



H Grants
request-417509-67fc95e4@whatdotheyknow.com

Your ref: CAF 17-85
Our ref: Gov/CAF 17-85

Cafcass National Office
3rd Floor
21 Bloomsbury Street
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Tel 0300 456 4000

2 August 2017

Dear H Grants

Re: Freedom of Information Request

Thank you for your email of 11 July 2017. You made the following requests for information:

I note from your response to an enquiry into the reports available from your ECMS system that you have a specific report on Letter to the Judge available at a case by case level.

In your Operating Framework you say "Practitioners help children to write letters to judges or magistrates, as well as seeing them, when children wish to."

In your 'Handbook for Practitioners on using My Needs, Wishes and Feelings' you say "Children and young people have a right not to participate in difficult decisions that affect their lives"

<https://www.cafcass.gov.uk/media/6616/Handbook%20for%20practitioners.pdf>
<https://www.cafcass.gov.uk/leaflets-resources/our-work-with-children.aspx>

On your website you have 2 forms which you signpost as "10. What I want to say for younger children" and "11. What I want to say for older children". These forms are almost identical copies and formats of each other and are both titled "What do I want to say. My letter to the Judge".

https://www.cafcass.gov.uk/media/6848/Younger_form%2010.pdf
https://www.cafcass.gov.uk/media/6691/Older_form%2011.pdf

You also provide 2 further forms for older and younger children entitled "1. My Needs, Wishes and Feelings summary for older/younger children". The Younger example is linked below:

https://www.cafcass.gov.uk/media/6845/Younger_form%201.pdf

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





At the foot of these 2 forms you have some brief text that says:

"I have shared the report incorporating My Needs, Wishes and Feelings with the young person. The young person understands the content of My Needs, Wishes and Feelings and agrees to it being filed with the court."

Please would you now provide or confirm:

1. What training is available to Practitioners on when to ask children to write a letter to the judge?

Cafcass provides induction training events within a practitioner's first year, which include Casework, Risk and Harm, and Interviewing and Communication Skills. These teach our Family Court Advisers how to use the correct tools (such as [My Needs, Wishes and Feelings](#) tools, which includes a child's letter to the judge) and skills with both parents and children to ensure they focus on all the relevant issues (including the impact of the proceedings on the child within the context of their age and stage of development) in order to achieve the best possible outcome for the children involved.

Cafcass also has a handbook for practitioners [My Needs, Wishes and Feelings: Guidance for practitioners](#) which provide guidance on how to use the tools with children and young people. Our [website](#) also provides some brief guidance for practitioners on how to use the tools: 'Use these tools to facilitate direct work with children and young people. Use these tools as required to gather information during interviews with children and young people or post interview to analyse the evidence and inform recommendations'.

Cafcass has a Private Law Assessment Tools eLearning module on Private Law Assessment Tools, which includes guidance on the use of [My Needs, Wishes and Feelings](#) tools. Competent use of tools is covered by supervision processes and the manager quality assurance check of every report that is filed to court.

The use of the [My Needs, Wishes and Feelings](#) tools is a matter for the practitioner's professional judgement. The tools help inform practitioner's analysis and recommendations to the court and can help a child or young person share their feelings directly with the court.

2. How many cases involving a s7 report in 2016 were there that included a Letter to the Judge completed by one or more of the children within those cases? If you cannot answer this due to the amount of cases please confirm whether or not it is the norm that all children are required to write a Letter to the Judge.

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In the year 2016-17, a total of 726 cases were flagged as having a 'Letter to the Judge' and a S7 report filed on them. This data has been taken from the Cafcass national database ECMS; this is a live system which is subject to continual updates and change. As with any large scale recording system, these figures are subject to possible errors with data entry and processing.

There is no 'norm' in regards to whether a child will write a letter to the judge and it is not a requirement that all children must write a letter to the judge. The use of the [My Needs, Wishes and Feelings](#) tools, including child's letter to the judge template, is a matter for the practitioner's professional judgement. The tools help inform practitioner's analysis and recommendations to the court and can help a child or young person share their feelings directly with the court.

The Cafcass [Operating Framework](#) sections 1.16 – 1.22 sets out how Cafcass works with children and young people.

3. Please provide a copy of your internal guidance and/or training on when and whether children are required by your Practitioners to write a letter to the Judge

Please see the answer to question one.

4. Please provide a copy of your internal guidance and/or training on using these needs, wishes and feelings tools and resources in cases where Parental Alienation/Implacable Hostility has been identified either by the Practitioner or by a party to the case.

Cafcass provides induction training events within a practitioner's first year, which include Casework, Risk and Harm, and Interviewing and Communication Skills. These teach our practitioners how to use the correct tools (such as [My Needs, Wishes and Feelings](#) tools) and skills with both parents and children to ensure they focus on all the relevant issues (including the impact of the proceedings on the child within the context of their age and stage of development) in order to achieve the best possible outcome for the children involved.

Cafcass understands and recognises the potential for implacable hostility by a party and the potential for the 'alienation' of a child from one parent in high conflict private law cases. Section 4.19 of the Cafcass [Operating Framework](#) makes reference to "implacable hostility" which may lead to "alienation" of a child from one parent, and sets out how we assess such issues in our cases.

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We encourage staff to use the [‘Impact of Parental Conflict Tool’](#) in their direct work with children, where this is relevant and where the FCA consider its use is appropriate to the needs of the case. The use of this tool is a matter for the practitioner’s professional judgement. If its use is deemed appropriate by the practitioner, as explained on our [website](#), it is suggested to be used post-interview to analyse the impact of parental conflict and the level of parental influence on a child’s wishes and feelings. It is designed to help identify and clarify any emotionally harmful influence of one or both parents on the child. When using the tool, practitioners should refer to the tool and the analysis in the relevant section of the section 7 report.

5. Please provide a copy of your internal guidance and/or training that relates to identifying when "Children and young people have a right not to participate in difficult decisions that affect their lives"

As stated in our [Operating Framework](#), ‘a key part of our work is to enable the appropriate involvement of children in the court proceedings that are about them. Subject to their age and level of understanding, this involves ensuring that children are aware of the proceedings and have the opportunity to participate in them or otherwise contribute to them (United Nations Convention on the Rights of the Child, [Article 12](#)).’ Positively engaging children in their own cases can lead to higher levels of self-esteem and self-confidence, which promotes resilience when growing up with continuing emotional or psychological conflict ([UNCRC, Article 12](#)). The role of Cafcass is to safeguard and promote the welfare of children, taking account of their ascertainable wishes and feelings.

[My Needs, Wishes and Feelings](#) tools, can help a young person share their feelings directly with the court, if they wish to do so. As stated in the [My Needs, Wishes and Feelings: Guidance for practitioners](#), ‘it is our duty to provide opportunities for children to communicate in a way they feel at ease with. Practitioners should encourage the use of My Needs, Wishes and Feelings, but it is important that children are not coerced into using it.’

It is the court, and not Cafcass, the parties or children and young people, that makes the final decisions in the family court proceedings.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. 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/>):

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





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01625 524 510

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0303 123 1113

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casework@ico.org.uk

Yours sincerely,

Governance Team

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Governance@cafcass.gsi.gov.uk

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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
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