

# Inspection of the Jersey Family Court Advisory Service

**Inspection dates: 23 to 27 September 2019**

**Lead inspector: Louise Hocking, HMI (lead inspector), and Andy Whippey, HMI**

## Introduction

1. In 2018, the Jersey Probation Board determined that there should be an inspection of the Jersey Family Court Advisory Service (JFCAS). The Chief Probation Officer commissioned Ofsted to carry out this work.
2. The remit of the inspection was to evaluate and report on the quality of the JFCAS service in three main areas:
  - private law practice with children and families
  - public law practice with children and families
  - leadership and management of the service.
3. JFCAS was created in 2010 to give advice to the family court in private law proceedings concerning children in Jersey. The service has evolved and grown to include providing advice to the family court in public law proceedings, including adoption. JFCAS sits within the Jersey Probation and After Care service (JPACS), with a separate small team of specialist social work practitioners. The team currently comprises one manager and three social work practitioners. A fourth practitioner is due to start imminently.

## Inspection findings

### Section 1: Practice within the JFCAS service

**Recommendation 1:** JFCAS should publish an easily accessible set of principles, charter or equivalent for children and parents. This is to make clear, at the outset of its engagement, how it will ensure fairness and equity of service.

4. JFCAS is a small team of social work practitioners who are highly skilled, committed and knowledgeable. They are reflective, child-focused, appropriately challenging and are the main strength of the service. They fulfil their roles as court officers in private law and guardians in public law equally well.
5. Reports to court are of a consistently high standard. Court representatives find JFCAS practice to be of a very high calibre, and frequently of an outstanding

quality, both verbally and in writing. JFCAS reports offer a carefully considered, clearly analysed guidance to the court of the issues impacting on children, and practitioners are extremely articulate and very sensitive in their work. The focus is always the best interests of the child, and practitioners assess and observe children's needs extremely well, including ascertaining their views, wishes and feelings. Reports are well evidenced and offer clear, well-analysed recommendations to the court. Practitioners are skilled in direct work. They use a range of creative, age-appropriate techniques to engage with children of all ages. They understand that this is the key component of their role and they do this sensitively and comprehensively. Practitioners could further strengthen their reports to the court by including fully children's views that have been gained through the practitioners' work with them.

6. JFCAS practitioners' work with children and their families demonstrates a clear focus and purpose. They plan and carry out effectively a range of work that is proportionate to each child's needs. The team has a clear understanding of its safeguarding duties and undertakes them well to ensure that children are protected. Practitioners are highly effective advocates for children. They demonstrate active challenge on children's behalf when this is needed in both private and public law work. Practitioners act assertively and autonomously, particularly in public law, while maintaining a cooperative working relationship with children's services.<sup>1</sup>
7. On occasion, JFCAS practitioners carry out considerable and appropriate additional work in order to fill any potential gaps in other services. They frequently directly oversee complex and detailed contact arrangements. This sometimes involves overseeing handover arrangements for a child between parents a number of times a week and immediately before bank holidays, or attending contact time with a child and their parent occasionally at weekends. All information from this involvement is appropriately used to inform their assessment. However, this places a considerable burden on practitioners' time, and greater challenge is required at a strategic level to manage this. JFCAS leadership needs to determine whether this is the most appropriate use of its specialist social work resource or ensure that an effective contact service is provided, to alleviate this pressure on JFCAS practitioners.
8. JFCAS practitioners carry out active and productive work with parents, are honest about any concerns and make consistent efforts to ensure a continued engagement. They skilfully articulate their role and the principles that underpin their work at the beginning of their engagement with the family. This includes, for example, in private law proceedings, an equal opportunity for each parent to meet with the JFCAS practitioner, should one parent request an additional meeting. JFCAS could strengthen practice further if it published its 'rules of

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<sup>1</sup> JFCAS practitioners act in the role of guardian in public law care proceedings. This role involves reviewing the care plan put forward by children's services on behalf of the Minister to the court.

engagement' for parents in an accessible form. This would benefit particularly families involved in private law proceedings, so that each parent can understand how fairness and equity will be ensured from the outset.

**Recommendation 2:** JFCAS should review the initial private law process at the point of the first appointment to ensure greater consistency of practice.

9. The greatest inconsistency of practice in JFCAS is seen in the reports that the service provides to the court for the pre-case review hearing (pre-CRH reports). The pre-CRH is a first appointment system for private law proceedings that provides an initial JFCAS assessment for the court. The service is appropriately reviewing this early stage of proceedings. It recognises that parents do not always understand the work at this initial stage and that the current process does not always convey the full narrative for a family.
10. The nature of the pre-CRH reports, relatively brief initial pieces of work, set the tone for future working with families. The way that issues are explained in the reports can be counterproductive to developing positive future relationships between parties and JFCAS practitioners. It can result in unhelpful early judgements being formed about complex situations and can lead to disputes between parents. The practice at this early pre-CRH stage is the part of the work that shows the greatest inconsistency. It leads to the greatest concern from parents. It can also, on occasion, lead to complaints.
11. There is a consensus within the service that this part of JFCAS practice requires a review. The review has started, but is not yet finished. Any new replacement process must appropriately address perceptions about fairness, tone and fullness of information. The current process does not always enable information from checks with other agencies to be available to the registrars who preside over private law cases. The review of pre-CRH reports provides a positive opportunity to address this deficit.

