd ef hefyd yn edrych i mewn i atodiad B a dod yn ôl ag esboniad inni. Byddwn yn falch iawn o rannu hwnnw â'r pwyllgor. Un peth a oedd yn fy mhoeni oedd bod y papur cyntaf yn sôn bod cyfarfodydd yn cael eu cynnal yn gyson ac roedd atodiad B yn dweud y gwrthwyneb. Mae angen eglurder o ran hynny. Mae pethau positif yn yr adroddiad ac nid wyf yn credu y dylem gollu sylw o hynny. Rwyf eisiau mynd â hwnnw'n bellach i gael esboniad, a gallaf rannu hwnnw gyda'r pwyllgor os hoffech imi wneud. Nid wyf yn cofio beth oedd ail ran y cwestiwn.

Gwenda Thomas: I am sure that we visited Dynamix together on one occasion in relation to this work. I am bemused by the judges' evidence. Looking at annex B, I do not see how it is in any way related to the first paper. I have spoken about that, and I received a note from Mr Justice Moor yesterday afternoon in which he made it quite clear to me that there is a very good relationship with CAF/CASS and Gillian Baranski. He is also going to look into annex B and come back to us with an explanation. I would be happy to share that with the committee. One thing that concerned me was that the first paper stated that meetings were being held regularly but annex B contradicted that. We need clarity on that. There are some positive things in the report, and I do not think that we should lose sight of that. I want to take that further and get an explanation, and I can share that with the committee, if you would like me to do so. I do not recall what the second part of the question was.

[152] **Aled Roberts:** Beth yw'r patrwm ar draws Cymru o ran amseroedd aros?

Aled Roberts: What is the pattern of waiting times across Wales?

[153] **Gwenda Thomas:** Mae hon yn system gyfan gwbl. Mae'n system lle mae partneriaid yn gweithio er lles y plentyn. Mae'r llys, y gwasanaethau cymdeithasol a CAF/CASS yn un rhan o'r system. Rwy'n

Gwenda Thomas: This is a whole-systems approach. It is a system in which all the partners work together for the benefit of the child. The court service, social services and CAF/CASS is one part of the system. I am

hyderus dros ben y gall CAF/CASS Cymru gyrraedd yr amserlen o 26 o wythnosau. Nid wyf yn gweld y bydd problem o ran hynny, yn enwedig ym materion y gyfraith gyhoeddus, lle mae cwestiynau o ddiogelwch plant yn codi. Rwy'n hyderus y gall CAF/CASS gyrraedd yr amserlen.

[154] **Simon Thomas:** Rwyf eisiau deall ychydig mwy am hyn. Rydych wedi cyflwyno tystiolaeth newydd i ni yn awr, Ddirprwy Weinidog, a rhaid inni ei gweld. Fodd bynnag, yn ôl fy narlleniad i o dystiolaeth y barnwyr, roeddent yn gofidio nad oedd digon o ddarpariaeth o ran canolfannau cyswllt ledled Cymru. Roeddent yn sôn am ganolbarth a gorllewin Cymru, yn arbennig y tu hwnt i Abertawe, fel lleoedd sy'n brin ohonynt. Roeddent hefyd yn sôn yn eu tystiolaeth am y ffaith bod barnwyr ar fyrdau rheoli canolfannau cyswllt. Mae ganddynt agwedd eithaf unffurf tuag at fannau cyswllt penodedig. Rydych chi wedi sôn am wasanaeth sy'n mynd i ddechrau o fis Ebrill ymlaen, sy'n ymddangos i mi yn llawer mwy ystyryth, ac a fydd yn wahanol mewn gwahanol rannau o Gymru o bosibl, yn adlewyrchu llefydd diarffordd a gwledig ac ati. A ydw i'n deall felly bod pethau tipyn yn niwlog ar hyn o bryd, ac nad yw pobl yn deall yn iawn beth sy'n mynd i ddod i fodolaeth ym mis Ebrill? Ai dyna sydd wrth wraidd y broblem hon?

[155] **Gwenda Thomas:** Rwyf wedi dweud fy mod wedi drysu tipyn bach ynglŷn â phapur y barnwyr hefyd, ond mae'n bwysig ein bod yn gweithio mewn partneriaeth â'r barnwyr, ac mae perthynas gref yn mynd yn ei blaen yng Nghymru. Mae rhwydwaith y barnwyr yn bwysig iawn, ac rwy'n mynd i'r cyfarfodydd hynny weithiau. Mae'n bwysig iawn ein bod yn ystyried bod rhai pethau i'w gwella o ran yr amserlen a bod rhaid i'r llys gael adroddiadau er mwyn i'r barnwyr allu gwneud penderfyniad cyn gynted â phosibl, a lle gall hynny ddigwydd, y tro cyntaf mae pethau'n mynd i'r llys. Rhaid inni ystyried ein bod yn newid o un system i un arall, a'n bod yn gweithio'n gyson gyda'n gilydd. Fodd bynnag, mae'r mater o gyswllt yn bwysig iawn. Hoffem petai'r barnwyr wedi dweud hyn wrthyf ychydig yn gynt. Os oes problem, dewch i ni gael gwybod cyn gynted â phosibl. Gwnawn ystyried y mater hwn yn awr ac aros

extremely confident that CAF/CASS Wales can meet the timetable of 26 weeks. I do not envisage a problem with that, especially in matters of public law, where questions arise in relation to children's safety. I am confident that CAF/CASS can achieve that timetable.

