



Victoria Soeder
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London
WC1B 3HF

Your ref: CAF 19-156
Our ref: Gov/CAF 19-156

Tel 0300 456 4000

11 November 2019

Dear Ms Soeder,

Re: Freedom of Information Request - Internal Review

Thank you for your email of 17 October 2019. You requested an internal review of the response to your Freedom of Information request (CAF19-156) which was sent to you on 16 October 2019. An internal review involves a review of the decision on disclosure in the original response and the way in which the request was handled. The internal reviewer can either uphold or overturn the original decision.

Melanie Carew, Head of Legal, who was not party to the original decision on whether to release the information, has now conducted the internal review. Please see their response below.

In your Freedom of Information request (CAF19-156) you requested:

1. Please provide the

- a. Information
- b. Incorporated research
- c. Feedback

from the Judiciary, academics and therapists involved in the consultation of CAFCASS CIAF.

As stated in our FOI response, Cafcass did not conduct a consultation on the Child Impact Assessment Framework (CIAF) and we were not obliged to conduct a formal consultation on the CIAF as this is internal guidance for Cafcass staff. However, during the framework's development Cafcass sought and incorporated feedback from helpful discussions with a range of sector experts and family justice stakeholders. The discussion groups on the CIAF were closed discussion groups and all the attendees had been invited personally and directly by Cafcass to attend the discussion group. This was to ensure a safe space for Cafcass to

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engage with specific, identified stakeholders to get their feedback and views in order to develop the Framework. The individuals and bodies we engaged with were clear that they were being asked for feedback on the CIAF and that Cafcass may not necessarily agree with their contributions but were interested in an informal process of discussion which was a successful method of exploring ideas from a range of sources, but the responses and feedback given by attendees were not published. Disclosing the feedback concerning the CIAF under the Freedom of Information Act would be releasing this information to the world at large and would compromise the safe space for developing ideas, debating issues and making decisions about the framework. There is a need for a safe space for Cafcass to have free and frank exchanges with stakeholders to enable Cafcass to work effectively with these stakeholders. Compromising the safe space would damage the effective working of Cafcass which is a public body necessary to the effective working of the family justice system. Therefore, disclosure would prejudice the effective conduct of public affairs. The original response to your FOI request withheld the information under S36 of the Freedom of Information Act 2000. In this case it has been decided that the public interest in maintaining this exemption outweighs the public interest in disclosing the information. The need to ensure the free and frank exchange of views for the purposes of deliberation, outweighs the public interest in transparency and accountability of the activities and topics discussed. Therefore, the response to your Freedom of Information request is upheld as the s36 exemption is still applicable.

Prejudice to effective conduct of public affairs – Section 36 of the Freedom of Information Act provides that:

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation, or

(c) would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

We hope that you feel your question has been answered effectively. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's Office (<https://ico.org.uk/>):

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Wycliffe House, Water Lane,
Wilmslow,
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01625 524 510

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Yours sincerely,

Governance Team

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