## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Introduction</td>
<td>3</td>
</tr>
<tr>
<td>2. Courts’ and Legal Profession’s Perspective</td>
<td>5</td>
</tr>
<tr>
<td>3. Health and Social Services Trusts’ Perspective</td>
<td>10</td>
</tr>
<tr>
<td>4. Possible Future Models</td>
<td>15</td>
</tr>
<tr>
<td>5. Conclusion and Recommendations</td>
<td>19</td>
</tr>
</tbody>
</table>

## ANNEXES

| Annex 1. Methodology                                                  | 21   |
| Annex 2. Statistical information from NICtS and Court Welfare Officer returns | 25   |
| Annex 3. CAFCASS draft report templates                               | 30   |
| Annex 4. HSS Trust report template                                    | 58   |

## QUESTIONNAIRE

|                       | 63   |
1. **Introduction**

1.1 The Sub-Committee on Court Welfare Officers was established at the request of the Children Order Advisory Committee (COAC) at its June 2003 meeting. Its inaugural meeting was held in October 2003, and the Sub-Committee has met on four occasions between then and April 2004.

1.2 The need to establish the Sub-Committee arose from information provided by Family Court Business Committees about the varying approaches which different HSS Trusts employed to provide Article 4 reports to the courts. COAC recognised the excellent work that had been done to date by Court Welfare Officers, and acknowledged that the involvement of a Court Welfare Officer in a case could reduce delay and obviate the need for an Article 4 report by being available to deal with matters during a court sitting. It therefore decided to establish a Sub-Committee to consider how HSS Trusts were responding to requests from the courts for Article 4 reports and to make recommendations on the way forward.

1.3 The Children (NI) Order 1995 brings together public and private law in respect of children. Article 8 of the Order establishes a range of orders available to the courts in private law cases. These orders are usually sought by private individuals. Where an order under Article 8 is sought in respect of a child who is looked after it is a public law matter. In private law cases the child is not automatically a party to the proceedings. Courts can however, request a welfare report under Article 4 of the Children Order from one of the 11 HSS Trusts when there are issues upon which it seeks more information or about which it wishes to ascertain the child’s wishes and feelings. Reports usually inform the court of the child’s wishes and feelings; the Court Welfare Officer will however, recommend what he/she thinks is in the child’s best interests in the circumstances of the case, rather than act solely as an advocate for the child’s wishes.

1.4 Courts’ requests for Article 8 reports are made to HSS Trusts under Article 4 of the Children Order. Where the particulars of any case indicate that a care or supervision order may be required, a court under Article 56 of the Children Order may direct a HSS Trust to undertake an investigation of the child’s circumstances. Under both Articles 4 and 56 of the Children Order, HSS Trusts have a statutory duty to report to the courts in private law matters.

**Terms of Reference**

1.5 At the inaugural meeting of the Sub-Committee in October 2003 draft terms of reference were agreed by the members. These were subsequently approved and endorsed by the COAC at its November 2003 meeting.
1.6 The Terms of Reference are:

- to establish the legal basis for courts requesting court welfare reports in private law cases, highlighting any operational difficulties experienced by the courts and HSS Trusts;

- to establish the current level of demand for court welfare reports in private law proceedings and timescale for the provision of such reports, noting any variation across Northern Ireland. Also considering the historical and legislative context in provision of private law cases;

- to consider existing arrangements within HSS Trusts for providing courts with reports in private law proceedings and to consider the structure of information provided to the courts and the current and future role of Court Welfare Officers;

- to report to the Committee on its findings, including making recommendations on how to structure services efficiently to ensure a timely response to court’s requests for such reports while taking into account the priorities, staffing and financial resources available within HSS Trusts.

Membership

1.7 The membership of the Sub-Committee was chosen to reflect the multi-disciplinary ethos of the COAC and reflects the breadth of interest in this subject.

Chair  Miss Marion Reynolds Social Services Inspectorate
       Mrs Brenda Conlon Child Care Policy Directorate
       Her Honour Judge Philpott QC Recorder of Londonderry
       Mr Hugh Connor Director of Social Services, EHSSB
       Mr Ronnie Williamson Chief Executive, NIGALA
       Ms Phyllis Reilly Court Welfare Officer
       Mr Brian McElholm Resident Magistrate
       Mrs Catherine Dixon Solicitor
       Mrs Gillian McGaughey Barrister

Secretary  Mr Michael Williamson Child Care Policy Directorate

Methodology

1.8 The approach of the Sub-Committee is set out in Annex 1. Statistics provided by the Northern Ireland Court Service and Court Welfare Officers are available at Annex 2.
2. **Courts’ and Legal Profession’s Perspective**

2.1 The following section draws upon a paper prepared by Her Honour Judge Philpott QC who met with the Recorder of Belfast Judge Hart QC, His Honour Judge Rodgers and members of the Family Law Sub-Committee of the Resident Magistrates’ Association to seek their view as to whether or not a Court Welfare Officer service is necessary to assist the court in dealing with Article 8 Orders in private law cases. The Committee also considered how such a service, if it was felt appropriate, should be established and what the courts would require of a Court Welfare Officer.

2.2 It was the unanimous view of those members of the Judiciary who were consulted that in those HSS Trusts that have a Court Welfare Officer there is a more effective resolution of Article 8 contact applications with better results for the children concerned and a speedier response to the courts request for Article 4 reports.

2.3 The intervention by the Court Welfare Officer reduced delay in the decision making process by the court, provided relevant information to assist the court reach an informed decision, and was more likely to lead to a consent order. There was also less likelihood of a return to court within a few months of the original order being made.

2.4 It was strongly felt that the failure of HSS Trusts to provide Article 4 reports within an acceptable time is a breach of both the parties Article 6 right to a fair trial within a reasonable time and their Article 8 right to a family life under the Human Rights Act 1998. It was also noted that these rights also apply to the children who are involved in the cases.

2.5 It was the unanimous view of those consulted that to wait up to 12 weeks for an Article 4 Report was unacceptable. The position appears in some areas to be in the region of 8-10 weeks.

2.6 It was felt that if there was an established Court Welfare Officer service throughout Northern Ireland that a substantial number of Article 8 contact cases would be resolved satisfactorily without the need for an Article 4 Report. It was felt that HSS Trusts had to recognise that it was for the court to decide whether a case should be referred to the Court Welfare Officer or whether an Article 4 Report should be obtained.

2.7 The aim of the Court Welfare Officer would be to deal with the cases where some assistance was needed to help the parties focus on the needs of their children as opposed to continuing the incriminations as to who was responsible for the breakdown of their relationship. It was the view of those consulted that residency disputes would still require an Article 4 Report as would serious contact disputes where there was a real risk of emotional abuse being caused to the children, or where domestic violence or child protection issues such as sexual abuse were raised. In essence, the purpose of a Court Welfare Officer service is not to replace HSS Trusts statutory obligation to supply Article 4 or Article 56 reports in appropriate cases but
to provide a dedicated service to the court which supported the HSS Trusts in the discharge of these responsibilities. The Court Welfare Officer would be used to provide the court with the relevant information without delay, if after efforts to get the parties to reach a decision in the interests of their children have failed. This should prevent the court process itself contributing to a lengthy breach in contact before it reaches a decision.

2.8 The obvious benefit of an effective Court Welfare Officer is that it greatly reduces the need for Article 4 reports. This is an outcome which HSS Trusts confirm (See Section 3). For example in Newry Family Proceedings Court prior to the introduction of the Court Welfare Officer there were approximately 100 Article 4 reports required in a 12 month period. After the introduction of the Court Welfare Officer and mediation, the number of Article 4 reports requested was reduced by 50%. In addition, intervention by the Court Welfare Officer obtained a successful outcome in 70% of the cases in which the officer was engaged.

2.9 The future structure of the Court Welfare Service was considered. The feasibility of establishing a separate Agency to run the Court Welfare Officer service was considered but rejected for the following reasons:

A. Size – the number of Court Welfare Officers would be small, possibly one or two for each Family Proceedings Court district depending on anticipated workload.
B. The cost of setting up a free standing agency for such a small number of Court Welfare Officers would not be a sensible use of resources.
C. If HSS Trusts were to employ the Court Welfare Officers it would prevent the development of a “them and us” mentality, as the Court Welfare Officers would have ready access to social workers.
D. At present those Court Welfare Officers employed by HSS Trusts have access to the Social Services resources and personal employment supports.
E. It was felt to be vital for HSS Trusts to co-operate with each other in the organisation and funding of a coherent service throughout Northern Ireland. In Belfast, a number of HSS Trusts share the costs of the Court Welfare Officer, while in Dungannon a Court Welfare Officer has recently been engaged by one HSS Trust and is paid for entirely by that HSS Trust and will, therefore, not carry out Court Welfare Officer work for other HSS Trusts within the court district. This highlights the differential service given to the public in Article 8 Contact cases between the Trusts.
F. There is no objection to HSS Trusts contracting out the role of the Court Welfare Officer to the Voluntary Sector (such as Barnardo’s as in Newry) provided there is a uniformed standard to which all Court Welfare Officers comply.
G. There should be a full evaluation of the number of Article 8 applications in each family proceedings district and cases which would require Court Welfare Officer assistance in the Care Centres.
H. In those areas where there are currently Court Welfare Officers there should be a full evaluation of the work presently being carried out by them. How much time per week do they spend on the work:

   a. in court;
   b. interviewing parents and children;
   c. writing reports;
   d. administrative tasks;
   e. travelling.

I. The meeting also felt that there might be some merit in changing the name of the Court Welfare Officer to Court Children’s Officer. This title would serve to emphasis that the child is central to the court process.

2.10 The role of the Court Welfare Officer was seen as twofold:

   A. Intervention
   B. Liaison

**Intervention Role**

2.11 In cases not involving allegations of domestic violence or sexual abuse and upon the court determining that there are unresolved issues between the parties concerning the children, it shall consider referring the matter to the attention of the Court Welfare Officer.

2.12 The Court Welfare Officer should then report back to court verbally or in writing with a recommendation as to how to proceed. If there is full agreement between the parties then the court may make a full Order by Consent, if it is satisfied that the proposed order is in the interests of the child or children.

2.13 If the Court Welfare Officer recommends to the court a trial period then the making of an Interim Order may be considered by the court.

2.14 If no agreement can be reached through the intervention of a Court Welfare Officer then a written report should be given to the court outlining:

   • the positions of each party and the differences between them;
   • the views of the children; and
   • the Court Welfare Officer’s recommendation.

2.15 Even if a written report is not prepared (in a case where the parties reach agreement) notes of all interviews, investigations and details of the agreement should be preserved on the Court Welfare Officer’s case file.

2.16 The exact format of a final written report should be the subject of further and separate consideration elsewhere. **BUT** in any case the Court Welfare Officer, whether reporting verbally or in writing, must consider the welfare checklist.
Liaison Role

2.17 Court Welfare Officers should act as Liaison Officer between the court and HSS Trusts, or other agencies (e.g. NSPCC etc) in respect to the court’s requests for Article 4 reports. Court Welfare Officers should assist in timetabling Article 4 reports.

2.18 Court Welfare Officers should also act in a liaison capacity with Contact Centres to ascertain their availability to take a referral, opening times, etc.

2.19 In Belfast there is a specific Liaison Office to carry out the above referred to tasks. This service does not exist in other Districts and the Resident Magistrate is anxious not to lose this Officer. Consideration should be given as to how this Liaison Officer’s role fits in with that of the Court Welfare Officer in Belfast Family Proceedings Court, when the future structure of the Court Welfare Service is being agreed.

Court Welfare Officer Reporting Timetable

2.20 The Judiciary thought that all Court Welfare Officer interviews, investigations and reports should be completed within a period of 4 weeks. A sufficient number of Court Welfare Officers should be appointed to each court to ensure that this deadline is met in ALL cases.

Court Welfare Officer Protocol for Dealing with Clients

2.21 An information leaflet should be produced and disseminated to all parties at court explaining the role of the Court Welfare Officer. Furthermore, the Court Welfare Officer should go through this leaflet with each party referred to him/her by the Court.

2.22 All Solicitors and Counsel operating in these courts should be informed of the role of the Court Welfare Officer to limit the opportunity for misleading information to be given to clients.

2.23 Before intervention by the Court Welfare Officer all parties should be made aware that:

- these are not confidential discussions in that all information gathered by the Court Welfare Officer is in the ownership of the court and will be reported thereto;
- the Court Welfare Officer does not provide therapeutic mediation services; and
- the Court Welfare Officer will liaise with Social Services regarding any previous involvement with the children or any of the parties.

2.24 The Judiciary also felt that to properly deal with the type of Article 8 Contact issues that came to court that Contact Centre facilities are required in each Family Proceedings Court district and that a parent and family counselling service would be desirable.
View of the Legal Profession

2.26 Solicitors and Barristers who practice regularly at the Family Proceedings Court invest a considerable amount of time and effort finding resolution to Contact and Residence disputes both before proceedings are issued and after the matters are listed for Court Hearings. In the precincts of the court, efforts are also made to negotiate resolutions to these problems before the Court Welfare Officer is approached. At that point, Solicitors and Barristers outline to the Court Welfare Officer the difficulties in a specific case. The Court Welfare Officer can then use information provided by both parties to endeavour to distil matters down and attempt to have them resolved.

2.27 The inconsistencies in the provision of a Court Welfare service, present problems to legal practitioners who appear in courts across Northern Ireland, and find a variety of provision by different trusts, many of whose staff appear in the same court.

2.28 Solicitors and Barristers who practice in the Family Proceedings Court have noted that the provision of a Court Welfare Officer has a positive impact on progressing private law cases. The Court Welfare Officer’s have made positive impacts in the following areas:

- reducing the number of contested cases – thereby reducing the acrimony between parents, which children witness;
- assisting and helping parents come to terms with their obligation to focus on the needs of their child rather than their own; resulting in agreed Court Orders for Contact and Residence;
- assisting in gate keeping the requesting for reports and providing realistic timeframes to the courts for the reports;
- assisting the courts to be specific about what it wishes the report to cover;
- liaising with both legal representatives endeavouring to distil the issues in an effort to resolve disputes; and
- enabling the lawyers and the courts to determine when there is no option but to run a case as a full contest as all avenues to seek voluntary agreement have been tried to no avail.

2.29 The Court Welfare Officer title means they are perceived by the public as part of the court process. They are respected as independent and having authority. Any suggestion to alter the title should seek, therefore, to retain the word “Court” and if possible be more child focused.
3 Health and Social Services Trusts’ Perspective

3.1 Visits were made between January and April 2004 to the 11 Health and Social Services Trusts to seek information about:

- the arrangements in place within HSS Trusts to meet requirements under Article 4 of the Children Order relating to the provision of reports to a court which is “considering any question with respect to a child under this Order”;
- how requests from courts for Article 4 reports are prioritised;
- the effectiveness of existing arrangements; and
- views on any possible future arrangements for the structuring of court welfare services.

3.2 The following section considers the first 3 of the items set out above from the HSS Trusts’ perspective. Section 4 draws together comments from the HSS Trusts and the Judiciary on the last item listed and outlines 3 possible models for the future delivery of Court Welfare Services.

(i) Arrangements currently in place within HSS Trusts

3.3 Across the 11 HSS Trusts there is a range of arrangements in place to enable them to respond to requests from the courts for Article 4 reports. The following summarises current arrangements:

- one HSS Trust has a Service Level Agreement with a voluntary organisation to complete Article 4 reports on its behalf;
- one HSS Trust has no Court Welfare Officer and all Article 4 requests are dealt with by its Family and Child Care teams;
- one HSS Trust has recently commenced a pilot of a part time Court Welfare Officer to evaluate the benefits of such a role;
- one HSS Trust has a part time Court Welfare Officer for one sector and a consortia arrangement with 2 other HSS Trusts for the other part of the Trust’s area;
- 3 HSS Trusts have dedicated full time Court Welfare Officers;
- 4 HSS Trusts have consortia arrangements in place.

3.4 The reason for the wider regional variation in models of provision are complex, they include:

- some HSS Trusts’ boundaries are extensive and they cover more than one courts’ area, often this means that HSS Trusts’ boundaries overlaps in relation to court work. Logistically, therefore, it has been found beneficial to work together;
• there has been no overarching strategic approach taken to developing a Court Welfare Service in Northern Ireland; individual HSS Trusts have, therefore, taken individual decisions designed to meet Article 4 requests from the courts in a timely fashion;

• a number of commissioning HSS Boards have not provided monies for Court Welfare Services, therefore, a number of HSS Trusts have had to realign some of their Family and Child Care Teams’ budgets to pay for a Court Welfare Officer post;

• there has been no analysis of workload upon which to base a workforce strategy in respect of the number of Court Welfare Officers needed to service the needs of the courts in respect of Article 4 requests.

3.5 The lack of co-terminous boundaries between HSS Trusts and the courts is likely to require that HSS Trusts continue to work together to meet their statutory duties in respect of Article 4 reports. For example, Homefirst HSS Trust receives requests for services from the following court areas: Omagh, Londonderry, Ballymena, Antrim, Larne and Belfast. Currently, it has a consortia arrangement in place with South and East Belfast and North and West Belfast HSS Trusts in relation to work originating from the Belfast courts. It is currently considering the need to formalise arrangements with Foyle HSS Trust which is currently providing it with some service in the Londonderry court from its Court Welfare Officer.

(ii) Prioritisation of requests for Article 4 reports.

3.6 All of the Trusts demonstrated a desire to respond in a timely manner to requests from the courts for Article 4 reports. The development of Court Welfare Officer posts across HSS Trusts was done to ensure that court work could be prioritised; HSS Trusts have also sought to manage the demands placed upon Family and Child Care staff by providing dedicated court welfare staff.

3.7 Managers noted that they were managing requests from the courts for private law reports alongside demands arising from child protection and public law cases, with staffing numbers which at times they deemed insufficient to deal with the level of demand experienced. All HSS Trusts reported difficulties with the recruitment and retention of Family and Child Care social workers and referred to the adverse impact of public law cases on these staff. Issues which they raised in respect to the latter point included:

• the increased time which social workers spend in court to acquire a Care Order;
• the considerable amount of waiting time in courts due to the general absence of a time tabling system;
• social workers’ perception of court as adversarial and hostile and the negative consequences this has for attracting and retaining staff within this Programme of Care.
3.8 Some managers commented that when social workers were in court waiting rooms they were not available to discharge their wider statutory functions, including providing the courts with Article 4 reports. There was a view that efforts needed to be made to better use professional social work time within the court processes.

3.9 Generally, HSS Trusts’ managers commented that while they afford priority to meeting the courts’ requests for Article 4 reports, that at times this is problematic due to the competing demands placed upon them because of their child protection, looked after children and public law duties. Managers from a number of HSS Trusts commented that through Family Proceedings Court Business Committee meetings they had sought to appraise the courts of both the demands facing staff and any staffing issues with which the HSS Trust was confronted. Some managers felt the Family Proceedings Court Business Committees had the potential to work to resolve issues of conflicting demands by considering how to make best use of social work time in both public and private law cases.

3.10 The innovative approaches which various HSS Trusts have used to meet their statutory requirements in respect of providing Article 4 reports is commendable. As noted at Para 3.3, one HSS Trust, has after attracting legal criticism, contracted this work out to a voluntary organisation, while another which has a consortia arrangement with two other HSS Trusts bought in, during last year, a consultant to help it meet the courts’ requests for Article 4 reports.

(iii) The Effectiveness of existing arrangements.

3.11 Just as there is variation in the arrangements which have been developed to provide Article 4 reports to the courts, so there are differences in the outcomes noted by HSS Trusts. Despite variations in arrangements, all HSS Trusts reported that having in place a Court Welfare Officer was beneficial as it enabled them to provide a service to the courts and to manage better the demands placed on their Family and Child Care social work teams. The fewer hours a HSS Trust had from a Court Welfare Officer the less able, however, it was to deflect work from its Family and Child Care staff.

3.12 The following summarises benefits listed by HSS Trusts in respect of having a Court Welfare Officer available to them:

- requests from the courts for an Article 4 report are more specific. Specificity was described in terms of both the type of report requested i.e. verbal or written and its required content i.e. a full report; a report on a specific issue; or a report on the children’s wishes and feelings. The survey completed by Court Welfare Officers over a three month period indicates that work requested by the courts fell into three broad headings:
  - full welfare report;
  - report on a specific issue; and
  - report on the wishes and feelings of the child.
In addition they undertook work directly with parents at the court to resolve issues, thereby obviating the need for any written report.

- HSS Trusts with no access to a Court Welfare Officer felt that at times the courts lacked specificity about what was wanted in the report, consequently a full written report was generally provided to them;

- the number of requests for full welfare reports reduced overall with the presence of Court Welfare Officers at the courts enabling a considerable number of issues to be resolved on the day, or without the need for a full report;

- timescales for the provision of reports were generally met;

- fewer complaints were received by HSS Trusts from parents in respect of the Court Welfare Officers’ independence and standard of practice;

- a closer working relationship and understanding was established between the courts, the Court Welfare Officer and local solicitors. On some occasions this meant that some families were referred to the Court Welfare Officer for mediation type work to reach agreement prior to the matter being listed in the courts;

- courts were more aware of the pressures placed on Court Welfare Officers and worked constructively to manage the work demands placed upon him/her;

- courts saw the Court Welfare Officer in a positive light and someone there to meet their needs;

- they were better able to manage the workload of Family and Child Care teams as there was no longer an unpredictable number of Article 4 reports requests having to be processed by these staff;

- good relationships between the courts and the Court Welfare Officer seem to improve the general regard in which the court viewed social workers in public law cases;

- some Court Welfare Officers have developed their role to sit as the HSS Trusts’ representative on local domestic violence fora and others have engaged in providing anger management courses;

- there is good communication between Family and Child Care social workers and the Court Welfare Officer, particularly for cases which are already known to the HSS Trust or for whom there are identified child safeguarding concerns.
3.13 Overall, HSS Trusts reported considerable merit from having taken the decision to employ a Court Welfare Officer. Some of the difficulties within the existing system are:

- generally, HSS Trusts have access to one Court Welfare Officer, at times this staff member is employed on a part-time basis; this makes the service limited in coverage and very vulnerable to any absences of the staff member;

- HSS Trusts have developed the service on an ad hoc basis and have in general not evaluated the consortia arrangements currently in place. One HSS Trust noted that last year its Family and Child Care social workers had to deal with requests for 54 Article 4 reports even though it shared a Court Welfare Officer with 2 other HSS Trusts. The adequacy of existing consortia arrangements need to be monitored to ensure that they are fit for purpose;

- the lack of standardization resulting from the absence of a regional approach to the design of job specification and job description, the training of Court Welfare Officers, developing standardised policies and procedures or pro formas for the written reports provided to the courts.

3.14 HSS Trusts who have employed a Court Welfare Officer report that there are real cost benefits associated with this investment both in terms of meeting the needs of the courts and managing the workload of their Family and Child Care social workers. The need for an expansion of the service to cover all HSS Trusts’ areas and to ensure an adequate supply of Court Welfare Officers was identified by all of the managers interviewed.
4. Possible Future Models

4.1 Three possible models have been identified for the future structure of the Court Welfare Service; Section 2 discussed these from a legal perspective. The following outlines briefly each of the models, their key advantages and disadvantages and the response to them from HSS Trusts. The sub-committee recommends no model, as it believes this is a matter for the Children Order Advisory Committee to consider and to progress with DHSSPS and the Northern Ireland Court Service.

4.2 The possible 3 models are:

(i) establish the Court Welfare Service as an independent agency;

(ii) bolt the service on to the Northern Ireland Guardian ad Litem Agency;

(iii) HSS Trusts to retain responsibility for Court Welfare Services.

The following sets out the key advantages and disadvantages associated with each of the above models.

(i) Independent Agency responsible for Court Welfare Service.

Advantages

- The Agency has total focus on one area of work and has no conflicting priorities. A more strategic approach to providing the service would, therefore, be achieved.

- Resources, including staffing, are more likely to be determined by workload analysis and therefore, more adequate.

- Practice and responses to requests from the courts are more likely to be dealt with in a consistent way across Northern Ireland.

Disadvantages

- Legislative change to the Children Order would be required to enable an Independent Agency rather than “an authority” to discharge Article 4 duties.

- The geography of Northern Ireland and the spread of the courts would pose considerable problems relating to the co-ordination of the service and have significant implications on costs. In addition, the Government is reluctant to establish additional Non Governmental Departmental Bodies.

- The sharing of information between HSS Trusts and the new Agency in relation to families and children and the access to the full range of HSS
Trusts’ services for those children and families who need them would be more complex than currently is the case.

**Views on the Model**

Only one HSS Trust endorsed this model. The focus group convened by Judge Philpott did not endorse this model as the way forward.

**(ii) Bolt Court Welfare Services onto the work of NIGALA.**

**Advantages**

- NIGALA is an existing body, which provides reports to the courts for public law cases, and this could be seen as a logical progression to its work.

- Guardians ad Litem (GALs) have the necessary skills, expertise and experience to discharge the functions associated with the provision of reports in private law cases to the courts.

- NIGALA and GALs have existing structures and mechanisms for interfacing with the courts.

- Resources for Court Welfare Services are more likely to be determined by an analysis of the workload and hence, be more adequate.

**Disadvantages**

- Legislative change to the Children Order would be required to enable NIGALA rather than “an authority” to discharge Article 4 duties.

- NIGALA currently has a waiting list for public law cases and HSS Trusts expressed reservations about its ability to take on more work. HSS Trusts also expressed concern that their workload may not be significantly decreased if NIGALA discharged these functions.

- Pressures on NIGALA from public law work demands may deflect priority from private law work

- Sharing of information, or access to the full range of HPSS services, is likely to be more complex than is currently the case.

**Views on the Model**

None of HSS Trusts considered this model as a desirable way forward. The group chaired by Judge Philpott did not endorse this as the way forward.
(iii) HSS Trusts retain responsibility for Court Welfare Services

Advantages

- No legislative change to the Children Order is required.

- Arrangements for information sharing between Court Welfare Officers and Family and Child Care staff, particularly for cases where there are safeguarding or domestic violence concerns, are in place and staff are managed within the same Programme of Care.

- Court Welfare Officers currently have access to the full range of HSS Trusts’ multi-disciplinary services for those children and families whose assessed needs indicate their need for on-going services from HSS Trusts.

- Court Welfare Officers generally work within the HSS Trusts fieldwork offices they, therefore, have access to informal and community information to assist with a fuller understanding of children’s and families’ circumstances and needs.

- There are existing management systems for the Court Welfare Officers and communication mechanisms in place between HSS Trusts and the courts.

- Where a CWO is in place within a Trust it positively improves relationships between the Trusts and the Courts and has a downward pressure on work coming to Family and Child Care teams in respect of Article 4 requests from the courts.

Disadvantages

- Article 4 work competes with other statutory work for priority and is particularly vulnerable to staffing pressures within the Family and Child Care Programme of Care.

- Existing services have developed in a piecemeal manner and there is considerable variation across HSS Trusts in relation to both how duties under Article 4 of the Children Order are discharged and the resources they allocate to meet these duties.

- The lack of a strategic overview has resulted in inconsistency across Northern Ireland in terms of developing the service, defining the job content of the Court Welfare Officer and in establishing consistent levels of services to the courts.

- Some courts are experiencing delay in acquiring Article 4 reports from some HSS Trusts, leading to delay in adjudicating on some private law cases.
Court Welfare Offices, while highly valued by HSS Trust, have not had access to training opportunities specific to their role because generally if a HSS Trust employs a Court Welfare Officer he/she is the only worker within this grade.

Views on the Model

All but one of the HSS Trusts expressed a preference to continue to manage Court Welfare Services. The group chaired by Judge Philpott also saw this as the most appropriate base from which to develop the Court Welfare Services. The Court Welfare Officers also were unanimous in their support for the service to continue to be managed by the HSS Trusts.

CONCLUSION

4.3 None of the 3 models presented above is without problems. The sub-committee recognised that to take forward development of the court welfare service, regardless of which model COAC endorses, will require:

- a more strategic approach to the planning, delivery and resourcing of Court Welfare services across HSS Trusts;
- a specific job description and job specification for Court Welfare Officers;
- that the Court Welfare Officer establishment is determined by an analysis of workload to ensure an adequate number of them are available across HSS Trusts;
- that the overlap between HSS Trusts and court boundaries will require continued consortia working. Protocols to ensure effective operation of such consortia are required;
- that a forum is established to bring Court Welfare Officers together, particularly for training purposes;
- the establishment of mechanisms to exchange information between HSS Trusts and the courts on a routine basis to ensure early identification and resolution of issues;
- that protocols are in place to limit the amount of time which those social workers who will continue to have to attend courts in private law cases spent waiting in courts;
- that courts are consistently more specific regarding what they require when requesting an Article 4 report; that is, do they want a verbal or written report; are they seeking a full report, or a report on a specific issue, or a report on the wishes and feelings of the child. Greater clarity on the part of the courts will result in more effective use of Court Welfare Officer and social work time.
5. Conclusion and Recommendations

5.1 The Sub-Committee has sought in fulfilling its remit to ascertain:

- the volume of private law cases across Northern Ireland;
- the volume and nature of the work undertaken by Court Welfare Officers;
- arrangements within HSS Trusts for meeting Article 4 requests;
- how the existing system is operating from the perspective of the courts and the HSS Courts; and
- how the presence of Court Welfare Officers influences the workload of Family and Child Care Teams.

5.2 In completing its work the sub-committee has liaised with members of the judiciary and all 11 HSS Trusts. The outcome of our work had led us to suggest 3 possible future models for the delivery of Court Welfare services. The sub-committee believes COAC should consider these models and reach a decision on the best way forward. There are, however, a number of recommendations, which the sub-committee believe could be taken forward now to improve the operation of Court Welfare Services.

