

The Cafcass Practitioner in Adoption

Looking after children's interests
in the adoption process



Putting children first
in family courts

What is Cafcass?

The job of the Children and Family Court Advisory and Support Service – Cafcass – is to safeguard¹ and promote the welfare of children involved in family court proceedings. It works with children and their families, making sure children's voices are heard and their needs are met.

We advise the courts so the decisions they make are in the best interests of children. We are independent of the courts, social services², education and health authorities and all similar agencies. We work in the family courts and not in criminal courts.

- 1 The Children Act 2004 places a statutory duty on bodies and agencies working with children to make arrangements to safeguard and promote the welfare of children, particularly in terms of being healthy, staying safe, enjoying and achieving, making a positive contribution and achieving economic well being.
2. In this leaflet, the term 'social services' refers to the work of local authorities in undertaking their social services function, and particularly children's social care.

Are there different kinds of adoption?

Yes, there are different ways a child can become adopted:

- a. The parents decide for themselves that it is better for their child to be adopted and ask an adoption agency to arrange this. An example would be when a mother is expecting a baby and knows she is unable to care for it.
- b. The child is part of a step-family and wishes to be adopted by their parent's new partner. In this instance an adoption agency is not involved and the new partner makes an application to the court.
- c. Social services are involved and may believe it is in the child's best interests to be adopted by a new family if the parents are struggling to look after the child. Social services have to make an application to the court and an adoption agency is involved.

When an adoption agency is involved (a and c above) there are two stages to children becoming adopted. The first stage is when the child is **placed** with a family with a view to adoption. The second stage is when the child is finally **adopted** by the new family. The consent of parents or a court order is required for both stages.

How is Cafcass involved when parents decide to have their child adopted?

In this type of adoption, the adoption agency requests a Cafcass practitioner to witness the parents' consent to the child being placed in a family with a view to adoption.

If the parents later agree to the child being adopted, the Cafcass practitioner will witness the parents' consent again. Parents can agree for their child to be placed with a view to adoption and to the final adoption at the same time. The Cafcass practitioner cannot witness consent to adoption until the child is at least six weeks old.

When the Cafcass practitioner witnesses consent they have to be satisfied that the parents agree without any conditions and with full understanding of what this means for the child and themselves. The Cafcass practitioner will:

- > see all the papers about the placement or adoption
- > make sure parents have received all the information and advice they need about the adoption
- > check the birth certificate is authentic and correct
- > check whether parents have had an opportunity to talk about future contact with the child (whether in person or, for example, by letter) and explain about the Adoption Contact Register.

What about adoptions that involve an application to court?

In step-family adoptions and cases in which social services are involved, an application has to be made to the court and then either the placement or adoption proceedings start. The role of the Cafcass practitioner in these proceedings depends on whether or not parents agree to the adoption. If, at the outset, the parents are willing to agree to their child being placed or adopted, the Cafcass practitioner is called a **Reporting Officer**. The process may then be quite straightforward. If a parent does not agree, or if there are special circumstances, the Cafcass practitioner is called a **Children's Guardian**. The matter will then need a more in-depth investigation. Either way, our practitioners are trained and experienced in working with children and families. They are independent of everyone else involved in the placement or adoption.

What does a Reporting Officer do?

The main role of a Reporting Officer is to make sure parents understand what the placement or adoption means for them and for the child and to find out whether parents really do agree to the placement or adoption. They:

- > see all the papers about the placement or adoption
- > make sure parents have received all the information and advice they need about the adoption
- > check the birth certificate is authentic and correct
- > check whether parents have had an opportunity to talk about future contact with the child (whether in person or, for example, by letter) and explain about the Adoption Contact Register
- > write a short report for the court

If the parents agree that their child should be placed with a family with a view to adoption, the Reporting Officer will witness the parents' consent.

If the parents later agree that their child should be adopted, the Reporting Officer will witness the parents' consent again. Parents can agree to the child being placed with a family and to the final adoption order at the same time, in which case both consent forms will be witnessed.

When the Reporting Officer witnesses consent they have to be satisfied that the parents agree without any conditions and with full understanding of what this means for the child and themselves.

What does a Children's Guardian do?

If a parent does not agree to a placement or adoption, or if there are special circumstances, the court appoints a Children's Guardian. This may be the same person who was previously the Reporting Officer. The Children's Guardian acts on behalf of the child to safeguard their interests and will:

- > see all the papers about the placement or adoption
- > make their own enquiries
- > make sure the child has a solicitor
- > write a report for the court.

This report will tell the court whether or not the Children's Guardian thinks placement or adoption is in the interests of the child, as well as covering other matters the court needs to know. Parents are not automatically allowed to see the report but the court will sometimes agree to it being shared once the information about the adopters is taken out. The report is confidential, so if you are allowed to see it you must not show it to anyone else.

Is what I tell the Children's Guardian confidential?

Any information you give to the Children's Guardian may be included in their report to the court, and the information may be passed on for other purposes. For example, it is sometimes necessary to pass information to another agency if there is a child safeguarding concern. In addition, we are authorised to carry out research to benefit children and families and from time to time your information may be used anonymously in such research.

Does the court always do what the Children's Guardian advises?

It is the court that decides what will happen, but the court will take careful notice of what the Children's Guardian says. If a court disagrees with what a Children's Guardian has recommended, it will explain why.

Do my views count?

We welcome feedback about all our services and activities as this forms an important part of developing and improving our service. We would like to hear from all those who use our service – children and young people, parents, relatives, courts or other agencies.