## **Section 2: Governance, leadership and management**

**Recommendation 3:** The leaders of JFCAS should ensure that they are invested in a manager who dedicates their time to the professional oversight of social work practitioners.

12. Although the JFCAS team provides a skilled and thoughtful casework service for children, the service is underdeveloped operationally and strategically. It has been disadvantaged by a lack of management capacity, resulting in the team manager mainly focusing on casework and operating as an additional practitioner, picking up the initial work through the pre-CRH reports to ensure minimal delay. This has resulted in many operational management tasks being insufficiently visible or embedded.
13. Strategic vision and growth have been given a lower priority in JFCAS. It is important that the team uses the role of the manager to assertively manage the

service as the key and sole function of the role, except in the most exceptional circumstances. JFCAS is well placed to refocus its management priorities, and a fourth practitioner is joining the team imminently. Going forward, practitioner capacity should not be the block to progress for the management of the service.

14. The core components of operational management (high support/high challenge, professional development, performance management and quality assurance) are not firmly embedded or rigorously applied. Practitioners have a supportive manager who is accessible and available and they appreciate this style. Supervision is becoming more reflective, but there remain some gaps in supervision practice. It is not always clear what is required of the practitioner through any agreed actions set out in supervision records. Appraisals do not take place regularly. JFCAS has a short-term training programme. However, it does not currently have a longer-term service development training strategy that is informed by appraisal analysis of strengths or skill gaps in the team. This is particularly pertinent given the changing personnel in the team. The service has an opportunity to enhance and build on the skills and expertise of the long-standing team members while supporting and developing the newer team members.

**Recommendation 4:** JFCAS should take steps to ensure that there is a formal process for case closure.

15. The JFCAS manager does not see or sign off completed work regularly or consistently. The internal 'gatekeeping' checklist is not used consistently or in a way that supports qualitative reflection at the end of a case. Current practice does not enable management oversight of decision-making or address any inconsistency in practice.
16. JFCAS needs to use its unique position for children in Jersey effectively to encourage the widest best practice and the most suitable range of resources. This includes, for example, in contact arrangements with parents, carers or family members, in therapeutic provision and when children are allocated their own legal representation. It is vitally important that JFCAS practitioners have an agreed 'exit route' for children. This is so that there is a clear pathway out of the service that includes follow-on services.

**Recommendation 5:** JFCAS should implement a quality assurance process to ensure consistency of practice and learning within the team.

17. Although independent practitioners have carried out some review of the service, there is no routine auditing of casework that offers a regular review and regular learning for the team. JFCAS practitioners do consistently good work. However, practice would benefit from an agreed approach to quality assurance to support continued development and to agree collectively on what constitutes best practice or on what makes one piece of work stronger than

another. Senior leaders demonstrated enthusiasm and a genuine desire to consider different ways in which this could be achieved.

**Recommendation 6:** JFCAS should refresh its suite of policies and procedures and publish practice guidance for practitioners. These should clearly set out the expectations and practitioners' responsibilities in the role of court welfare officer for private law proceedings, as well as the role of the guardian for public law proceedings.

18. JFCAS has evolved to work within both public and private law. Currently, there is some variation of practice within the JFCAS role because the parameters are not set out and practice is left to individual interpretation. The range of policies and procedures need updating. Practitioners need a clear operating manual that outlines their roles, functions and responsibilities, as well as those of the service, in both private and public law work, including care proceedings and adoption.
19. The recent investment in a new, improved performance data framework for JFCAS means that it now includes the key data and performance measures for the service. This is a significant step forwards and provides raw material to build on. The framework also provides an opportunity for the service to have a greater strategic understanding and to carry out trend analysis in future.

**Recommendation 7:** JFCAS should refresh its range of external-facing information, including leaflets and its website, to ensure clarity and transparency on the JFCAS role for children, parents, professionals and other stakeholders

20. JFCAS needs to give greater priority to making information more easily accessible for the range of people who come into contact with it. These people, including professionals, need to have access to the fullest and clearest published information about the range of tasks that JFCAS carries out. Currently, this is mainly provided via a series of leaflets, which require updating. The links on the website do not always work and the website also needs updating. The complaints leaflet does not provide sufficiently detailed information, including information about timescales. Senior leaders are aware of this as a vital area for development. It is already part of the work plan for JFCAS to update and refresh all its material, including a separate website. The work will involve children directly, as well as the children's commissioner, to ensure that information is easily accessible and child-friendly.
21. JFCAS practitioners work with children and families at a point of strain in their lives. There has been insufficient priority given strategically to ensuring that there is active promotion of the role of JFCAS: what JFCAS is, what it does, how it does it and how parents and children can understand this. On a practitioner level, this is very clear. However, greater priority is needed in planning in order to ensure that JFCAS not only acts fairly, but also actively promotes how it strives to be a fair and child-friendly organisation.

