

19 September 2019

Ms Victoria Soeder

Our reference: CAS-427211-VZ73LT

Sent via email:

[request-599512-abc2e753@whatdotheyknow.com](mailto:request-599512-abc2e753@whatdotheyknow.com)

Dear Ms Soeder,

### **Your request for information**

Thank you for contacting Ofsted regarding aspects of our 2018 inspection of Cafcass. In your email, submitted via the "Whatdotheyknow" website, you requested disclosure of the following information under the Freedom of Information Act:

- 1. Please provide the information OFSTED used here to demonstrate 'how' cases that as you state 'lacked clarity' did not affect children BECAUSE practitioners carry out their work with clarity? [please explain this as it appears to be an oxymoron unless readers are missing a point]*
- 2. Please provide the evidence base or methodology/statistical data/rationale OFSTED used to measure 'how 'these' children were not adversely impacted' where you IDENTIFIED cases LACKED CLARITY?*
- 3. How did OFSTED measure the NO adverse impact upon children who's cases were not easy to read and lacked clarity with 'accuracy' just to 'ensure' the children were not adversely impacted and to ensure 'every child's voice was actually heard'?*

### **The Freedom of Information Act**

We have dealt with your request in accordance with the Freedom of Information (FOI) Act 2000. The Act provides members of the public a general right of access to information that is held by a public authority. However, there is no specific requirement on a public authority to provide clarification or explanation on a specific topic in response to a request. The focus of the Act is on information that is *held* by an authority.

Normally, the first requirement of the Act is that we should confirm whether we hold information of the description set out in your request. We must then provide you

with all the information we hold, which falls within the scope of your request, unless it is 'exempt' information. Where appropriate we are also obliged to provide advice and assistance<sup>1</sup> to individuals to assist them with their request.

I can confirm that we hold the evidence base from this inspection. However, in this case, the information we hold is not recorded in a manner that would assist you. This is because the evidence is not recorded against the specific criteria or questions you have asked in your request. To be able to respond to these questions, further analysis of the evidence would be required to triangulate the notes against the questions you have raised. Carrying out such analysis is not a requirement of the Act; therefore, on this occasion, we consider the most appropriate method to answer your request, is by providing advice and assistance to help clarify the statement you refer to in the report.

While we do not propose to disclose the evidence base for this inspection, in preparing my reply to you, I have reviewed aspects of the evidence base and am satisfied the findings of the inspection report that you refer to are supported.

Your questions relate to the part of paragraph 43 of the [inspection report](#) which states:

*Case plans and the recording on contact logs on children's files are not always easy to read. In a small number of cases, they lack clarity about work to be undertaken. Inspectors did not find an adverse impact for children arising from this because practitioners carry out their work with clarity, focus and purpose. Managers at all levels, including the practice supervisor role, are readily available to all staff. A high degree of discussion and opportunities to reflect on practice are also available.*

Cafcass' main function is to give advice to the family court about how best to safeguard and promote the welfare of the child. Cafcass practitioners provide advice to the family court through verbal and written reports.

During an inspection, inspectors evaluate the quality of practice in a sample of children's cases. The evaluation will include scrutiny of case records, observing practice (including in court), speaking with Cafcass practitioners, managers and other professionals and where possible and appropriate<sup>2</sup> with children and families.

Having triangulated all the evidence from these sources, inspectors will arrive at their overall evaluation of the quality of the advice given to the family court. In the best social work practice, we would expect all aspects of that, including the case recording, to demonstrate clarity. However, it is possible for aspects of recording to

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<sup>1</sup> [Section 16](#) of the Freedom of Information Act 2000

<sup>2</sup> We do not speak to families in 'live' proceedings as we do not wish to influence proceedings in any way.

lack clarity, when viewed in isolation, but for the Cafcass practitioner to report to the court in a considered, insightful and clear manner that enables the judge or magistrate to make a decision for the child that appropriately safeguards and promotes their welfare. The question of 'no adverse impact on children' is predicated on the inspector's evaluation of the quality of this advice to the court. Where Cafcass has appropriately assessed children's needs and made recommendations to the court likely to meet those needs, it is reasonable to believe the court will make decisions in the child's best interests.

In terms of inspection methodology, you may be interested to see Ofsted's inspection framework for the inspection of Cafcass and our guidance to inspectors which can be seen in full at: <https://www.gov.uk/government/collections/ofsted-inspections-of-the-children-and-family-court-advisory-and-support-service>

Thank you for contacting us on this matter and I hope this explanation is helpful to you.

Yours sincerely,

**Jeremy Gleadon**

Senior Her Majesty's Inspector, Social Care

## Next steps

If you are dissatisfied with our response or the handling of your request, you may request a formal internal review. To do this, please write to the following address, setting out the area(s) of the response you are unhappy with:

Email: Richard McGowan at [informationrequest@ofsted.gov.uk](mailto:informationrequest@ofsted.gov.uk) or write to:

Head of Information Rights and Correspondence  
Ofsted  
2 Rivergate  
Temple Quay  
Bristol  
BS1 6EH

If you are not content with the outcome of the internal review, you have the right to apply to the Information Commissioner for a decision as to whether we have complied with our obligations under the FOI Act with respect to your request. The Information Commissioner can be contacted at:

<https://ico.org.uk/concerns/getting/>

or:

Customer Contact  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF