

Legal roundup - August 2021

Reminders

- The Cafcass Safeguarding Policy sets out the procedure for making a safeguarding referral, and also the steps to be taken if a practitioner considers that a potentially unsafe court order has been made these include:
 1. If there is a concern that the terms of a court order places the child at risk of harm the practitioner should undertake a 16A risk assessment, which must be filed with the court;
 2. The practitioner should consider whether, as a result of the potentially unsafe court order, the child "is suffering or likely to suffer significant harm"
 3. If the practitioner considers that the child is "suffering or likely to suffer significant harm" as a result of the terms of a court order then the practitioner should make a s47 referral to the local authority;

- Please consult the Safeguarding Policy for further detailed guidance on the above.

Did you know.....

Whether an order to provide a s7 report should be directed to Cafcass or the local authority may be affected by:

1. Previous involvement with and knowledge of the family by the local authority, in which case the local authority is likely to be appropriate, particularly if the involvement is recent or continuing;
2. Local arrangements between Cafcass and the local authority for distribution or sharing of investigation work

It is best for the decision about who is responsible for undertaking the investigation work is taken before the court makes its order.