Recommendations

1. The Northern Ireland Court Service should consult the judiciary, legal profession and social workers regarding the feasibility of timetabling cases to reduce the waiting time in courts for both Court Welfare Officers and social workers attending to provided Article 4 reports.

2. Members of the judiciary requesting Article 4 reports are specific about the nature and type of report which they are requesting.

3. In an effort to manage workload demands on Family and Child Care Teams arising from requests for Article 4 reports, HSS Trusts review the adequacy of how existing arrangements for meeting this statutory duty are operating.

4. A common job description and job specification is developed by HSS Trusts in consultation with the courts for Court Welfare Officers.

5. HSS Trusts work together to develop a common reporting pro forma for use by Court Welfare Officers.

6. A Court Welfare Officer forum is established to enable the sharing of expertise and to facilitate training for this group of staff.

7. The Family Court Business Committees routinely consider the operation of the Court Welfare Service with a view to identifying issues at an early
stage and engaging with HSS Trusts to resolve such matters in a timely manner.

8. The DHSSPS considers current arrangements for resourcing Court Welfare services to improve their adequacy.

9. A workload analysis is jointly commissioned by DHSSPS & NICtS to inform the appropriate establishment level for Court Welfare Officers.

10. Consortia arrangements between HSS Trusts for the provision of Court Welfare Services are formalised through the establishment of Protocols which are subject to annual review.
METHODOLOGY
Acquiring Information

The Northern Ireland Court Service provided information on the number of Private Law cases coming before the courts (see Annex 2). This information does not, however, detail either how many of these cases were referred to HSS Trusts or a Court Welfare Officer for reports or the type of report requested by the court. The Sub-Committee wished to complement this information by ascertaining from Court Welfare Officers details of the work undertaken by them. Given that Court Welfare Officers carry out different functions depending on the demands of their particular court it was recognised that collecting this more qualitative information would require direct contact with all Court Welfare Officers.

The Sub-Committee, therefore, arranged to consult with Court Welfare Officers to inform the drafting of a survey form to collate information on a consistent basis from across Northern Ireland. Meetings were also arranged with officials from HSS Trusts and members of the judiciary in order to develop a comprehensive understanding of the services provided from different perspectives. A brief outline of the consultation process is provided below.

Focus meeting with Court Welfare Officers

On 21 January 2004, representatives of the Sub-Committee met with the Court Welfare Officers from across Northern Ireland in order to discuss their views on:

- their role as Court Welfare Officers;
- aids and barriers to them discharging their role as Court Welfare Officers; and
- to seek their agreement to completing a survey over a 3 month period to ascertain the type of work which they undertook. This information was to be used to complement the statistical information available from the Northern Ireland Court Service.

There is considerable variation in the duties undertaken by the Court Welfare Officers, due to:

- the absence of an agreed job description;
- the varying arrangements and resources which HSS trusts had allocated to the provision of the service; and
- the needs/requirements of different magistrates.

A significant outcome of the meeting was the Court Welfare Officers’ agreement to participate in a workload survey to provide information on the nature of the work they completed in respect of Article 4 requests from the courts over a 3 months period. The aim was to assess how much of the work required a verbal rather than a written report and how much work was able to be dealt with during the course of the court hearing rather than necessitating a referral to a HSS Trust.
Survey of Court Welfare Officers’ workload

In order to accurately record the workload of Court Welfare Officers, the questionnaire was developed with their input. A 3 month period was chosen to yield enough data to enable an accurate picture of the work of Court Welfare Officers’ work to be assessed, without imposing an unreasonable amount of work on the Court Welfare Officers. The survey period ended on 31 May 2004.

Feedback from the Judiciary

The Sub-Committee wished to ensure that the views of all key stakeholders should be sought to help inform its recommendations. Therefore, Her Honour Judge Philpott QC undertook to meet with members of the judiciary and the Resident Magistrate’s Association and seek their views on the services currently provided to them by Court Welfare Officers.

The report of this meeting, along with the observations of other members of the legal profession is produced in full at Chapter 2.

Feedback from Health and Social Services Trust

Meetings were arranged with senior managers within the Family and Child Care Programme of Care across the 11 HSS Trusts. The aim was to elicit information regarding their access to a Court Welfare Officer or other arrangements in place to meet requests made by the courts under Article 4 of the Children Order.

The discussion with HSS Trusts covered the following topics using a semi-structured interview schedule:

- the workload demands arising in respect of request for Article 4 reports;
- the impact of employing a Court Welfare Officer on both controlling work demands placed on Family and Child Care Teams and in more efficiently responding to court requests in a timely manner;
- how they provided a Court Welfare Officer service, the number of courts which they had to service and general comments on how in the future the Court Welfare Service should be structured.

Chapter 3 provides an overview of the responses provided by HSS Trusts.

Pro forma to report to the courts the need for guidance

Currently, there is no standardised pro forma for reporting back to courts in respect of Article 4 reports. The Sub-Committee in an effort to bring consistency to the reporting arrangements saw benefit in considering pro formas, which currently exist both here and in England. Annexes 3 & 4 contain copies of pro forma provided by CAFCASS in England and a local HSS Trust. To ensure that the standard of service provided is consistent across Northern Ireland the Sub-Committee recommends that HSS Trusts work together to develop one reporting system to enable reports on specific issues, full Article 4 reports or reports on the wishes and feeling of children to be provided in a consistent and coherent fashion across Northern Ireland.
Annex 2
Statistical information from NICtS and Court Welfare Officer returns
Statistical information from NICtS and Court Welfare Officer returns

The graph below indicates the number of private law applications entered across all court tiers between 2000/01 and 2003/04.

Unless otherwise stated our statistical information relates to applications as the lowest denominator, and a case may have one or more applications (or orders) in respect of one or more children within a family group.

### Private Law Applications (entered and disposed)

![Graph showing the number of private law applications entered and disposed across 2000/01 to 2003/04.]

### Private Law Applications Entered and Disposed

<table>
<thead>
<tr>
<th>2000/01</th>
<th>Type of Application</th>
<th>Applications Lodged</th>
<th>%</th>
<th>Applications Disposed</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parental Responsibility</td>
<td>387</td>
<td>7.85</td>
<td>360</td>
<td>7.82</td>
</tr>
<tr>
<td></td>
<td>Contact Permission</td>
<td>2,395</td>
<td>48.45</td>
<td>2,176</td>
<td>47.27</td>
</tr>
<tr>
<td></td>
<td>Contact Refusal</td>
<td>36</td>
<td>0.72</td>
<td>41</td>
<td>0.89</td>
</tr>
<tr>
<td></td>
<td>Residence</td>
<td>1,644</td>
<td>33.29</td>
<td>1,547</td>
<td>33.64</td>
</tr>
<tr>
<td></td>
<td>Prohibited Steps</td>
<td>222</td>
<td>4.49</td>
<td>220</td>
<td>4.78</td>
</tr>
<tr>
<td></td>
<td>Specific Issues</td>
<td>111</td>
<td>2.24</td>
<td>99</td>
<td>2.15</td>
</tr>
<tr>
<td></td>
<td>Family Assistance</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>Appointment of Guardian</td>
<td>72</td>
<td>1.45</td>
<td>83</td>
<td>1.80</td>
</tr>
<tr>
<td></td>
<td>Contribution &amp; Other Financial</td>
<td>18</td>
<td>0.36</td>
<td>23</td>
<td>0.49</td>
</tr>
<tr>
<td></td>
<td>Non-molestation</td>
<td>49</td>
<td>0.99</td>
<td>46</td>
<td>0.99</td>
</tr>
<tr>
<td></td>
<td>Occupation Articles</td>
<td>9</td>
<td>0.18</td>
<td>7</td>
<td>0.15</td>
</tr>
<tr>
<td></td>
<td>Article 56 Investigations</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0.02</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>4,943</strong></td>
<td><strong>100</strong></td>
<td><strong>4,603</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>
### 2001/02

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Applications Lodged</th>
<th>%</th>
<th>Applications Disposed</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental Responsibility</td>
<td>429</td>
<td>8.53</td>
<td>399</td>
<td>8.68</td>
</tr>
<tr>
<td>Contact Permission</td>
<td>2,375</td>
<td>47.24</td>
<td>2,243</td>
<td>48.80</td>
</tr>
<tr>
<td>Contact Refusal</td>
<td>60</td>
<td>1.19</td>
<td>50</td>
<td>1.09</td>
</tr>
<tr>
<td>Residence</td>
<td>1,663</td>
<td>33.08</td>
<td>1,499</td>
<td>32.62</td>
</tr>
<tr>
<td>Prohibited Steps</td>
<td>244</td>
<td>4.85</td>
<td>182</td>
<td>3.96</td>
</tr>
<tr>
<td>Specific Issues</td>
<td>120</td>
<td>2.42</td>
<td>86</td>
<td>1.88</td>
</tr>
<tr>
<td>Family Assistance</td>
<td>2</td>
<td>0.04</td>
<td>2</td>
<td>0.04</td>
</tr>
<tr>
<td>Appointment of Guardian</td>
<td>50</td>
<td>0.99</td>
<td>54</td>
<td>1.18</td>
</tr>
<tr>
<td>Contribution &amp; Other Financial</td>
<td>25</td>
<td>0.49</td>
<td>13</td>
<td>0.28</td>
</tr>
<tr>
<td>Non-molestation</td>
<td>50</td>
<td>0.99</td>
<td>56</td>
<td>1.22</td>
</tr>
<tr>
<td>Occupation Articles</td>
<td>7</td>
<td>0.14</td>
<td>7</td>
<td>0.15</td>
</tr>
<tr>
<td>Article 56 Investigations</td>
<td>2</td>
<td>0.04</td>
<td>5</td>
<td>0.10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,027</strong></td>
<td>100</td>
<td><strong>4,596</strong></td>
<td>100</td>
</tr>
</tbody>
</table>

