

Legal Roundup - July 2021

can you interview as part of your enquiries?

All of our practitioners have a legal duty to comply with Data Protection Principles and also the Family Procedure Rules. One of these principles is to process **relevant** information as part of our enquiries. In deciding who to interview practitioners should ask themselves – does/ could that person have information that is relevant to the court's determination of the welfare issues in the case? If in doubt, contact Cafcass Legal for advice.

Remember that any person can make a subject access request and have their personal data held by Cafcass disclosed to them. When speaking to third parties it is also important to be aware that you are gathering information **from them**, rather than disclosing **to them**, any information about the case as this would potentially be a breach of the Family Procedure Rules.

Amendment to the Family Procedure Rules (FPR) re Domestic Abuse

There has been an amendment to Rule 3A of Family Procedure Rules 2010 regarding the treatment of victims and alleged victims of domestic abuse.

In accordance with the changes made by section 63 of the Domestic Abuse Act 2021 anyone who is stated as having been, or is at risk of being, a victim of domestic abuse from a party, a relative of a party, or a witness in the proceedings the court must consider that the quality of that party's or witness evidence and their ability to participate in proceedings is diminished.

This means that the court can automatically go on to consider special measures in relation to that individual's participation in the proceedings.

Any such vulnerable party will however be able to request that this provision does not apply to them if they so wish. Read [the Amendment](#).

July Legal alert

Read [the latest legal alert](#) R (Care proceedings Joinder of Foster Carers) [2021] EWCA Civ 875

Coming soon:

Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021 (SI 2021/161)

Keep your eyes peeled for a detailed legal alert on the changes to unregulated placements for under 16s which is due to come into force on 9 September 2021. The effect of this will mean that local authorities will only be able to place children under 16 in children's homes or foster placements rather than in 'other arrangements'.