Simon Thomas: I want to understand this a bit better. You have presented new evidence to us now, Deputy Minister, and we have to see that. However, according to my reading of the judges' evidence, they were concerned that there is inadequate provision of contact centres across Wales. They mentioned mid and west Wales, particularly beyond Swansea, as areas where there is a shortage of them. In their evidence, they also spoke about the fact that judges are on the management boards of contact centres. They have a somewhat uniform approach towards specific contact centres. You mentioned a service that is going to start in April, which appears to me to be more flexible, and which may be different in different parts of Wales, reflecting secluded and rural places and so on. Do I understand therefore that things are a little ambiguous at the moment, and that people do not understand exactly what will come into existence in April? Is that the core of this problem?

Gwenda Thomas: I have said that I am rather confused about the judges' paper as well, but it is important that we work in partnership with the judges, and a strong relationship is proceeding in Wales. The judges' network is extremely important, and I attend those meetings occasionally. It is very important that we consider that there is room for improvement as regards the timetabling and that the courts must receive the reports so that the judges can make a decision as soon as possible, and where possible, the first time that things are submitted to the court. We must also consider that we are shifting from one system to another, and that we work consistently together. However, the matter of contact is very important. I wish that the judges had informed me of this sooner. If there is a problem, let us know of it as soon as possible. We will now consider this matter and await the response of Mr Justice Moor

am ymateb Mr Ustus Moor a gweld beth yn and see exactly what the judges are saying.
hollol mae'r barnwyr yn ei ddweud.

[156] Rhaid inni edrych ar beth sydd ei We must look at what is required in our
angen yn ein cymunedau a'n trefi a sut rydym communities and towns and how we are
yn mynd i drosglwyddo'r gwasanaeth pwysig going to deliver this important service of
hwn o gyswllt i blant. Mae canolfannau plant contact for children. There are contact centres
ar hyd a lled Cymru, a rhaid ystyried hynny. throughout Wales, and we must consider that.
Efallai ei bod yn well i ambell blentyn gwrdd It may be preferable for some children to
mewn caffi ac yn y blaen, os taw dyna sydd meet in cafes and so on, if that is what is best
orau i'r plentyn, ac mae hynny'n tanlinellu for the child, and that underscores everything.
popeth. Gwnaf ymateb ymhellach i'r I will respond further to the committee on the
pwyllgor ar dystiolaeth y barnwyr i ddwyn evidence of the judges to bring clarity to what
eglurder i beth sy'n cael ei ddweud. is being said.

[157] **Jenny Rathbone:** I just wanted to pick up something else that was in the judges' evidence, which is the idea that the role of the independent reviewing officer might be carried out by CAFCASS rather than somebody within the local authority. I wondered what your view is on why they are saying that. They are saying that some of them are questioning the independent status of the IRO in looking at care plans, with the particular anxiety that judges have about the shrinking of their role in this. What is your opinion of that?

[158] **Gwenda Thomas:** I have always valued the independence of the independent reviewing officer, but there is nothing to stop us seeking to improve systems and procedures whenever we can. I do not know whether Gillian wants to give a more in-depth answer to that, from a professional perspective.

[159] **Ms Baranski:** The comments that the judiciary have made to us are that the improvements that CAFCASS Cymru has made have been such that they have wondered whether this is a way that the services of CAFCASS Cymru could be extended. It is a suggestion at this stage for consideration rather than anything more than that. As part of the review that is going on with regard to sustainable social services, it is one of the things that I am sure will be considered, but it is a suggestion that is coming from the judges.

[160] **Jenny Rathbone:** Okay. So, it is not an urgently burning issue at the moment.

[161] **Ms Baranski:** In one form, it is a compliment to CAFCASS Cymru that they would trust us to extend our services, but it is a suggestion and an issue that they would probably want us to consider.

[162] **Christine Chapman:** We have about five minutes now and I know that Aled has some questions.

[163] **Aled Roberts:** Rydych wedi dweud eich bod yn hyderus y gall CAFCASS gadw at yr amserlen o 26 wythnos. Mae pryder o ran llysoedd yr ynadon, i ryw raddau, na fydd pobl yn cael cyngor cyfreithiol yn y llysoedd ac y byddant yn cynrychioli eu hunain, ac y bydd hyn yn rhoi mwy o bwysau ar wasanaeth CAFCASS. Rydym hefyd yn gweld mwy o achosion ynglŷn â chyfraith gyhoeddus oherwydd bod y niferoedd o blant sy'n derbyn gofal yn cynyddu. Rydych wedi dweud nad oes arian ychwanegol ar gael, **Aled Roberts:** You have said that you are confident that CAFCASS can stick to the 26-week timetable. There is concern in terms of magistrates' courts, to some extent, that people will not receive legal advice in the courts and that they will represent themselves, which will put more pressure on CAFCASS services. We are also seeing more cases in relation to public law because the number of children coming into care is on the increase. You have said that there is no additional money available, so how can you

felly sut y gallwch fod mor hyderus bod yr amserlen o 26 wythnos yn ymarferol, wrth inni gofio y cafwyd cynigion tebyg yn y gorffennol lle mae llysoedd wedi dweud y byddai achos yn cael ei gyflawni o fewn hyn a hyn o amser? Nid yw'r dystiolaeth honno o'r gorffennol yn ein gwneud mor hyderus ag yr ydych wedi awgrymu y gallwn fod.