### 2002/03

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Applications Lodged</th>
<th>%</th>
<th>Applications Disposed</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental Responsibility</td>
<td>517</td>
<td>9.01</td>
<td>432</td>
<td>8.24</td>
</tr>
<tr>
<td>Contact Permission</td>
<td>2,616</td>
<td>45.62</td>
<td>2,437</td>
<td>46.46</td>
</tr>
<tr>
<td>Contact Refusal</td>
<td>55</td>
<td>0.95</td>
<td>66</td>
<td>1.26</td>
</tr>
<tr>
<td>Residence</td>
<td>1,932</td>
<td>33.69</td>
<td>1,794</td>
<td>34.20</td>
</tr>
<tr>
<td>Prohibited Steps</td>
<td>325</td>
<td>5.66</td>
<td>245</td>
<td>4.67</td>
</tr>
<tr>
<td>Specific Issues</td>
<td>203</td>
<td>3.54</td>
<td>154</td>
<td>2.95</td>
</tr>
<tr>
<td>Family Assistance</td>
<td>9</td>
<td>0.17</td>
<td>8</td>
<td>0.15</td>
</tr>
<tr>
<td>Appointment of Guardian</td>
<td>17</td>
<td>0.30</td>
<td>41</td>
<td>0.78</td>
</tr>
<tr>
<td>Contribution &amp; Other Financial</td>
<td>25</td>
<td>0.44</td>
<td>28</td>
<td>0.53</td>
</tr>
<tr>
<td>Non-molestation</td>
<td>26</td>
<td>0.45</td>
<td>30</td>
<td>0.57</td>
</tr>
<tr>
<td>Occupation Articles</td>
<td>9</td>
<td>0.17</td>
<td>10</td>
<td>0.19</td>
</tr>
<tr>
<td>Article 56 Investigations</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,734</strong></td>
<td>100</td>
<td><strong>5,245</strong></td>
<td>100</td>
</tr>
</tbody>
</table>
### 2003/04

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>Applications Lodged</th>
<th>%</th>
<th>Applications Disposed</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parental Responsibility</td>
<td>491</td>
<td>8.76</td>
<td>566</td>
<td>10.61</td>
</tr>
<tr>
<td>Contact Permission</td>
<td>2,630</td>
<td>46.93</td>
<td>2,564</td>
<td>47.99</td>
</tr>
<tr>
<td>Contact Refusal</td>
<td>71</td>
<td>1.27</td>
<td>48</td>
<td>0.90</td>
</tr>
<tr>
<td>Residence</td>
<td>1,852</td>
<td>33.04</td>
<td>1,591</td>
<td>29.78</td>
</tr>
<tr>
<td>Prohibited Steps</td>
<td>295</td>
<td>5.26</td>
<td>305</td>
<td>5.71</td>
</tr>
<tr>
<td>Specific Issues</td>
<td>175</td>
<td>3.12</td>
<td>198</td>
<td>3.71</td>
</tr>
<tr>
<td>Family Assistance</td>
<td>1</td>
<td>0.02</td>
<td>1</td>
<td>0.02</td>
</tr>
<tr>
<td>Appointment of Guardian</td>
<td>51</td>
<td>0.91</td>
<td>40</td>
<td>0.75</td>
</tr>
<tr>
<td>Contribution &amp; Other Financial</td>
<td>25</td>
<td>0.45</td>
<td>18</td>
<td>0.34</td>
</tr>
<tr>
<td>Non-molestation</td>
<td>10</td>
<td>0.18</td>
<td>9</td>
<td>0.17</td>
</tr>
<tr>
<td>Occupation Articles</td>
<td>3</td>
<td>0.06</td>
<td>3</td>
<td>0.02</td>
</tr>
<tr>
<td>Article 56 Investigations</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,604</strong></td>
<td><strong>100</strong></td>
<td><strong>5,343</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

Court Welfare Officer returns for 01/03/04 to 28/05/04

<table>
<thead>
<tr>
<th>Type of referral</th>
<th>Number of Referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Report</td>
<td>94</td>
</tr>
<tr>
<td>Written report on specific issues</td>
<td>13</td>
</tr>
<tr>
<td>Verbal Report on specific issues</td>
<td>70</td>
</tr>
<tr>
<td>Request for resolution on the day of court</td>
<td>109</td>
</tr>
</tbody>
</table>

The number of referral reflects the response of Court Welfare Officers from:

- Causeway HSS Trust
- Down Lisburn HSS Trust
- South and East Belfast HSS Trust
- Sperrin Lakeland HSS Trust
- Ulster Community and Hospitals Trust
### Source of Court Welfare Officer Referrals

<table>
<thead>
<tr>
<th>Source of Referral</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Magistrate’s Court</td>
<td>4</td>
</tr>
<tr>
<td>Family Proceedings Court</td>
<td>155</td>
</tr>
<tr>
<td>Family Care Centre</td>
<td>5</td>
</tr>
<tr>
<td>High Court</td>
<td>4</td>
</tr>
<tr>
<td>Solicitors/ Barristers</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>169</strong></td>
</tr>
</tbody>
</table>
CAFCASS draft report template
Putting children and young people first

Procedures and Guidance for using CAFCASS Report Templates in Family Courts

DRAFT VERSION 10
1. Introduction

1.1. These procedures arise from the framework provided by the Service Principles and Standards issued on 22\textsuperscript{nd} April 2003, and underpin the preparation of CAFCASS reports to Court and the use of the report templates.

1.2. Report templates, which are part of these procedures, will be developed for all types of family proceedings. The report templates provide a framework for consistent presentation that can be used for the majority of CAFCASS reports.

1.3. Part I of the templates provides basic information about the case and those involved. Part II covers the body of the report, including the assessment. The note at the end of the templates contains information to service users on court attendance of CAFCASS practitioners and how to deal with concerns about the report.

1.4. Text in italics in both parts of the templates provides guidance as to what information could be included and where in the report the information could be placed. The practitioner should ensure that information is not repeated unnecessarily. The issues to be covered are dependent on the circumstances and needs of the individual child.

1.5. All report templates will be made available on the intranet in the following two formats:
   - a format for entry of text. Administrative staff or practitioners can use these and, dependent upon local arrangements, an administrator can complete Part I of the template and send it to the practitioner. In some instances it may be that either the administrator or the practitioner completes all text entry; and
   - a format with guidance points (in italics). This is to provide suggestions on the use of the templates and the content under each heading.

2. Basic Minimum Requirements

2.1. It is important that children and their families receive a consistent standard of service and courts receive basic information about the child and the family in a consistent way. \textit{It is the required minimum professional CAFCASS standard that the basic information in Part I and the note at the end of reports must be presented as outlined in the respective report templates.}

2.2. Part II provides suggested headings, structure and guidance on the type and range of information a CAFCASS report could include. This is issued as guidance and it is at the discretion of the practitioner how closely s/he wishes to follow Part II of the templates.
2.3. However, full reports are expected to have regard to the following:

- The Welfare Checklist must be used in the assessment.
- Diversity issues must be addressed.
- The “no order” principle must be considered.
- Unnecessary repetition must be avoided. If information can be found in the court file or elsewhere in the report, there is no need to repeat it. Crossreference can be used.
- Children should be seen. If they are not seen, the report must explain why not.

3. The Purpose of Reports

3.1. The legislation states:

“In respect of family proceedings in which the welfare of the children is or may be in question, it is a function of the Service [CAFCASS] to –

(a) safeguard and promote the welfare of the child;
(b) give advice to any court about any application made to it in any such proceedings (…)"

[Criminal Justice and Court Services Act 2000 Section 12 (1)].

3.2. CAFCASS is required to provide the following reports to court under the following legislation:


- **Children Act 1989 (as above):** All specified proceedings;

- **Family Proceedings Rules 1991, as amended:** Rule 9 (5) Guardian ad Litem Report;

- **Adoption Act 1976:** Children’s Guardian or Reporting Officer Report in Adoption or Freeing proceedings;

- **Human Fertilisation and Embryology Act 1990:** Parental Order Report.
3.3. In private law, the purpose of a CAFCASS report is to focus on the best interests of the child through providing a Family Court with the relevant information, investigation and assessment using the Welfare Checklist. The report should usually contain a recommendation.

3.4. The purpose of a Children’s Guardian’s report is to advise the court on the best interests of the individual child. The report provides the court with a child-focused, independent, reasoned analysis of the facts and circumstances, of the care plan and proposals for the child, the likely outcomes from the available options, and a recommendation. The report must include appraisal and analysis of the issues and the evidence in the case. It must address each item in the welfare checklist, including the child’s wishes and feelings (distinct from the assessment of his or her welfare) and information relevant to the ‘threshold criteria’ or significant harm.

4. Report Style

4.1 All CAFCASS reports to the court should follow Part I of the respective report templates.

4.2 Full reports should have regard to the following:
   - a clear distinction will be made between facts, information obtained (indicating source unless inappropriate due to risk and confidentiality issues) and the practitioner’s assessment or opinion;
   - information will be specific as opposed to general, particularly with regard to child care concerns; and
   - a balanced assessment of each party will be provided.

4.2. The information in the report should be:
   - clear, unambiguous and understandable to all parties and the court;
   - free from jargon;
   - sensitive;
   - non-discriminatory;
   - precise, concise and relevant; and
   - non-repetitive.

4.3. All reports must have page numbers and paragraphs must be numbered. Reports need to be in Arial 12-point font and 1.5 line spacing.
5. **Addendum/Interim Reports or Reports on Particular Issues**

5.1. If a practitioner is present in court when an addendum report is requested, the practitioner should seek to clarify the purpose underlying the request. The practitioner should seek to ascertain if the issue can be dealt with either through further negotiation or oral evidence. If not, the practitioner should ask the Court for clear guidance as to what further enquiries would assist the Court and whether a further written report is required.

5.2. **Private law:** If the practitioner is not present in court when an addendum report is requested, the practitioner or the Service Manager can write to the Court to seek clarification of the purpose of the report if this is required.

5.3. **Public law:** The practitioner can seek clarification of the purpose of the report with the solicitor, who will clarify with the Court.

5.4. When an addendum report is prepared the practitioner should:

- address the specific areas of concern identified by the court; and
- be brief and avoid duplicating any material which was contained in the original report.

6. **Section 7 Reports Where Agreement Has Been Reached**

When an agreement is made in private law proceedings, the report can be brief and should cover:

- details of the enquiries made;
- the nature of the dispute;
- details of the agreement;
- whether it is the opinion of the practitioner that the agreement is in the best interests of the child;
- whether the practitioner has considered the requirements of the Welfare Checklist, and if not, why not;
- whether the child has been seen, and if not, explain in the report why not; and
- a recommendation as to whether or not an order should be made.

7. **Findings Of Fact in Section 7 Reports**

The practitioner will need to assess whether disputed matters of fact are of material relevance to the matters before the court. This may be of particular importance where allegations of domestic violence have been made. If the nature and effect of the alleged violence is likely to have an effect on the order
of the Court, the practitioner must consider inviting the Court to order a finding of fact hearing before completing the report.

8. Sharing the Report

The content of a report should be shared with the parties prior to filing it if time permits. Children should be made aware of the views that are expressed and the recommendation to Court. It must be noted that the Court rules do not permit children to be shown the report, though this may be reviewed in light of the forthcoming Children Act.

9. Court Filing Dates

The practitioner must adhere to filing dates for reports wherever possible. Exceptionally, the practitioner can seek an extension from the court. In public law, the practitioner can discuss any difficulties with the solicitor. In private law, if it becomes apparent that the current filing date cannot be achieved or is not appropriate, the practitioner or the manager can write to the court and request revision to the time table, clearly outlining the reasons for the request.

LIST OF USEFUL DOCUMENTS

To be added
CAFCASS
Children and Family Court Advisory and Support Service

Section 7 (Children Act 1989) Report

Court:

Court Case Number:

Children & Family Reporter:

Report Filing Date:

Confidentiality

This report has been prepared for the court and should be treated as confidential. It must not under any circumstances be shown to anyone else, and its contents must not be shared with anyone else unless they are a party to these proceedings or one of the party’s lawyers. The parties’ lawyers may use the report in connection with an application for public funding (legal aid).

It is a contempt of court to disclose this report to anyone unless the court has specifically granted you permission to do so. This means that if the report is copied or sent by you to any other person or you allow anyone to read it without the court’s permission, you will be committing the offence of contempt of court and be liable to a fine or imprisonment, or both.
CHILD(REN) SUBJECT TO THE APPLICATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Gender</th>
<th>Date of birth</th>
<th>Age</th>
<th>Ethnic Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M/F</td>
<td></td>
<td></td>
<td>Use the information from the Diversity Monitoring Form here. A more detailed description of ethnic origin and cultural background can then be given in the report under the heading “Child’s Identity”. If English is not the first language, please make a note here.</td>
</tr>
</tbody>
</table>

Child(ren)’s Current Living Arrangements:
If there are several children and they are not all living together, please specify the living arrangements for each child. Indicate if the child or children are living with the applicant or the respondent. Do not include addresses.

PARTIES TO THE PROCEEDINGS

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship to child</th>
<th>Date of birth</th>
<th>Age</th>
<th>Ethnic Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Application before the Court: • If necessary, state which child the application relates to.

Current Court Orders:

Date of Next Hearing: • If final hearing, replace “next” with “final”.

Date of Children & Family Reporter Appointment to Case:

CAFCASS Office Address: • Home workers must use the address of their office base.
• Self-employed practitioners must use the address of the CAFCASS office allocating the case.
• Home addresses must not be included.

Telephone Number: Fax Number:
Part II

Contents: A list of contents can be included if required by the length of the report.

Some issues could be covered under several headings in the report. The bullet points in italics below are for guidance only and you can choose where to put information, but must avoid repetition. Cross-reference where appropriate instead of repeating information. If there are special issues in the case, any necessary sub-heading(s) can be inserted.

INTRODUCTION

- Nature of the proceedings.
- Brief statement on issues agreed and disputed, if known.
- Mention of previous reports completed in the case.

INVESTIGATION UNDERTAKEN

- Interviews of adults held and dates, location if appropriate. Specify if face to face or telephone contact, if anyone else was present, and location if appropriate. Brief summary where client did not attend.
- Enquiries by correspondence.
- Use of interpreters.
- Dates and location of meetings with the child.
- Dates of interviews/observations of child, including within contact sessions.
- Reasons if the child is not seen, or if not interviewed about their wishes and feelings.
- Attendance at meetings with other professionals.
- Documents read.
- Any statements, documents or reports ordered but not received at the time of writing the report.
- Any other relevant enquiries, including checks made, and any other previous involvement by other agencies (Social Services/Child Protection Register, Schools, Health, Probation, Police).
- Any significant people not interviewed and reasons why.

FAMILY COMPOSITION

- Describe family composition and background history if necessary.
- Provide genogram if required for clarity.
- Brief history of relationships and current circumstances.
• Existing arrangements for residence and contact (if necessary to expand on what has been said under Child’s Current Living Arrangements, above).

Child’s Identity

• The child’s ethnic origin, religion, language and cultural background (if not already included in the family composition).
• Any disabilities.
• Any special needs
  - Disabilities and special needs only need to be addressed if they are relevant to the individual child (or party, under the next heading). There is no need to use negative statements (i.e. “no special needs, no disabilities”) unless this is considered to be relevant information to the court).
• The child’s wishes and feelings. Dependent on the child’s age and understanding, this could include child’s own words where appropriate.
• Analysis of family relationships as it impacts on the child and of observations of child and relationship with each parent.
• How much does the child understand of the proceedings and of the Children and Family Reporter’s role and involvement?

Parties

• The parties’ ethnic origin, religion, language and cultural background.
• Any disabilities and/or health issues for parties.
• Any special needs for parties.
• Description/analysis of the dispute (can alternatively be addressed under the heading “Issues”, below).

ISSUES

• Description/analysis of the dispute (as it affects the child and of the steps taken during the enquiry to help reduce and manage conflict/tensions) (unless addressed under “Parties”, above).
• Other relevant issues to bring to the court’s attention (such as domestic violence, child abduction, disruption during contact, allegations of abuse, referrals to Social Services, health, education, criminal conviction details, etc).
• Summary of history of any Family Court proceedings, previous CAFCASS involvement and any subsequent court developments, e.g. findings of fact (unless included in Introduction).
• Proposals and specific concerns/allegations with any evidence.
• The parties’ views about and reason for the application.
• Use of assessment tools (e.g. parenting plan) if appropriate.
Other Relevant Information

This heading could be removed from the report if none of the listed or other relevant issues are present. Alternatively, use sub-headings to identify specific issues, e.g. residence or contact.

- Significant other people (describe involvement), e.g. new partners, grandparents, older siblings, etc.
- Other agency involvement.
- Experts reports, including any disagreements between experts (can be included as a separate section if appropriate). Comments by the Children & Family Reporter on the experts reports.
ASSESSMENT USING THE Welfare Checklist

Children Act 1989 S.1 (3)

- The Welfare Checklist must be applied to each child. The situation and circumstances of each child must be considered from each child's perspective and identity. If the situation and circumstances of several children are extremely similar (e.g. twins), they can be described together, but you must still consider their individual identities and possible differences.
- All sections of the checklist must be addressed.
- The practitioner can use discretion regarding the order of the Welfare Checklist to avoid repetition of information.

The ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding): This should assess what the child says or expresses. Also add practitioner’s observations and interpretation where appropriate to give clarity.

The child’s physical, emotional and educational needs: Include practitioner’s observations, any information from school, health visitor, doctor, psychologist and/or any other professional involved with the child. How far do the living arrangements provide a safe context for learning and development?

The likely effect on the child of any change in the child’s circumstances: Include change in any contact or residence arrangements, separation from birth parents, geographical move, change of school, etc. How will a child’s sense of self and learning and development be affected by changes?

The child’s age, sex, background and any characteristics of the child which the court considers relevant: Professional assessment of the needs of child in relation to these and other relevant criteria as it affects potential arrangements. What is the relevance and importance of issues of diversity (e.g. disability, heritage, culture, religion, etc) for the child’s learning and development?

Any harm which the child has suffered or is at risk of suffering: Any information from Social Services, NSPCC or any other agency, including schools, which relates to harm or risk to the child. Include details of any action taken to reduce risk. Consider the impact of domestic violence/abuse on the child and assess any emotional abuse the child may suffer as a result of parental conflict/behaviour.

How capable each of the child’s parents and any other person in relation to whom the court considers the question to be relevant is of meeting the child’s needs: Assessment of each parent and any other relevant person in the light of each party’s views and attitudes. Also
address the attitude of the parties to the child’s wishes and feelings. The Children & Family Reporter’s observations and those of other professionals.

Range of powers available to the court under this Act in the proceedings in question: No order principle: Advise if an order is necessary for the child’s best interests. State what kind of order – consider contact order/arrangements and whether the child should be made a party. How is this order in the child’s best interest?

- If necessary, summary of assessments made on the basis of the Welfare Checklist and how each party can best meet the child’s need;
- Where relevant reference should be made to the acceptance or otherwise of expert advice, with the reasons for departing from any expert recommendation clearly explained; and
- Assessment of whether parties can manage their own arrangements.
- Consider the impact of any issues arising from Human Rights legislation.
- Conclusion can be inserted as a subheading here if desirable.

RECOMMENDATION

- State the options for the court;
- State order(s), if any, recommended for the child;
- If an order is recommended, state the form the order should take. This should cover current applications for orders and any orders not being applied for which the Children & Family Reporter considers to be in the child’s best interests;
- If no order is given, explain why;
- Identify any necessary further work involved, e.g. reviews by the court, further CAFCASS involvement or not;
- Where a Family Assistance Order is recommended, refer to the relevant “exceptional circumstances”, agreement of parties, proposed work to be carried out and to the persons to be named in the order; and
- Identify if it is in the interests of the child that the court considers making a direction under Section 91 (14) of the Children Act i.e. an order prohibiting any further applications in respect of the child without leave of the court.

