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Your ref: CAF 18-077
Our ref: Gov/CAF 18-077

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02 August 2018

Dear Ms Nagy,

Re: Freedom of Information Request

Thank you for your email of 19 July 2018. You made the following requests for information:

Keeping in mind that according to Standards of conduct, performance and ethics (hcpc) it is YOUR DUTY that you 3.1 You must keep within your scope of practice by only practising in the areas you have appropriate knowledge, skills and experience for. 4.1 You must only delegate work to someone who has the knowledge, skills and experience needed to carry it out safely and effectively, please answer my following questions:

1. When a case is referred to you to investigate allegations of PA do you consider it to be your duty to make sure that the FCA allocated to the case is fully TRAINED in recognising symptoms of PA?

Cafcass understands and recognises the potential for the 'alienation' of a child from one parent in high conflict private law cases. The [Cafcass Operating Framework](#) includes a specific focus on the impact on children of high conflict and parental alienation. Page 62 outlines the possible impact of parental alienation on children

However, training for practitioners does not specifically focus on parental alienation as an issue, as every case is individual and depends on many factors including, but not limited to, the child's age, personality, stage of development, relationship with the parent, as well as the relationship between parents. All of our training revolves around being child centred, and taking into account risk factors, evidence-based assessments, and diversity issues.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





The starting point for Cafcass is emotional harm sustained by children derived from parental alienation amongst other things. All social work staff are required to complete the core Risk and Harm in Cafcass module upon joining the organisation, which will be completed within the first six months. Cafcass' approach to supporting and educating staff, who are qualified and experienced on joining Cafcass and who we would expect to be familiar with emotional harm, is one of Learning and Development, of which formal training forms one element, alongside library materials, supervision, assessment tools.

Our practitioners are aware of the potential for children to be influenced by parental views and will remain live to this issue throughout the progress of a case. We have a tool for use in direct work, the '[Impact of parental conflict tool](#)', which can be used by practitioners to analyse the impact of parental conflict and the level of parental influence on a child's wishes and feelings. We encourage staff to use the 'impact of parental conflict tool' in their direct work with children, where this is relevant.

At Cafcass we are developing a new framework, the **High Conflict Practice Pathway**, to help our practitioners systematically assess cases which feature adult behaviours associated with high conflict. This includes but is not limited to parental alienation. All Family Court Advisers will be trained on the pathway.

Individual training needs are identified and reviewed in quarterly performance and learning reviews; individual training needs are then collated into a skills gap analysis by area, which defines commissioning of training such as workshops or e learning. National training needs are reviewed on an ongoing basis by the National Improvement Service and in line with corporate priorities. The Health Care Professionals Council can also identify and recommend training for all social workers, which Cafcass will incorporate into its training plans.

2. Or any FCA (including those who have not been trained, used webinars, e-modules, libraries you have, knowledge bites etc on PA) can be allocated to the case?

When an order is received from the court, the manager in the relevant team will allocate the case to a practitioner. Allocation takes into account the resources available within the team, and the decision is based on who is best able to take on the case at that time.

3. How do you make your FCA accountable to stay within her/his scope of practice by only practising in the areas she/he has appropriate knowledge, skills and experience for?

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Cafcass operates within the law set by Parliament and under the rules and directions of the family courts.

All Cafcass practitioners and managers are qualified social workers and both practitioners and their work are subject to regular performance review and Quality Assurance. Cafcass has a [Supervision Policy](#) which outlines Cafcass' policy on supervision, service standards and quality assurance. The policy outlines how Cafcass practitioners' work and recommendations are monitored and reviewed. Section 11 of the [Operating Framework](#) also sets out the way in which the work of Cafcass practitioners is supervised by line managers.

4. What is your protocol when you receive a complaint regarding an FCA's experience, credibility, qualifications and NOT her/his professional opinion?

Please see our [Cafcass Complaints Policy and Procedure](#) which sets out the procedure Cafcass follows when responding to a complaint made by a party. This includes complaints about the performance or conduct of a Cafcass employee.

5. How can I request information on my FCA's qualifications knowledge, skills and experience?

Information on a specific member of staff's qualifications and training is their personal employment information. Cafcass is unable to provide individuals with personal information belonging to an individual staff member. This information is personal data relating to an employee to whom Cafcass owes a duty of confidence.