[164] **Gwenda Thomas:** Yn ei chyfarfodydd gyda mi, mae Gillian Baranski wedi ei wneud yn glir bod hwn yn flaenoriaeth i'r gwasanaeth. Mae hi'n hyderus bod y system a'r capasiti y mae hi wedi ei adeiladu drwy newid yr ardaloedd a'r hyn y bu inni sôn amdano ynghynt yn mynd i helpu hwn i ddigwydd. Efallai yr hoffech ymhelaethu ar hynny, Gillian.

be so confident that the 26-week timetable is practical, if we bear in mind that there have been similar proposals in the past where courts have said that a case would be completed within a certain time? The evidence that we have seen from the past has perhaps not made us as confident as you suggest we should be.

Gwenda Thomas: In her meetings with me, Gillian Baranski has made it quite clear that this is a priority for the service. She is confident that the system and the capacity that she has built by changing the areas and the work that we mentioned earlier will facilitate this. Perhaps you would like to elaborate on that, Gillian.

[165] **Ms Baranski:** In many senses, there are many unknowns about the reform process and what the impact will be, such as whether there will be an increase in self-represented parties. These are all areas that are under discussion. What I do know is that CAFCASS Cymru does and will always prioritise public law work. Protecting children is at the core of what we do, and, for our public law work, there is no unallocated work and there is no delay in CAFCASS Cymru for public law work because it is so important.

[166] One of the other factors that will emerge over the next few months is that agencies are working together to develop a statement of expectation of each of the agencies that operate within the family justice system to ensure that we all meet this new 26-week target. It may be that some things that agencies do now will change and that the way in which we work will change in order to ensure that 26 weeks becomes the norm and not the exception. I am very confident about the relationships we have built with the Association of Directors of Social Services Cymru, the judiciary and Her Majesty's Courts and Tribunals Service. We have been working with them for the past year to try to move towards this 26-week target. There are already indications that, as a result of the excellent joint working that is going on, the time limits are starting to move in the right direction. The assurance from CAFCASS Cymru is that public law will remain our significant priority.

[167] **Aled Roberts:** Rydych wedi dweud bod perfformiad wedi gwella yng Nghymru a bod achosion yn cymryd llai o amser nag yr oeddent yn y gorffennol. Faint o wythnosau, ar gyfartaledd, mae achosion yn cymryd ar hyn o bryd?

Aled Roberts: You have said that performance has improved in Wales and that cases are taking less time than they did in the past. How many weeks, on average, are cases taking at present?

[168] **Ms Baranski:** Within the system, the year-to-date figures for Wales show that the average care case currently takes 55 weeks. If you look at the month of October, you will see that, in Wales, it was 50 weeks, and that figure is coming down. What must be remembered is that CAFCASS Cymru is part of the system. We are contributing to it and are working and co-operating with the other parts of it, but we are just part of that system. We are determined to make our part work, as I know the other agencies are. So, the figures are going in the right direction. For the Family Justice Board, of which I am a member, the recognition is that meeting the target of 26 weeks will not happen overnight. Changing a system to this extent will take time. Part of the work that is going on with both ADSS Cymru and the judiciary is to try to ensure that, by the time this becomes legislation, which is anticipated to take place in

about 2014, we will be able to meet those 26-week targets.

12.00 p.m.

[169] **Christine Chapman:** Can you tell me briefly whether you think that there are any further improvements that need to be made with CAFCASS? If so, what are the timescales on these?

[170] **Gwenda Thomas:** We are committed to implementing all the recommendations of the CSSIW report by 2015, and that process is well under way. The strategic plan, as I have mentioned before, is being monitored on a quarterly basis to ensure that the change programme is delivered. This close work with ADSS cannot be underestimated. The consideration of changing the type of reports that are produced for the court is part of the improvement journey. I am convinced that the strategic plan will be delivered and we will have implemented the recommendations of CSSIW by that date in 2015.

[171] **Christine Chapman:** Thank you, Deputy Minister, for that. I thank you and Gillian for attending today and answering Members' questions. As you will know, we will send you a transcript of the meeting to check for factual accuracy.

[172] **Gwenda Thomas:** We will let you have what we have promised, of course.

[173] **Christine Chapman:** Thank you. Before I close this morning's meeting, I advise Members that the next meeting will take place next Wednesday, 28 November, when the committee will be considering amendments to the School Standards and Organisation (Wales) Bill. I now close the meeting.

Daeth y cyfarfod i ben am 12.01 p.m.

The meeting ended at 12.01 p.m.