..........................................................
(Author’s Name)
Children & Family Reporter
(Date)
Note:

Any significant factual errors (**not** matters disputed by the parties) in this report should be referred to the report writer or their manager. Concerns about other aspects of the report (for example, the extent of the enquiries, the opinions expressed in it or matters disputed by the parties) must be addressed in court. The Children and Family Reporter will not attend court unless ordered to do so by the court. If any of the parties requires the Children & Family Reporter to be available to be questioned in court, they must (through their solicitor, if they have one) immediately ask the court to require the Children & Family Reporter to attend.
CAFCASS
Children and Family Court Advisory and Support Service

Children’s Guardian Report
Sec 31 application Children Act 1989
• List section numbers of any other applications

Court:

Court Case Number:

Children’s Guardian:

DATE OF REPORT

Confidentiality

This report has been prepared for the court and should be treated as confidential. It must not under any circumstances be shown to anyone else, and its contents must not be shared with anyone else unless they are a party to these proceedings or one of the party’s lawyers. Subject to rules of court it must not be shown nor its contents revealed to any person other than a party or a legal adviser to such a party.

It is a contempt of court to disclose this report to anyone unless the court has specifically granted you permission to do so. This means that if the report is copied or sent by you to any other person or you allow anyone to read it without the court’s permission, you will be committing the offence of contempt of court and be liable to a fine or imprisonment, or both.
### CHILD(REN) SUBJECT TO THE APPLICATION

<table>
<thead>
<tr>
<th>Name</th>
<th>Gender</th>
<th>Date of birth</th>
<th>Age</th>
<th>Ethnic Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type family name in capitals.</td>
<td>M/F</td>
<td>Use the information from the Diversity Monitoring Form here. A more detailed description of ethnic origin and cultural background can then be given in the report under the heading “Child(ren)”. If English is not the first language, please make a note here.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PARTIES TO THE PROCEEDINGS

**Applicant:** Name of local authority

**Respondent(s):**

<table>
<thead>
<tr>
<th>Name</th>
<th>Relationship to Child(ren)</th>
<th>Date of birth</th>
<th>Age</th>
<th>Ethnic Origin</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Application before the Court:**

- State who is applying for what orders.
- If necessary, state which child the application relates to. If there are different applications for different children, please specify.
- It is not necessary to repeat applications from the front page unless there are different applications for different children.

**Current Court Orders:**

**Date of Final Hearing:**

- If this is an interim report, please insert date of interim hearing.

**Date of Children’s Guardian Appointment to Case:**
CAFCASS Office Address:

- Home workers must use the address of their office base.
- Self-employed practitioners must use the address of the CAFCASS office allocating the case.
- Home addresses must not be included.

Telephone Number: 
Fax Number: 

Name of Child’s Solicitor: 
Solicitor’s Address: 

Telephone Number: 
Fax Number: 


Part II

Contents: A list of contents can be included if required by the length of the report.

SECTION 1: INTRODUCTION
Intended to provide a brief summary of the case and the key elements that will be addressed in the report.

Family Structure/Composition
Family structure is often complex and may well have given rise to some of the issues in the case.

- Describe/set out a three-generation family composition, indicating name, relationship to child, age, ethnic origin and PR.
- Make clear in which households the child(ren) and family members live.
- Provide a genogram if necessary to give clarity.
- Do not include home addresses.

Brief history of relationships and current circumstances
E.g. whom the child lived with, when and where, if he or she has been placed in local authority care, duration of placement, whether with siblings, changes of placement, arrangements for contact with family members and significant others.

Reasons for application(s)
Whose application and the circumstances leading to it e.g. child protection registration, recorded injuries, assessments.

Summary of previous hearings/outcomes
A full list is unlikely to be called for, but a brief summary e.g. date of any emergency/police protection orders, commencement of care proceedings, vertical transfer, consolidation with other proceedings, concurrent criminal proceedings, dates of new parties being joined and any findings of fact.

Legal status of child
Include any immigration/nationality issues and any other current proceedings.

Any expert reports
Commissioned from whom, when and, if relevant, the nature of the instructions. Any experts’ meetings convened.

Any delay
Including the reasons for it.

Present situation
- Issues Agreed / In Dispute. Identify the key issues in the case and the position of each party in relation to them.
If there have been many moves or changes, provide a brief statement of the child(ren)’s current circumstances.

Also include any recent significant information about adults, e.g. relationship breakdown, new pregnancy etc.

**Format and use of welfare checklist**

The welfare checklist can be used as the main headings in the report and the report structured around it. This avoids repetition, places the welfare checklist at the core of the report, and provides a neat analysis that can be summarised in the Children’s Guardian's analysis and conclusions section. Courts often adopt this application of the welfare checklist as part of its own in ‘reasons’ for making orders.

The order in which items from the welfare checklist are addressed can be varied according to the needs of the case. The child’s wishes and feelings section is usually more appropriate coming after some of the other information about the child’s needs for example. The amount written will vary, so there could be, for example, a page or more dealing with emotional needs and only one paragraph on age, sex etc.

**SECTION 2: CHILD(REN)**

The purpose of this section is to provide information about the child and to bring him or her to life for the Court. It should separate factual information about the child, from the opinion of others, both professionals and family members.

Each child should have a separate section which includes:

- The child’s name and age and any name they are known by
- A profile or pen picture
- (Except for very young children) the child’s social presentation and self-care skills
- The child’s history of care and their present situation including contact arrangements (if this information appears elsewhere in the documentation, summarise very briefly and state where it can be found e.g. at 1.2, or 1.8)
- Relationships with family members and/or carers.

Where the chronology is not child-focused, it may be helpful to draw out the impact of significant events from the child’s point of view, giving his/her age at the time of each. This is useful to highlight the number of moves, or changes in household members, or repeating patterns e.g. of domestic violence that a child has experienced.

Wherever appropriate the impact on the child’s rights under the Human Rights Act 1998 and under Articles 3 and 12 of the UN CRC should be included.

(Throughout the sub-headings below, change the gender for the particular child, or add the child’s name in the sub-heading.)
PHYSICAL, EMOTIONAL AND EDUCATIONAL NEEDS (CHILDREN ACT 1989, SEC 1.3(B))

- Address each element of this heading
- Include information from Social Services, education, health, any expert witness e.g. child psychologist/physician, carers.
- Comment on the child’s development, and about his or her relationships with parents, carers, siblings, peers. Use own observations as appropriate
- Apply knowledge of developmental needs (not only ‘special needs’ are relevant) e.g. for secure attachment, socialisation and age-appropriate independence.
- Any disability, developmental delay or disruption is likely to have implications for the child’s needs.
- Include specific needs which are identified, and where appropriate, comment on the child’s entitlement to services and whether these have been/are/will be provided.

Age, sex, background and relevant characteristics (Children Act 1989, Sec 1.3(d))
Consider the importance of whichever of these issues are relevant for the child’s development, identity and future care:

- Ethnic origin, religion, language and cultural background:
- Child’s place in the birth family (e.g. eldest, middle child) and role played in the family
- Gender-related issues, generally or related to the specific family or cultural background
- Any disabilities
- Health issues including any neonatal or genetic factors, or hereditary disease
- Disruption, multiple moves and placements
- Socio-economic factors
- Any difference or conflict between this child’s needs and that of another child concerned
- Legal status, any issues of immigration, parentage, inheritance.
- Any other specific issue for this child.

The ascertainable wishes and feelings of the child concerned (considered in the light of his/her age and understanding) (Children Act 1989, Sec 1.3(a))

- This should include what the child says or expresses. Quote the child’s own words wherever possible. Where the child is old enough to express a view, this should be conveyed directly, uncontaminated by the guardian’s analysis.
- For younger, pre-verbal, children observations of their behaviour and responses to people and situations can be described.
- Information from others about children’s words or behaviour can also be used but the source must be clear.
- Include your own observations, interpretation and analysis separately.
- Include the child’s perspective on contact
• Observations of child(ren) and relationships with each parent or significant others can be included under this subheading, or elsewhere in the section on the child.
• Where appropriate, attach materials e.g. drawings by the child, or dictated message to the court as an appendix. Ensure the child knows what they produce will be seen by parents, all parties to the case and solicitors as well as the judge.

The likely effect on … of any change in his/her circumstances (Children Act 1989, Sec 1.3 (c))
• Include change in any contact or residence arrangements, geographical move, change of school, etc.
• Key ones will be separation from birth parents and/or from siblings, return to birth family, and consequences for the child of placements failing.
• Change in parents e.g. going into treatment, or of relapse from progress.
• What will be the impact on the child of possible plans becoming definite e.g. of knowing they will be moving to adopters, of ending contact etc?
• How will a child’s sense of self and development be affected by changes?

Any harm which he/ she has suffered or is at risk of suffering (Children Act 1989, Sec 1.3(e))
• Information from Social Services, NSPCC, police or any other agency that relates to harm or risk to the child
• Include details of plans and actions to protect the child, whether the child has been adequately protected, exposed to unnecessary risk e.g. from carers or from contact
• Refer to the relevant history and evidence that contribute to the threshold criteria.
• How is any harm manifested in the child and what are the likely effects? E.g. sexual abuse has physical, emotional and psychological consequences
• Consider the dimensions of harm: ill-treatment (physical, mental or sexual), impairment of health (physical or mental) or impairment of development (physical, emotional, behavioural, intellectual or social), compared with what could reasonably be expected of a similar child.
• Note: The test of disputed evidence about the threshold criteria is ultimately a matter for the court. However, as the court’s social work expert, the children’s guardian should comment on established or agreed facts and on the implications for the individual child.

SECTION 3: PARENTS AND OTHER RELEVANT ADULTS

How capable each parent or any other person, in relation to whom the court considers the question to be relevant, is of meeting the children’s needs (Children Act 1989, Sec 1.3 (f))
Titles of sections are the names of the individuals:
Mother (name); Father (name); Maternal grandparents (name) etc.

Include a separate section for:
• Each of the parents.
• Any other party e.g. a stepparent, older sibling or grandparent.
• Any other person who has had an important role in the child’s life and/or may have one in the future, e.g. as a carer or through contact with any of the children, even if not a party. Judgment will be needed to decide if partners of parents should be included in the parent’s section, or require a separate section of their own.

