



Andrew Hibberd
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Your ref: CAF 536
Our ref: JJ/CAF 536
Date: 14th May 2012

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Dear Mr Hibberd

Re: Freedom of Information Request

Thank you for your recent correspondence in which you requested an internal review:

I am writing to request an internal review of Children and Family Court Advisory Support Service's handling of my FOI request 'Sexual and ethnic equality'.

I sought information about how many residence applications were found in favour of the father but have been told this information is not collated as a matter of course and would cost over £450 to gather.

This response has to be nonsense as there has to be monitoring of your officers and this data would be essential to prove they were operating in an unbiased fashion.

A Senior Officer who was not party to the original decision on whether to release the information has now conducted the internal review. The internal reviewer has reviewed the manner in which the application was dealt with and is empowered to either uphold or overturn the original decision.

Please see below the outcome of the review.

Bruce Clark, Director of Policy has reviewed your request and has provided the following response:

- 1. Cafcass does not collect, in a readily retrievable (i.e. electronically stored) form, information about the familial relationship of applicants, of either gender, to the child subjects of family court cases. Linked to this, information about the ethnicity of applicants, linked to their familial relationship to the subject children, is also not collected by Cafcass.*
- 2. Prior to 2010, Cafcass did not gather information in a way that distinguished applicants from respondents in private law family court cases.*
- 3. The family courts have the power to make orders in Part 2 Children Act 1989 proceedings, even though neither party has applied for an order of that specific type.*

4. *Because of these three factors, answering the question would necessitate the scrutiny of all of A11's private law case files for the four years that were the focus of the FOI request.*

5. *The role of Cafcass officers is to provide, under the terms of section 7 Children Act 1989, welfare reports to the family courts, where such reports are requested by the courts. The decisions made by the courts relation to the legal determination of the outcomes of applications before the court is a reflection of the exercise of the judiciary's decision-making powers, rather than a reflection on the nature of the performance of the Cafcass officers who prepare the reports for the courts.*

6. *Thus, providing the information requested would require the scrutiny of all hard copy case files relating to private law cases in which Cafcass was involved in A11 between 2008 and 2011. I estimate that it would take around 20 minutes per case to extract the requested information from each case file. Based on there being 2,350 new C100 applications in 2011/12, I estimate that there would be more than 9,000 cases across the period 2008-2011. These would take around 3,000 hours of staff time to scrutinise, the cost of which would greatly exceed the £450 statutory limit.*

7. *I therefore consider that it was reasonable for the response provided to Mr Hibberd on 2 April 2012 to have relied on the exemption set out at section 12 of the FOI Act.*

If you are not content with the outcome of your review, you may apply directly to the Information Commissioner for a decision (www.informationcommissioner.gov.uk).

Yours sincerely,

Miss Jasvinder Jassal

Information Assurance & Data Handling Officer

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