This feedback might be:

- > A **comment** about our policies or working practices or any other aspect of our service
- > A **compliment** about our work or an individual Cafcass practitioner
- > A **complaint** about any aspect of your dealings with us.

We will record, monitor and review all comments, compliments and complaints about our services, and the outcomes will be published in our Annual Report

How do I feedback comments and compliments?

Pass on any comments or compliments (preferably in writing) to the practitioner concerned, or send them to the local Cafcass manager at the address on the back of this leaflet. You may also send your comments or views to our national office via email at feedback@cafcass.gov.uk.

At the end of your case you may request a feedback meeting with the practitioner involved in your case or with their manager.

What if I am not happy with the service Cafcass provides?

We aim to provide a high standard of service in all family proceedings, and to give a voice to children at a critical time in their lives. It is important for us to know when service users believe we have fallen short of these aims.

We have a complaints process that is designed to ensure that complaints are dealt with as quickly, fairly and effectively as possible. An introduction to the complaints process is provided below. The full process is set out in a booklet for service users³, which is available from your local Cafcass office or can be accessed in the *Publications* section of our website at www.cafcass.gov.uk.

What if I want to make a complaint?

Firstly, you should always let the practitioner concerned know if you are unhappy about any aspect of the service. There may be an opportunity to sort things out. Alternatively you may request a feedback meeting at the end of your case as described on the previous page.

3 Making a complaint about Cafcass - we want to hear from you

If you do not wish to do this and instead wish to go ahead and make a complaint, then contact the local Cafcass manager as soon as possible.

If you disagree with the contents of the report, it is usually best to raise this at the court hearing.

It is not possible to change the outcome of the court's decision by making a complaint to us. If you disagree with the decision made by the court you need to take legal advice about a possible appeal against the court decision.

A child who wishes to make a complaint will be offered the support of an independent advocate throughout the process.

Child Safety

We undertake checks with other agencies to find out whether children are at risk of significant harm. This includes where children have witnessed domestic violence. Routine checks are undertaken with police, social services and the Child Protection Register. We will let you know if further checks are needed with additional agencies (e.g. GPs, schools). Information will be used in the preparation of a report for court and may also be shared with social services.

We will not support arrangements that put at risk the safety of children or young people and their carers.

Diversity

We aim to champion the individual needs of children and to respect and value the different communities in which they grow up. We record and monitor information relating to the diversity of our service users - such as ethnic origin, language and special needs - to enable us to continuously improve the quality of our service to children and their families. This information also helps us to promote race equality and access to services, as required by the Race Relations Act 1976 (amended 2000 and 2003) and the Disability Discrimination Acts 1995 and 2005.

Information

The way in which we collect, process and make information available is governed by legislation. The following points may be of interest to you:

- > The nature of our work requires the processing of personal information relating to our service users. All such activities are undertaken in line with the Data Protection Act 1998. Our entry on the Data Protection Register can be found at www.cafcass.gov.uk
- > Under the Data Protection Act, you are entitled to ask for copies of the information we hold on you
- > We are committed to providing information about the service in accordance with the Freedom of Information Act 2000.

For more details on how we work in line with the Data Protection Act or the Freedom of Information Act, please visit our website at www.cafcass.gov.uk or contact your local Cafcass office.

Our website also contains further information about the full range of our services.

Information in this leaflet can be made available in audiotape and in the following languages:

Arabic, Bengali, Chinese, French, Gujarati, Hindi, Portuguese, Punjabi, Turkish, Urdu and Welsh.

يتوفر هذا الكراس باللغة العربية. فإذا احتجت الى نسخة منه، فيرجى الطلب من أحد الموظفين لإعداده لك.

এই লিফলেট বাংলা ভাষায় পাওয়া যায়। একটি কপি পেতে হলে অনুগ্রহ করে একজন কর্মীকে এটা দিতে বলুন।

這份單張備有繁體中文譯本。請向職員索取。

Cette brochure est disponible en français. Veuillez en demander une copie auprès du personnel.

આ પત્રિકા ગુજરાતીમાં ઉપલબ્ધ છે. આની કોપી મેળવવા માટે મહેરબાની કરીને કर्मચारीઓમાંનાં એક સભ્યને પૂછો.

यह पर्चा हिन्दी में उपलब्ध है। इसकी कॉपी पाने के लिये कृपया कर्मचारियों में से एक सदस्य से मांग करें।

Este folheto é disponível em português.

Por favor peça uma cópia a um funcionário.

ਇਹ ਪਰਚਾ ਪੰਜਾਬੀ 'ਚ ਉਪਲਬਧ ਹੈ। ਇਸ ਦੀ ਕਾਪੀ ਲੈਣ ਲਈ ਕ੍ਰਿਪਾ ਕਰਕੇ ਕਰਮਚਾਰੀਆਂ ਦੇ ਇਕ ਮੈਂਬਰ ਤੋਂ ਇਸ ਦੀ ਮੰਗ ਕਰੋ।

Bu broşürün Türkçesi vardır. Lütfen personelden bir nüsha isteyiniz.

یہ لیفٹ ایٹ اُردو زبان میں دستیاب ہے۔ برائے مہربانی دفتری عملہ کے رکن سے اس کی ایک نقل حاصل کرنے کے متعلق پوچھیں۔

Mae'r daflen hon ar gael yn Gymraeg.

Gofynnwch i aelod o staff roi copi i chi.

