

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

Part I: The New Services

Chapter I: National Probation Service for England and Wales

5. The consultation paper, “Joining Forces to Protect the Public”, was issued in August 1998, and proposed various ways in which the prison and probation services could work together to improve the protection of the public and reduce re-offending. As a result of the consultation process, the Home Secretary decided that the two services should not combine, but should retain their separate identities while using complementary methods to achieve these common goals.
6. In the case of the probation service, the Home Secretary decided that the aim should be to protect the public and to reduce re-offending through the effective enforcement of community sentences. It was, however, concluded that the existing arrangements under the Probation Service Act 1993, which provides for 54 separate probation services, were not conducive to the efficient and successful achievement of this aim. Nor did that Act allow the Secretary of State to take steps to improve the performance of services. In addition, the Probation Service’s responsibility for Family Court work did not fit well with its core aim.
7. *Chapter I* of the Act restructures the Probation Service and creates a unified service for England and Wales which will be renamed the National Probation Service for England and Wales. It will be directly accountable to the Home Secretary. It will have a structure based on 42 local areas, each with a local probation board composed of representatives of the local community who understand local needs. The boundaries of these areas will match those of the police forces, and the structure is designed as a step towards the government’s aim of improving efficiency by creating common boundaries across all the agencies in the criminal justice system. The local probation boards will employ staff or make other contractual arrangements for the delivery of the services for which they are responsible. The Children and Family Court Advisory and Support Service, created in Chapter II of Part I of this Act, will take over Family Court work, leaving the National Probation Service for England and Wales to concentrate on working with individuals who are charged with or convicted of an offence.
8. The Act provides for the Home Secretary to appoint the members of local probation boards, and to appoint the chief officer of each area. He will be able to give directions to boards, and through them to chief officers, as to how they fulfil their statutory responsibilities.

Chapter II : Children and Family Court Advisory and Support Service

9. Following recommendations in the consultation paper, "Support Services in Family Proceedings - Future Organisation of Court Welfare Services", issued in July 1998, *Chapter II* of Part I of the Act sets up the new Children and Family Court Advisory and Support Service (CAFCASS) for England and Wales. CAFCASS assumes the functions currently carried out by the Family Court Welfare Service (currently the responsibility of the Probation Service), the Guardian Ad Litem and Reporting Officer service (GALROs – who act in adoption and public law cases regarding the care of children – currently the responsibility of the Department of Health) and part of the Official Solicitor's Office (Lord Chancellor's Department).
10. CAFCASS will serve the Family Division of the High Court, county courts (including care centres) and family proceedings courts. The service is intended to safeguard and promote the welfare of the children before courts dealing with family proceedings; give advice to any court about any application made to it in such proceedings; make provision for the children to be represented in such proceedings; and provide information, advice and other support for the children and their families.
11. The provisions in Part I, Chapter II and Schedule 2 establish the Children and Family Court Advisory and Support Service as a non-departmental public body, which will be accountable to the Lord Chancellor. The new service will also be subject to independent inspection in order to monitor and report on its activities.