



B Maloney  
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**Your ref: CAF 17-147**  
**Our ref: Gov/CAF 17-147**

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

Tel 0300 456 4000

10 November 2017

Dear B Maloney

## **Re: Freedom of Information Request - Internal Review**

Thank you for your email of 20 October 2017. You requested an internal review of the response to your Freedom of Information request which was sent to you on 18 October 2017. 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.

In your request for an internal review of your FOI response (CAF17-147) you requested:

I am requesting an internal review of your decision not to publish Equality Impact Assessments, the publication of which is a legal requirement under The Equality Act 2010 (Specific Duties) Regulations 2011 section 2(4). This is not commercially sensitive information, particularly not for projects which are already implemented.

Please explain which exemption you are claiming under the Freedom of Information Act and how it applies to these documents which you have a duty to publish under the Equality Act.

*Name of reviewer (role of reviewer)*, 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.

The Equality Act 2010 (Specific Duties) Regulations 2011 section 2 (1) states that '*Each public authority listed in either Schedule to these Regulations must publish information to demonstrate its compliance with the duty imposed by section 149(1) of the Act.*' Cafcass is listed in Schedule One to the Equality Act 2010 (Specific Duties) Regulations 2011.

Baroness Tyler of Enfield Chair  
Anthony Douglas CBE Chief Executive





The Equality Act 2010 (Specific Duties) Regulations 2011 section 2 (4) states that ‘*The information a public authority publishes in compliance with paragraph (1) must include, in particular, information relating to persons who share a relevant protected characteristic who are—*

*(a) its employees;*

*(b) other persons affected by its policies and practices’.*

Section 149(1) of the Equality Act 2010 states that a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. It does not mandate public authorities to publish Equality Impact Assessments.

Cafcass has published several documents which demonstrate its regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.

Diversity is one of the top five strategic priorities for Cafcass, as set out in the [2015-20 Strategic Plan](#). Cafcass previously had an Equality and Diversity Strategy 2013-16, which has been superseded by our [Diversity and Inclusion Strategy](#) which outlines Cafcass’ approach to issues of equality and diversity in our frontline work. The strategy evidences our commitment to strengthening and deepening the focus on issues of diversity, inclusion and equality, particularly in respect of frontline service delivery and workforce learning and development, with a focus on impact and better outcomes for children. Both documents are available on our website.

As stated in the strategy, we will aim to develop a refreshed national Equality Impact Assessment (EIA), suitably integrated with local business and workforce planning, to ensure all key aspects of our work are properly assessed for their potential to impact on diversity, inclusion and equality grounds, and to make sure our work is always aligned, as far as possible, with our priority of enhancing diversity and inclusion considerations.

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

Cafcass also aims to collect diversity information, including ethnicity, disability, first language and child needs, directly from service users, in order for our workforce to better understand and integrate equality and diversity considerations into their work and so provide the best possible service to children and families. This helps ensure we are compliant with the Equality Act 2010 and is in line with our [Diversity and Inclusion Strategy](#). It is optional whether or not service users share this information with us. Other protected characteristics such as beliefs and sexual orientation may also be collected from a number of sources





including local authority data. This is explained to service users in our [Privacy Notice](#), which is available on our website.

Cafcass is an Equal Opportunities Employer and provides all job applicants and existing employees with equal opportunity regardless of their ethnicity, background or situation. We monitor our recruitment and selection processes in accordance with legislative requirements and best practice.

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/>):

**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](mailto:casework@ico.org.uk)

Yours sincerely,

Governance Team

Cafcass

[Governance@cafcass.gsi.gov.uk](mailto:Governance@cafcass.gsi.gov.uk)

Baroness Tyler of Enfield Chair  
Anthony Douglas CBE Chief Executive