A brief description should be given of each person separately. Each person in a partnership should be considered as an individual, and there will also need to be consideration of their relationship and its characteristics e.g. stability, patterns of attachment, power, family dynamics etc.

The following issues will need consideration, but avoid duplication where there is good enough information available.
• The ethnic origin, religion, language and cultural background of each adult.
• Any disabilities, health issues and any special needs.
• Family history and functioning, wider family.
• Social functioning and support networks.
• Socio-economic factors, income, housing, employment, community resources.
• Parenting capacity. Their attitudes to and relationships with the child. Include what they say about these, what professionals say about them, observations of interactions, records of contact and formal assessments. Also address their attitudes to the child’s wishes and feelings.
• Where it is established or agreed, the parents’ responsibility for significant harm or risk of harm, their view of the harm caused, and assessment of any change in the likelihood of harm recurring e.g. through therapy
• Their attitude to the proceedings and whether they acknowledge any responsibility.
• Their views on the child’s future care and whether they agree or oppose the care plan.
• Views on local authority involvement.
• Other relevant issues to bring to the court’s attention (such as domestic violence, child abduction, disruption during contact, allegations of abuse, referrals to Social Services/Health/Education, criminal conviction details, etc) and analysis of the impact on child.
• Ability to work with existing arrangements for placement and contact and maintain focus on the child’s needs.
• Where the parent is not the perpetrator but the child has been abused, comment on the parents’ ability to protect.
• Impact of any issues arising from HRA 1998
Critically appraise the conclusions arising out of the following assessments: 
Core Assessment. This will cover the Parenting Capacity dimension of the 
Assessment Framework Triangle: Basic Care; Ensuring Safety; Emotional 
Warmth; Stimulation; Guidance and Boundaries; Stability. The areas on the 
Family and Environmental Factors dimension are also relevant here: Family 
History and Functioning; Wider Family; housing; Employment; Income; 
Family’s social Integration; Community Resources. 
• Family and Friends Form F assessments etc. 
• Assess the adult’s view of any expert opinions e.g. physical/mental 
  health

SECTION 4: LOCAL AUTHORITY 
This section provides critical appraisal of the Local Authority’s practice in 
relation to the child(ren) and the family. It should include a summary of the 
salient facts regarding the Local Authority’s past, present and future actions 
and plans and a summary of, for example, what positive steps the Local 
Authority has taken to keep the family together and enable the child to grow 
up in his or her family (in light of HRA 1998).

Local Authority involvement 
• History of local authority involvement with the parents and with the 
  child(ren), including events leading to referral, the timing of intervention, 
  reviews, Child Protection Registration etc. Comment on the 
  appropriateness of action taken and assessment. 
• Where necessary, appraise the impact of any changes of social 
  workers or teams on the child and/or the family. 
• Services provided and refused. 
• Resource issues, including allocation of social workers. 
• Key decisions and processes e.g. informing parents of case 
  conference decisions or of the care plan. 
• Appropriateness of placement, planning and decision-making. 
• Contact issues and how these have been addressed. 
• Communication with other agencies and joint working. 
• An assessment of whether the local authority has met its statutory 
  duties to the child(ren), including child protection.

Local Authority Care Plan 
• An assessment of the care plan, including contact, and whether it 
  meets the needs of each individual child. Identify anything necessary that 
  is missing. 
• Whether assessments have been rigorous and fair, and have followed 
  the Framework for Assessment.

If needed, deal with any involvement of other agencies such as the police, 
health or education in a subsection, or a separate section.
SECTION 5: EXPERTS’ REPORTS
Comment on any experts’ reports and their recommendations or implications for the child(ren) and family. If you disagree with the content or opinion of any expert, state your opinion and your reasons.

SECTION 6: CONTACT
- Analyse the impact of contact arrangements on the child.
- What contact, with whom, where and how often would meet the child’s needs, in the short and the long term, for sustaining relationships and for identity?
- Identify any tension between the need for permanence and the need for continuity and links with, for example, birth family or siblings.

SECTION 7: GUARDIAN’S ANALYSIS AND CONCLUSIONS
This section is the place to draw together the children’s guardian’s analysis of the case. It will vary according to the features of the case, but is likely to include:

- Analysis of each child’s welfare and needs in the context of the child’s background, identity and
  summary of the child’s wishes and feelings.
- Assessment of future risk.
- Analysis of the ability of the parents, or others, to meet the child’s needs (comment on deficits in parents’ or others’ care. Identify what would need to change to make the care good enough and give an opinion on the capacity and motivation for change, and on what services would be required if not clearly set out before).
- Analyse issues of attachment (without minimising negative indicators, identify positive features that will promote resilience in the child and identify where the best hope for his or her future lies).
- Refer to outcomes for children, e.g. relative likelihood of a particular type of placement being successful, indications from relevant research. Give full references of any research quoted or relied upon.
- Summary of assessment of the care plan(s) and, where these do not meet the needs of the individual child, the Children’s Guardian’s views on what would be best for the child, and why. Indicate the extent to which the care plan(s) meet(s) the needs of the individual child.
- Analyse factors affecting success of future placements and tensions between the child’s wishes and best interests.
- Consider the appropriate timescale for this child – for implementing the care plan or any other proposals.
- Comment in relation to each of the issues in the case identified at the introduction.
SECTION 8: OPTIONS AVAILABLE TO THE COURT

The range of powers available to the court under this Act in the proceedings in question (Children Act 1989, Sec 1.3(g))

• Apply the ‘No order’ principle
• Comment on the menu of orders available, giving pros and cons of each option for the children in this case.
• Advise if an order is necessary for the child’s best interests. If an order is recommended, how will it serve the child’s best interests?

SECTION 9: RECOMMENDATION

• Make a clear recommendation.
• Suggest any other actions required by the Court e.g. Sec 34(4) order.

------------------------------------------
(Author’s Name)
Children’s Guardian
(Date)
APPENDIX 1: INVESTIGATION

This section gives details of interviews, documents read etc.

- Dates and location of observations of and meetings with the child, including within contact sessions. Note who else was present.
- Significant interviews. Specify with whom, dates, location if appropriate. Specify if in person or telephone contact.
- Use of interpreters
- Enquiries by correspondence.
- Attendance at meetings
- Significant people not interviewed and reasons why.
- Documents read:
  - Schedule of documents in the paginated court bundle does not have to be repeated in the report but note that the schedules are often revised and updated. Therefore state that court bundle has been read up to what date.
  - List outstanding statements, documents or reports that have been ordered or commissioned but not received at the time of writing the report.
  - Date(s) and extent of investigation of the Social Services files.
  - Files of other agencies e.g. education, health, police, if applicable.
- List of expert reports read.
- Any other significant investigations.

REFERENCES

- Any key references quoted in the report.
Annex 4

HSS Trust report template
INFORMATION FOR
COURT WELFARE OFFICER

CLIENT NAME ____________________________________________

ADDRESS
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
TEL NO ____________________________

LEGAL REPRESENTATIVE: ____________________________________________

NATURE OF APPLICATION
BEFORE THE COURT ____________________ APPLICANT/RESPONDENT
(delete as appropriate)

ARE THERE ANY COURT ORDERS IN FORCE?
(Please detail)
________________________________________

DETAILS OF CHILDREN: +

<table>
<thead>
<tr>
<th>NAME</th>
<th>DOB</th>
<th>SCHOOL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>DOB</th>
<th>SCHOOL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

WHO HAS PARENTAL RESPONSIBILITY FOR THE CHILD/CHILDREN?
________________________________________________________________________

FAMILY GP & ADDRESS: ________________________________
HEALTH VISITOR & ADDRESS: ________________________________

CLIENT SIGNATURE ____________________________________________

DATE ____________________________

Info for court welfare officer
COURT CONCILIATION/MEDIATION SERVICE RECORD

DATE:

CASE NO:

FAMILY NAME:

SOLICITORS:

OUTCOME:
DOWN LISBURN HEALTH AND SOCIAL SERVICES TRUST

ON BEHALF OF DOWN LISBURN HEALTH AND SOCIAL SERVICES TRUST I HEREBY SUBMIT THIS SCHEDULE OF AGREEMENT IN RESPECT OF

FILE NO.________

As listed for hearing at Lisburn Family Proceedings Court on ____________

Nature of application
### Family Composition

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
<th>DOB</th>
<th>Address</th>
<th>Education/Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This schedule is based upon information from the following

Proposed agreement re’ Residence/Contact

(Proposed Agreement Court Report for Article 8 – Blank Forms, JA)
QUESTIONNAIRE ON COAC REPORT ON COURT WELFARE OFFICERS

Name: ____________________________________________

Address: __________________________________________

_________________________________________________

_________________________________________________

Are you responding as:

☐ An individual

☐ On behalf of a group or organisation

For the purposes of analysing responses it would be helpful if you indicated the sector which you are responding from. Please tick as appropriate:

☐ Health and Social Services
☐ Legal sector
☐ Judiciary
☐ Advice sector
☐ Voluntary sector
☐ Academic sector
☐ Political sector
☐ Statutory sector
☐ Government body
☐ Individual
☐ Other (please specify) ______________________________

Do you agree to your response being made public?

☐ Yes

☐ No

☐ Partly (please specify)

Are you content for the Children Order Advisory Committee to contact you again in the future for consultation purposes?

☐ Yes

☐ No
1. Should the Court Welfare Service remain the responsibility of HSS Trusts? YES/NO, please provide an explanation for your answer

2. Do you have any comments on the proposal to have a common job description and job specification for Court Welfare Officers? Please indicate any area which you feel needs to be included in either document

3. What is your view of the Report’s recommendations on the future of the Court Welfare Officer service? In your view will they have a positive impact on Article 8 cases?

4. Please feel free to make any further comment which you feel would assist with improving the operation of the Court Welfare Service?
Paper responses should be forwarded to the
Children Order Advisory Committee Secretariat

c/o Child Care Policy Directorate or c/o Business Support Group
DHSSPS NI Court Service
Room D1.4 3rd Floor
Castle Buildings Bedford House
Stormont Bedford Street
Belfast Belfast
BT4 3SQ BT2 7DS