Disclosure of this information would be exempt under Section 40 of the Freedom of Information Act 2000. The exemption from the duty to disclose third party personal data where to do so would breach a data protection principle is an absolute exemption.

[Section 40 of the Freedom of Information Act](#) provides that:

1. Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
2. Any information to which a request for information relates is also exempt information if-
 - a. it constitutes personal data which do not fall within subsection (1), and
 - b. either the first or the second condition below is satisfied.
3. The first condition is-





- a. in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
- b. in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.

All Cafcass Family Court Advisers (which includes those acting as Children's Guardians) are qualified social workers with a Diploma in Social Work (or recognised equivalent) and at least three years post qualifying experience in social work with children and families at risk.

6. Do you support a FCA to have a "professional opinion" on such a specialised subject like PA even if they do not have the appropriate training to recognise the signs and symptoms? Kind of like a GP having a professional opinion on brain surgery- surely that would require a specialised doctor (a neurosurgeon) to have such a professional opinion?

All Cafcass practitioners are trained to identify risk and assess this. All social work staff are required to complete the core Risk and Harm in Cafcass module upon joining the organisation, which will be completed within the first six months. Practitioners use appropriate tools, matched to the identified needs in the case, when assessing the impact of parental alienation.

7. Do you consider Parental Alienation to be emotional abuse?

Cafcass understands and recognises the potential for parental alienation by a party in high conflict private law cases. Such behaviour may be so severe it becomes emotionally harmful to a child. The starting point of our assessments is the identification of risk to child. This includes risk of emotional harm.

8. If so, do you believe that Parental Alienation allegations should be equally investigated to Domestic Violence allegations?

Cafcass does not prioritise allegations of one type of behaviour over another. When Cafcass is involved in a case we look at issues as directed by the court and report on any impact to the child, and what is assessed to





be in the child's best interests. All recommendations to court will be based on what the Cafcass officer assesses is in the child's best interests in that specific case, which will be influenced by a number of different factors.

9. What is your protocol when the court asks you to investigate both DV and PA? Do you make sure both parties are heard?

When Cafcass is involved in a case we look at issues as directed by the court and report on any impact to the child, and what is assessed to be in the child's best interests. All recommendations to court will be based on what the Cafcass officer assesses is in the child's best interests in that specific case, which will be influenced by a number of different factors.

Section 2.20-2.26 of the [Operating Framework](#) sets out how Cafcass FCAs should work with adult service users.

In private law Work to First Hearing cases, the FCA will conduct a telephone interview with both parties, to find out if either party has any concerns about the safety and welfare of their children. For more information on the procedure to be followed by Cafcass practitioners, please see the Cafcass [Operating Framework](#) section 'Work to the first hearing' (paragraphs 5.2 – 5.1

In private law cases which go beyond the first hearing, if a Section 7 report is ordered by the court, the FCA will spend time with both parties and listen to any concerns they might have. Please see the Cafcass [Operating Framework](#) (sections 5.19-5.31) which sets out what Cafcass practitioners should have regard to when working on a section 7 report.

10. Please note, I understand that All Cafcass Family Court Advisers (which includes those acting as Children's Guardians) are qualified social workers with a Diploma in Social Work (or recognised equivalent) and at least three years post qualifying experience in social work with children and families at risk. As a condition of employment, Family Court Advisers must maintain their registration with the Health and Care Professions Council (HCPC).

Further to experience in social work, our Family Court Advisers receive training while at Cafcass in order to assist with their continued professional development; as part of registration with the HCPC, all social workers on a biennial basis must provide evidence of their professional development.

- All social work staff are required to complete six core in-house training modules upon joining the organisation, which will be completed within the first six months:
- Risk and Harm in Cafcass;
- Legal Context and Court Skills;
- Case Work Start to Finish;





- Interviewing Skills in Cafcass;
- Child Sexual Exploitation;
- Introduction to Private Law/Public Law.
- Basic training is complemented by other training events available throughout the year for both social work and non-social work staff.
- Cafcass have an internal National Improvement Service (NIS) who run workshops across the country tailored to local training needs analysis.
- mySkills, an online eLearning platform, offers learning on a range of social work and non-social work topics.
- All FCAs are registered with the HCPC and subscribe to the professional capabilities (section 5) in accordance with this registration." All this does NOT make an FCA TRAINED in recognising PA

This is not a Freedom of Information request.

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/>):

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Yours sincerely,

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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive

