



A Marfo
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Your ref: CAF 20-013
Our ref: Gov/CAF 20-013

Cafcass National Office
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London
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Tel 0300 456 4000
Email: governance@cafcass.gov.uk

13 February 2020

Dear Ms Marfo,

Re: Freedom of Information request

Thank you for your email of 28 January 2020. You made the following requests for information:

Thank you for your email. I have more questions on Cafcass work ethics/etiquette. The court makes their direction based on Cafcass employee/advisor, so if one of your workers is very child centred that when the truth is presented will fail to make the correct decisions. I have read through your operation manual but there is no strict guidelines as to how Cafcass should work with families with out stereotypes, preconceived ideas, assumptions and accusations. How does Cafcass work with families without being bias?

Cafcass has a [Conflict of Interests Policy](#) which outlines Cafcass' policy on conflicts of interest as they arise both in terms of case work and any independent work carried out by Cafcass employees.

Cafcass has a [Whistleblowing Policy](#). Whistleblowing occurs when a member of staff raises concerns about a danger or illegality that affects others, for example service users or members of the public. Our policy makes it clear that staff can come forward with concerns, without fear of victimisation, disciplinary action, subsequent discrimination or disadvantage. The policy includes detailed descriptions on what whistleblowing is, how to raise a concern, and statutory protections given to 'whistle-blowers'. All staff are made aware of how to access this, and other organisational policies, during induction.

Non-discriminatory practice is a core value of the social work profession and is part of training offered on many issues; all Cafcass practitioners are qualified social workers registered with the Health and Care Professions Council (HCPC). Please see:

- The HCPC [Standards of Proficiency: Social Workers in England](#) (sections 5- 6)

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- the British Association of Social Workers' [Code of Ethics for Social Work](#) (pages 9, 13, 14)

Please see our [Diversity and Inclusion Strategy](#) which outlines Cafcass' approach to issues of equality and diversity in our frontline work.

Please also see guidance on diversity, including anti-discriminatory practice which is set out in paragraphs 2.40 - 2.47 of the [Cafcass Operating Framework](#).

There are ethical and moral dilemmas (gender roles, religion etc) when working with families as a majority of Cafcass employees/advocates hardly spend time to get to know parents and it is usually by email/phone. How does Cafcass employees/advisors make informed decisions about a child's best interest without the parents/careers?

The role of Cafcass is to assess children's needs and write reports or a case analysis to the court recommending how a child's welfare can best be promoted and safeguarded, with reference to the [Welfare Checklist](#). In private law work, Cafcass works within the parameters of the national [Child Arrangements Programme](#).

All practitioner advice and recommendations are case specific and are based on their professional judgement of the child's welfare. Please note that it is the court, and not Cafcass, that makes final decisions in the family court proceedings.

Please find links to policies and guidance documents relevant to how Cafcass practitioners make recommendations in relation to child arrangement orders below:

- Section 5 of the [Operating Framework](#) sets out the work of Cafcass in private law cases. The following documents mentioned within this section are also relevant:
 - Standard Operating Principles and Standards for Work to First Hearing
 - [Police Checks Handbook](#): this handbook set out how safeguarding information should be obtained in private law applications from the Police National Computer at the National Business Centre, local police forces, international police forces, military police and SSAFA.
 - Telephone script: this is a guidance document for telephone interviews during work to first hearing in private law cases to help consistency within Early Intervention Teams (attached).
 - [Tools to support evidence informed practice](#) and a matrix for how and when to use them: Cafcass has developed tools to support staff in evidence informed analysis when writing reports. The approach taken, and therefore the tools used, will reflect the unique circumstances of the case.
- [Child Protection Policy](#): this document sets out the requirements placed by Cafcass on its staff and contractors relating to its statutory function of safeguarding and promoting the welfare of children. It details the procedures to be

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followed when completing a section 16a risk assessment; making a child protection referral; taking urgent action to protect a child; and responding to an allegation against a person who works with children.

- [Reporting to court policy](#): this policy sets out:
 - The standards to be met when attending court and reporting to court;
 - The implications of including information in a report to court;
 - Resolving differences of opinion about the contents of reports to the court;
 - Expectations for sharing court reports with parties.
- The [Operating Framework](#) sets out how Cafcass practitioners work with children, young people, parents and carers.

Cafcass has a policies and procedures their employees/advisors must adhere too, as part of their work ethic. You state that it is up to Cafcass employees/advisors to make decisions in their best interest, what if the Cafcass advisor/employee does not want to listen to the child's views or feelings, what is your protocol?

The Cafcass [Operating Framework](#) (section 2.12) states 'Ensuring that children's wishes and feelings – their unique voice – are reflected in reports to court, together with advice about the weight that should be attached to them by the court. This recognises that children's expressed views may not always be in their best interests.'

The Cafcass [Operating Framework](#) (p12) also states 'If the FCA decides not to act on the voice of the child, the child is entitled to an explanation of the reasons. This will usually be through a clear rationale set out in the relevant report to court, shared with the child according to the child's age and understanding.'

The role of Cafcass in all our cases is to represent children in family court cases. This includes making sure that children's voices are heard but also includes assessing children's needs and recommending how a child's welfare can best be promoted and safeguarded, with reference to the [Welfare Checklist](#). All practitioner advice and recommendations are case specific and are based on their professional judgement of the child's welfare.

