



Victoria Soeder

request-539639-12c91c3a@whatdotheyknow.com

Your ref: CAF 18-156

Our ref: Gov/CAF 18-156

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

Tel 0300 456 4000

07 January 2019

Dear Ms Soeder,

Re: Freedom of Information Request

Thank you for your email of 15 December 2018. You made the following requests for information:

There are over 300 “mental health diagnosis” in the DSM V: Diagnostic and Statistical manual of mental disorders, fifth edition.

1a Which specific diagnosis's in the DSM V do Cafcass deem “harmful to a child” please list all mental health disorders that Cafcass deem “harmful” to a child ?

Cafcass does not have a list of mental health disorders that Cafcass deems to be “harmful” to a child.

2. I refer to Cafcass ‘distinguishing domestic violence and harmful conflict screening tool’ where it states: “The other parent has UNMANAGED mental health issues/ substance and or alcohol misuses / Personality disorder or other factors that impact on their capacity to provide attuned and consistent care”

a. Therefore what precisely does Cafcass mean by UNMANAGED mental health issues?

The distinguishing domestic abuse and harmful conflict tool does not mention unmanaged mental health issues.

b. does the FCA, within Cafcass policies and procedures “confirm” if mental health issues are managed by the person with unmanaged mental health “by speaking to a “GP or mental health specialist

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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.

c. how does the FCA proceed in line with Cafcass policies & procedures, the law and the 2010 Equality Act if the service users mental health issues are in fact "MANAGED" by GP and or Expert mental health professionals?

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d. If one services user tells the FCA the other service user has a personality disorder would the FCA

1. Take it at face value that the service user has a personality disorder?

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Section 2.20-2.26 of the [Operating Framework](#) sets out how Cafcass FCAs should work with adult service users. Section 2.20 states that Family Court Advisers should make it clear that much evidence in family cases is soft and open to more than one interpretation. This includes information that adult parties may have taken from social media. We conclude our enquiries in every case with a structured professional assessment and should make those we talk to aware of that.

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More information can be seen in our [Operating Framework](#); relevant sections which set out our work with children and parents include paragraphs 2.23- 2.24, part of which is below:

Operating Framework Extract

2.23 Whilst FCAs have a presumption that parents and carers reply to them in good faith, they also have to be cautious in case they are not being told the full facts, or if they are faced with ‘disguised compliance’ or if they are told a ‘false status quo’. They also have to guard against the ‘rule of optimism’, in which a parent deceives social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. FCAs have to balance hope and a belief in change and communicate this to parents and carers, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.

2.24 In private law cases especially, parents are seeking to convey their side of the story to the FCA, including facts about who did what to whom and when. Such ‘facts’ are often disputed. For the FCA, it is the impact on a child that they have to assess, particularly the emotional and psychological impact, such as the child’s static (long-lasting) and dynamic (capable of short-term change) emotions. It is for the court to determine the facts, as far as it can – many ‘facts’ are disputed and the truth of what happened often remains unclear and ambiguous. While the FCA will need to undertake various enquiries to ascertain what has been going on in a family, including social media enquiries where relevant and where the court agrees, it is important to keep the focus on the child’s daily lived experience rather than on any dramatic scenarios put forward by either parent. A motivational interviewing style can assist that focus (see below). Using a Strengths and Difficulties Questionnaire can also help with this, as long as its use has the active support and co-operation of the child’s parents in a shared quest about how best to help the child.

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

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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.

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. Seek confirmation of diagnosis of personality disorder from a GP/mental health expert professional?

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3. What Cafcass policies & procedures within the law would an FCA follow to ascertain the accuracy of one service user claiming the other has a personality disorder ?

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2.24 In private law cases especially, parents are seeking to convey their side of the story to the FCA, including facts about who did what to whom and when. Such 'facts' are often disputed. For the FCA, it is the impact on a child that they have to assess, particularly the emotional and psychological impact, such as the child's static (long-lasting) and dynamic (capable of short-term change) emotions. It is for the court to determine the facts, as far as it can – many 'facts' are disputed and the

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truth of what happened often remains unclear and ambiguous. While the FCA will need to undertake various enquiries to ascertain what has been going on in a family, including social media enquiries where relevant and where the court agrees, it is important to keep the focus on the child's daily lived experience rather than on any dramatic scenarios put forward by either parent. A motivational interviewing style can assist that focus (see below). Using a Strengths and Difficulties Questionnaire can also help with this, as long as its use has the active support and co-operation of the child's parents in a shared quest about how best to help the child.

4. What action would a FCA be expected to take within Cafcass policies & procedure and in law if a service user had maliciously and incorrectly told the FCA the other service user has a personality disorder where medical evidence shows they do not have a personality disorder.

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5. What action does Cafcass state a FCA must take when a service user makes false allegations about another service users mental health diagnosis, within Cafcass policies & procedures the law and 2010 Equality Act ?

Please see the answer to question four.

3a How does an FCA verify if a service user does or does not have a personality disorder

It is not for the FCA or Cafcass to determine whether a service user does or does not have a personality disorder.



The role of Cafcass is to assess children's needs and write reports for the court recommending how a child's welfare can best be safeguarded, with reference to the [Welfare Checklist](#). The duty of the FCA is to provide the court with a recommendation based on their professional assessment of the circumstances as presented to the court. It is for the court to determine the facts, as far as it can.

3b How does the FCA "proceed" to finding these facts i.e : if a personality disorder is medically present.

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The final decisions in cases are made by the court. Ultimately it is for the court to determine the weight to be given to any evidence presented and to reach a decision. If there are ongoing court proceedings, parties should raise any concerns they have in court, so that the court has all the information before coming to a decision on the case. If parties have concerns regarding a court's final decision these should be raised with the court, or legal advice sought.

3c If there was dispute from the other party " no personality disorder" is present does the FCA proceed in the assessment or seek medical confirmation or refer it to the court to carry out "fact finding" or what ?

As stated in our [Operating Framework](#) (page 32) FCAs should advise a fact finding hearing is needed only if the future arrangements for the child depend upon the truth of a specific allegation or counter-allegation being determined or 'found' judicially.

If the court determines that a fact finding hearing is necessary it is a judicial decision as to what findings are made out. The courts can direct Cafcass to report on issues but Cafcass will not adjudicate upon disputed evidence.

For more information about Fact Finding Hearings, please see the attached document.

Edward Timpson CBE Chair
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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

Cafcass

Governance@cafcass.gov.uk

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