**Recommendation 8:** The JFCAS leadership team should agree and implement a strategic action plan for the service, overseen by the probation board.

22. The focus on individual casework alone has resulted in varied experiences of the JFCAS service for some families and for stakeholders. Only minimal energy has been given to strategic planning. The JFCAS manager has not prioritised strategic planning or set out a vision for JFCAS that provides clarity about what it is aiming for and how it is going to get there. Although there has been a positive decision to recruit an additional fourth practitioner, staff changes have meant that the team has not had more than three practitioners at any one time. JFCAS has missed timescales for the current service development plan, resulting in a sense of inertia.
23. There is currently very little active championing of the service in the wider family justice system, and the leadership team needs to show additional drive, energy and persistence to set out its vision for the future. It needs to proactively campaign for how it would like services for children to look in the wider island network within which it operates.

**Recommendation 9:** The probation board should provide increased oversight and governance of the work of JFCAS.

24. Current governance provided by the probation board of JFCAS is limited and does not reflect the range of work carried out in a sufficiently detailed or balanced way. It is primarily focused on basic elements of the service, and only complaints are being given a more detailed consideration. While this provides helpful scrutiny on any potential dissatisfaction with JFCAS, it does not allow the breadth and range of activity, including the very good work, to be given sufficient priority or scrutiny.
25. The recent agreement between the chair of the probation board and the chief probation officer to support an increased profile for JFCAS is a constructive way forward. This will include a greater opportunity for the JFCAS manager to present work directly. This needs to include support with any potential wider issues that are impacting on the JFCAS service, such as the provision of supervised contact outside of the JFCAS team.

### **Section 3: External relationships**

**Recommendation 10:** JFCAS should set up a cross-agency forum to address cross-system family justice issues.

26. External relationships are mostly positive and productive. JFCAS leaders have made efforts to ensure that they are not an insular service seeking views and input, including case consultancy, from external specialist practitioners and social work organisations delivering similar services in different jurisdictions. However, the lack of an external-facing JFCAS strategy has, on occasion, resulted in more informal communication. For example, regular meetings with

children's services are not yet fully embedded and the terms of reference have not been signed off. The meetings are not minuted, which limits the agencies' ability to hold each other to account.

27. There are positive, clear, professional working relationships with the courts. However, there has not been one central place to take cross-system family justice issues. A recently introduced court users' group offers the potential for a helpful forum to discuss practice and resource issues. This is in its infancy, but is a positive step forwards to formalise discussions and agree actions. JFCAS should also consider having a strategic forum to engage with both court administration and the judiciary in this way.
28. In summary, JFCAS carries out consistently high-quality casework with and for children. JFCAS practitioners form and maintain positive working relationships while maintaining their autonomy and advocating for children. The focus on individual casework has been at the expense of the operational and strategic oversight and development of the service. This is the main aspect that requires change.
29. JFCAS is well placed to strengthen the service in the future. An additional practitioner, plus appropriate linking with an equivalent peer court service (in a different jurisdiction), provides an opportunity to assist with capacity and the strategic development of JFCAS. JFCAS needs to capitalise on opportunities from partners to work collaboratively in strategically developing the service and to ensure that it places a significantly stronger focus on operational management and strategic oversight.
30. JFCAS leaders have shown an openness and keenness to continued development, with a positive degree of self-awareness of the areas requiring improvement. Recent developments, including the pre-inspection audit, the new information system and improved performance reporting arrangements, as well as the planned work with a similar organisation in another jurisdiction, show the positive progress made so far this year. Other issues requiring attention are known, and there are active plans in place to continue on an upward trajectory of continuous improvement.

## Summary of recommendations

**Recommendation 1:** JFCAS should provide a written set of principles or charter or equivalent for children and parents at the beginning of engagement that demonstrates how fairness and equity of service will be ensured. This should be published and easily accessible.

**Recommendation 2:** JFCAS should review the initial private law process at the point of the first appointment.

**Recommendation 3:** The leaders of JFCAS should ensure that they are invested in a manager who dedicates their time to the professional oversight of social work practitioners.

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**Recommendation 9:** The probation board should provide increased oversight and governance of the work of JFCAS.

**Recommendation 10:** JFCAS should set up a cross-agency forum to address cross-system family justice issues.





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