The Cafcass [Operating Framework](#) (sections 2.10 - 2.19) sets out how Cafcass works with children and young people, which includes our work meeting and speaking with children.

Is it illegal for Cafcass employees/advisor to take money and gifts from individuals before, during and after a case?

Cafcass has a [Gifts and Entertaining Policy](#) which sets out our position on handling gifts.

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Is it part of Cafcass etiquette/protocol for advisors/employees to spend time researching parents/carers online, through family members and going through their personal data?

Cafcass does not have a protocol on this. Family Court Advisers decide what enquiries to make in line with the directions of the court and the specific circumstances of the case. Every case is different and we do not have a specified procedure. The needs and circumstances of each individual case will determine the nature and extent of the enquiries made by the practitioner, depending on how each practitioner has planned to carry out their work of safeguarding and promoting the welfare of the child. The information to be included in a Cafcass report is a matter for the practitioner's professional judgement. All Cafcass recommendations are based on professional judgement of how a child's welfare can best be promoted and safeguarded, with reference to the [Welfare Checklist](#), and all recommendations are case specific.

In the absence of a specific direction from the court, practitioners will determine who needs to be interviewed, and how many times. This will usually include the parties to the application and the children subject to the application. Depending on the circumstance of each case this may also include contact with other relevant family members or other professionals/agencies, such as the police, local authorities, GPs and schools.

The Cafcass [Operating Framework](#) (sections 2.21 - 2.41) sets out how Cafcass FCAs should work with adult service users.

Please see the Cafcass [Operating Framework](#) (sections 5.19-5.31) which sets out what Cafcass practitioners should have regard to when working on a section 7 report. For more information about section 7 reports, please see our [website](#).

How can a member of the public guarantee that a Cafcass employee/advisor works for Cafcass, as Social Work England just states their a social worker not an employee for Cafcass. How can parents guarantee it is not an Cafcass impersonator?

All Cafcass employees must have a Cafcass staff ID, this includes their name, role, photograph, signature and for FCAs their HCPC number, which confirms they are an employee of Cafcass.

As set out on our [website in our Privacy Notice](#) under 'How do we keep your information secure?', if a service user have concerns that someone is pretending to work for Cafcass, they should contact our Customer Services team: Customerfeedback@cafcass.gov.uk

Does all Cafcass employees/advisors have an Enhanced DBS?

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All employees are required to have a DBS Disclosure as a condition of their appointment or contract for service. The level of Disclosure will be dependent on the role and responsibilities and in all cases we will adhere to the relevant legislation.

An Enhanced check with children's Barred list check is undertaken for all frontline roles, including all Cafcass Family Court Advisers, before commencing employment with Cafcass and performing their role with children. For all Business Services and Corporate roles an Enhanced only check is undertaken.

[What is your procedures and protocol, if a Cafcass worker/advisor has cause parental alienation?](#)

Cafcass understands and recognises the potential for the 'alienation' of a child from one parent in high conflict private law cases. Information on parental alienation and how Cafcass handles cases involving parental alienation can be found on our [website](#).

Our role is to establish the impact of alienating behaviours on the child concerned, where these are present, and to recommend to the courts what referrals, intervention or support is needed to end or lessen any harmful impact. Please see page 63 of the [Operating Framework](#) which outlines the possible impact of parental alienation on children.

Building on existing guidance, the [Cafcass Child Impact Assessment Framework](#) has been developed to help our FCAs identify how children are experiencing parental separation and to assess the impact of different case factors on them, including parental alienation.

All of our assessments focus on what is happening for each child. In our work, we try to help parents and the court understand the impact of the separation and adult behaviours on individual children and what they need to recover. This requires the support of both parents, who are encouraged to exercise their parental responsibility wherever safe and beneficial for the child.

The starting point of assessment is always the identification of risk, which includes risk of emotional harm, which may amount to a child protection issue. We recognise that exposure to alienating behaviours can be emotionally harmful to children.

Where alienating behaviours feature in a case we are involved with, our practitioners will use their professional judgement to assess whether it is safe and in the best interests of the child to have contact with one or both parents, taking into account risk factors, evidence-based assessments, diversity issues, and the child's resilience and vulnerabilities. We then report our recommendations to the court for the judge to consider before they make their final decision about what contact the child will have with either parent. Please see our website for more information about [parental alienation](#).

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Where there are serious concerns about the worker's conduct these may be referred to the relevant senior manager in order to consider whether informal or formal action is required under Cafcass' [Employee Relation Policy](#).

If an Cafcass employee/advisor has breached the law, assassinated parents/carers character and perverted the course of justice, lied on oath what is Cafcass procedures?

Perversion of the course of justice would be a matter for the court. This decision would not be made by Cafcass.

Disciplinary procedures are outlined in Cafcass' [Employee Relations Policy](#) (section 5).

If a service user is unhappy with a report, they should let the court know about their concerns. This ensures the judge is able to consider the concerns when making their decision.

If a service user wishes to make a formal complaint, they can do so by contacting our Customer Feedback Team. Please see [Cafcass Complaints Policy and Procedure](#) and our [Complaints Factsheet](#) for more information on how to make a complaint.

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,

Governance Team

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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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