



Samantha Kerr
request-539702-01218985@whatdotheyknow.com

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

Your ref: CAF 18-159
Our ref: Gov/CAF 18-159

Tel 0300 456 4000

03 January 2019

Dear Ms Kerr,

Re: Freedom of Information Request

Thank you for your email of 16 December 2018. You made the following requests for information:

Following Judge Moore, claiming that Social Workers acted like the SS of Nazi Germany "Social services were like the SS of Nazi Germany" judge Moore said "They're literally the SS in their name and their manner of working is somewhat Draconian"

This request supports the comments of Judge Moore

1. Is it an offence for the Cafcass FCA /Social Worker or any member of Cafcass to provide a report to the family court where mistruths have been told to the FCA and the FCA's report is based on lies?

This is not an offence.

As stated in our [Reporting to Court Policy](#), 'the information obtained by practitioners in the course of their work includes both factual information and opinion'. Practitioners may draw on training, professional experience, research and evidence-based tools to analyse this information. Hearsay evidence is information given to the practitioner (or any other person) that has not been personally seen or heard by the practitioner. Hearsay evidence is permitted in family proceedings. A clear distinction should be made in court reports between verified facts, allegations made by the adults, hearsay evidence and the practitioner's assessment, analysis or opinion. When reporting hearsay, it should be clearly identified as such (as should the source of the evidence), as this will assist the court in determining the weight that should be attached to it.

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





Ultimately it is for the court to determine the weight to be given to any evidence presented and to reach a decision. It is for the court, and not Cafcass, to determine the truth of any allegations made by the parties and to make a decision on the arrangements for the child.

2. What is the policy & procedure & law regarding the “Duty of the family court Judge” who is presented with evidence that:

a The other party lied?

b The FCA was presented with ‘evidence of lies’ and ignored it?

Cafcass does not have a policy or procedure on the duties of the family court judge as this is beyond the remit of Cafcass, which is separate from the judiciary.

Judges may raise any concerns or issues in regards to practice by Cafcass staff via their established liaison routes and protocols with operational managers but these are not formally recorded or logged. Senior operational managers liaise closely with local judges, especially the local Designated Family Judge (DFJ). Judges may sometimes include reference to Cafcass’ practice and conduct in their judgements.

3. What are repercussions for the FCA who supplies the judge with dishonest reporting?

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

4. What are the guidelines set out in law from Ministry of Justice where the FCA misleads a Judge?

The Ministry of Justice does not have guidelines on this issue. The Ministry of Justice sponsors Cafcass but the legal remit of Cafcass is set out in [Section 12 of the Criminal Justice and Court Services Act 2000](#).

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/>):

Edward Timpson CBE Chair
Anthony Douglas CBE Chief Executive





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

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



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