



David Williamson
request-501758-f1ab1ce8@whatdotheyknow.com

Cafcass National Office
3rd Floor
21 Bloomsbury Street
London
WC1B 3HF

Your ref: CAF 18-079
Our ref: Gov/CAF 18-079

Tel 0300 456 4000

07 August 2018

Dear Mr Williamson,

Re: Freedom of Information Request

Thank you for your email of 26 July 2018. You made the following requests for information:

With regard to Cafcass recommended psychological assessments of parents either at the commencement of or during the course of private law cases, I would be pleased if you could provide me with the following information:

1. How many Cafcass FCAs are also registered psychiatrists or psychologists?

It is not a requirement for Cafcass Family Court Advisers to be registered psychiatrists or psychologists; all Family Court Advisers are required to be qualified social workers with a Diploma in Social Work (or recognised equivalent) and at least three years post qualifying experience in social work with children and families at risk.

As the information you have requested is not a requirement for Family Court Advisers, it may not be held and is not information that is centrally collated by Cafcass. This information if held, would be in each individual employee's file. In order to provide a response, each file would need to be checked individually; as Cafcass has over 1400 Family Court Advisers, the cost of compliance would exceed the appropriate limit which for Cafcass is £450. In our estimation the cost (a flat rate of £25 per hour provided by the FOI Act) would exceed the appropriate limit which is 18 hours for Cafcass, in order to complete one or more of the following activities permitted to be accounted for, which are:

- Determining whether the information is held;
- Locating the information, or a document containing it;
- Retrieving the information, or a document containing it; and
- Extracting the information from a document containing it.

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive



A response to this request is therefore exempt under Section 12 of the Freedom of Information Act.

12 Exemption where cost of compliance exceeds appropriate limit.

1. *Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.*
2. *Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.*
3. *In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.*
4. *The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
 - (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign,the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.*
5. *The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated.*

2. How many 'professional opinions' given to courts on the need for the psychiatric assessment of parents were there in the calendar years 2015, 2016 and 2017?

This information is not centrally held by Cafcass. Cafcass must write to the court to ask the court for permission to instruct an expert witness, which includes psychiatrists or psychologists. The information on whether Cafcass asked the court for permission to instruct an expert witness is held in each individual case file.

In order to provide a response, each file would need to be checked individually; as Cafcass handles tens of thousands of cases annually the cost of compliance would exceed the appropriate limit which for Cafcass is £450. In our estimation the cost (a flat rate of £25 per hour provided by the FOI Act) would exceed the appropriate limit which is 18 hours for Cafcass, in order to complete one or more of the following activities permitted to be accounted for, which are:

- Determining whether the information is held;
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3. How many of these opinions related to fathers and how many related to mothers?

Please see the answer to question two.

4. Under what policy or procedure is authority granted by Cafcass to any FCA who is not a qualified psychiatrist or psychologist to advise a court that a parent requires such an assessment?

Please see the [Part 25 of the Family Procedure Rules: Expert Witnesses](#) and [Practice Direction 25A](#) for the procedure Cafcass follows when instructing an expert witness.

5. What are the objective criteria being used by an FCA when making the recommendation that the court order a parent to attend a psychiatric assessment?

Cafcass abides by the [Part 25 of the Family Procedure Rules: Expert Witnesses](#) when asking the court for permission to instruct an expert witness.



6. What training is given to an FCA who is not a qualified mental health specialist in order to enable such an individual to correctly identify parents for whom a court ordered psychiatric assessment would be in the best interests of children?

Cafcass has a core in-house training module as part of our induction training, Introduction to Public Law which contains information around the use of expert witnesses.

Cafcass also has Legal Alerts which are summaries of significant judgements in case law and key topics, and there are Legal Alerts on expert witnesses available on the Cafcass intranet for staff.

The Cafcass [Operating Framework](#) states that in public law cases, 'the guardian should only recommend the appointment of an expert where this is necessary for the completion of the case'. The involvement of an expert needs to be justified in all the circumstances of the particular case.

7. What was the total cost of the completed psychiatric assessments for the 3 years in question?

Cafcass does not hold this information as Cafcass does not pay for the completion of work by expert witnesses.

8. What is the average cost of such an assessment based on the total cost?

Please see the answer to question 7.

9. How many psychiatrists or psychologists conducted those assessments?

Please see the answer to question 2.

10. Are review processes in place at Cafcass in order to manage the use of such assessments and assess the value of such assessments or to establish evidence of need in similar cases or to identify any potential profligacy and tendency to over recommend these assessments by any FCA?

For example, if FCA X made an unusually high number of such recommendations in 2015, 2016 and 2017, always to do with a father and never to do with a mother, how would this be picked up and what steps would then be taken to inform the FCA of a possible bias and possible waste of public funds?





Please see our [Supervision Policy](#) for general information on how Cafcass practitioners' work and performance is monitored.

Cafcass also monitors compliance, conduct and performance through a range of routine performance management tools:

- myWork provides practitioners real-time personal data on their individual, team and service area performance, and how this compares to others across the country;
- Quarterly structured Performance and Learning Review (PLR) meetings between the manager and the individual, where, following each discussion, an assessment of 'good,' 'met' or 'not met' will be made of the member of staff, with learning objectives set to support their development;
- Every Cafcass report which is filed with the court is subject to a quality assurance check.
- At least annual management observation of practice with service users;
- Regular case audits from the National Improvement Service on a service area, team and individual level;
- 360 feedback from colleagues, service users and other relevant stakeholders.

Please see section 11 of the [Operating Framework](#) for more information on how performance is monitored, measured and assessed at Cafcass.

It is the court which grants permission for parties, including Cafcass, to instruct an expert witness. Cafcass abides by [Part 25 of the Family Procedure Rules: Expert Witnesses](#) and [Practice Direction 25A](#) when instructing an expert witness.

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/>):

Post

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Fax

01625 524 510

Tel

0303 123 1113

E-mail

casework@ico.org.uk

Yours sincerely,

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





Governance Team

Cafcass

Governance@cafcass.gov.uk

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive



Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF