



Victoria Soeder
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Your ref: CAF 18-138
Our ref: Gov/CAF 18-138

Tel 0300 456 4000

03 January 2019

Dear Ms Soeder

Re: Freedom of Information Request - Internal Review

Thank you for your email of 15 December 2018. You requested an internal review of the response to your Freedom of Information request which was sent to you on 14 December 2018. 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.

Melanie Carew, Head of Legal who was not party to the original decision on whether to release the information, has now conducted the internal review. Please see her response below.

In your request for an internal review of your FOI response (CAF18-138) you requested:

I write to advise you that I am dissatisfied with your response to my request as you have not answered my specific question :

1a When a FCA knows an applicant has a “medical condition” then does the FCA ‘UNDERSTAND’ under the Equality Act 2010 that a mental or physical impairment/ condition CONSTITUTES DISABILITY ?

You have answered what is in your policy but have ‘stopped short’ in answering my question. I am now asking you to answer the question “when a FCA knows an applicant has a medical condition then does the FCA understand under the Equality Act 2010 that a mental or physical impairment “constitutes” disability ? Please ‘simply’ answer the question with yes or no.

I am well aware that Cafcass are subject to the provisions of the Equality Act 2010 and I already know what the legislation states.

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





1b In real terms I am asking if your FCA's have a "full undertaking of knowledge of their legal requirements under the 2010 Equality Act ? i.e: does their practice match or even remotely meet the "minimum statutory requirements and obligations of the legislation " to 'ensure' no disability discrimination occurs ?

Cafcass FCAs understand that a mental or physical impairment constitutes a disability and are required to ensure their practice complies with the 2010 Equality Act. Cafcass policy on anti-discriminatory practice is out in paragraphs 2.40 - 2.47 of the Cafcass Operating Framework.

2a Having read your "Diversion and inclusion strategy" it appears that the policy only applies to :

The child

The internal staff of Cafcass

and

The Cafcass entity itself.

There is no reference/ provision within your policy and your 'actual practice' for diversity and inclusion of : "disabled parents/grandparents" or "any disabled service users other than children or your staff.

a Please therefore state why your policy excludes disabled parents/grandparents and adults ? and

Cafcass' Diversity and Equality Strategy applies to all Cafcass service users, including adults and service users with disabilities.

Cafcass guidance on diversity, including anti discriminatory practice applies to all service users Cafcass works with, and is set out in paragraphs 2.40 - 2.47 of the Cafcass Operating Framework which has been sent to you previously.

b. Please state directly in clear and legible and disability accessible "language" that a disabled person can easily understand "how" an FCA affords a disabled adult either parents or grandparents "protection" specifically under the 2010 Equality Act.

Cafcass has customer care standards to make sure we treat everyone we work with fairly and equally in providing a consistently good to outstanding service. We say to service users that we will:

provide a friendly, helpful professional service and treat you with respect

- treat you fairly and allow you to access our services

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





- give you the information you need and work hard to get things right for your children
- provide clear information about our services that you can access easily
- use plain English, avoid jargon, translate information and put it into other formats when you need it
- use your comments and feedback to improve our service
- make sure that our complaints process is clear, easy to understand and fair, and that we solve problems quickly.

These standards are set out in section 12 of the Operating Framework and apply to all service users.

c. Please state the relevant policy that “outlines clearly” to an FCA how to work with disabled adults to ensure disabled adults are protected in law ?

Cafcass does not have a specific policy that “outlines clearly” to an FCA how to work with disabled adults to ensure disabled adults are protected in law. Cafcass relevant policies to this matter have been provided to you in response to your Freedom of Information request CAF18-138); these are our Diversity and Strategy and our guidance on diversity, including anti discriminatory practice which is set out in paragraphs 2.40 - 2.47 of the Cafcass Operating Framework.

3 Lastly, I presume you have responded in a “grammatically” incorrect manner in you response to question 1.

Where you write “ Cafcass and it’s staff OUR subject to the provisions of the Equality Act. Can you explain what that sentence means ? and if the response is grammatically incorrect can you correct your answer so that it is meaningful as it is not meaningful as it stands. Do you mean “ Cafcass and it’s staff ARE subject to the provisions of the Equality Act” ? Please clarify specifically here.

Please ensure an independent person reviews this request

In regards to point 3 of your request for an internal review, in relation to Cafcass’ response to question one of your Freedom of Information request (CAF18-138), unfortunately the response to this question was grammatically incorrect, as you have noted. The response to the question should have been written as follows: ‘Cafcass and its staff are subject to the provisions of the Equality Act 2010 which states that a person has a disability if they have a physical or mental impairment, and the impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.’ Please accept our apologies for this grammatical error.

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





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/>):

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Wilmslow,
Cheshire
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Yours sincerely,

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Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive

