



Victoria Soeder
request-546428-e94bd989@whatdotheyknow.com

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

Your ref: CAF 19-021
Our ref: Gov/CAF 19-021

Tel 0300 456 4000

08 February 2019

Dear Ms Soeder,

Re: Freedom of Information Request

Thank you for your email of 22 January 2019. You made the following requests for information:

1. Does Cafcass accept that an 'opinion' of the FCA regardless as to whether it's personal or professional is still an 'view' that can be discriminatory and to 'act on their opinion which is discriminatory is illegal'?

This is a request for an opinion and is therefore not a valid Freedom of Information request. It is not the function of Freedom of Information to give opinions or judgements which are not already recorded in response to specific hypothetical situations.

2. How does Cafcass ensure FCA's do not act on their personal/professional discriminatory behaviour?

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

Cafcass Family Court Advisers also have a contractual requirement to comply with the [Health Care Professional Council \(HCPC\) Standards of Conduct, Performance and Ethics](#).

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





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](#).

Cafcass also has a Diversity and Inclusion eLearning module for staff. Cafcass also has eLearning on a range of diversity related topics such as Dyslexia Awareness and LGBT+ in Cafcass.

Please see our [Supervision Policy](#) for general information on how Cafcass practitioners' work is monitored. Please also see section 11 of the [Operating Framework](#) for more information on how performance is monitored, measured and assessed at Cafcass. Please see our [Employee Relations Policy](#) for information on how employee relations issues are handled within Cafcass.

3. Where it is established that the FCA's professional opinion is discriminatory what action does Cafcass take ?

Please see our [Employee Relations Policy](#) for information on how employee relations issues are handled within Cafcass.

4. If Cafcass abdicate their responsibility to deal with discriminatory behaviour of the FCA would Cafcass accept that it is a public interest issue where Cafcass are 'blinded' by compounding prejudice thus a risk of harm to future vulnerable SU's and children ?

This is a request for an opinion. It is not the function of Freedom of Information to give opinions or judgements which are not already recorded in response to specific hypothetical situations.

5. If Cafcass staff, working with vulnerable children and adults discriminate in covert recordings and Cafcass deny discrimination would it be fair for Cafcass to accept a Journalist/s could release the material , provided they can prove the released recording/s is in the public interest ?

This is a request for an opinion. It is not the function of Freedom of Information to give opinions or judgements which are not already recorded in response to specific hypothetical situations. However, the following provides general information about covert recording:

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





As stated in our [Operating Framework](#) (sections 2.30- 2.33), service users may record their own interview, and there is no legal reason to prevent them doing so, subject to any directions that the court may give about this if the FCA decides to refer the issue to court for direction. Where a recording is made the FCA should inform the service user that they will, as a matter of course, include in their report that the interview was recorded.

In exceptional circumstances the FCA may wish to seek directions from the court about the recording of the interview, particularly if there are concerns about information being disclosed. For example, the FCA may be concerned that information exchanged during the interview – which under court rules is confidential to the court – will be disclosed if the recording is posted on social media or shared with people who are not entitled to have access to it.

In cases where no advance request has been made and the FCA subsequently becomes aware that they have been recorded without their knowledge, they should tell the court. In some cases, however, the FCA may not become aware of the recording until the service user presents the recording, or a transcript of it, at court. In such situations, the FCA should make clear to the court that the recording was made without their knowledge. The FCA may ask for the opportunity to listen to the recording or read the transcript before it is admitted into evidence, if the court is minded to take this step. It is a matter for the court to decide whether the recording or transcript can be included in evidence.

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

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





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