

The Children and Family Reporter

Helping families make arrangements
for their children



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. We work 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 only work in the family courts. These are not 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.

What are Children and Family Reporters and what do they do?

Children and Family Reporters are trained and experienced in working with children and families. In many courts they will be asked to help families try to agree on arrangements for their children. If no agreement is reached, the Children and Family Reporter may be asked to:

- > continue to work with the family on resolving the outstanding issues, and/or
- > make enquiries and write a report for the court.

What happens at the First Directions Hearing?

At the First Directions Hearing the court will make decisions about how to move ahead with the application that has been made about the children. A timetable for the case is also decided. The hearing is held at the court and is attended by the parties to the case, their legal representatives and a court official. In most courts a Children and Family Reporter is also available to attend a First Directions Hearing. Other aspects considered at this hearing might include:

- > any issues of child safety, and

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- > the possibility of an agreement being reached between parties without having to continue with the court case.

How do they try and reach agreement?

The court may ask the Children and Family Reporter to meet with you and the other parent or party to the proceedings to see if things can be sorted out and an agreement reached. This is known as dispute resolution. A joint meeting may be suggested but you always have the right to be seen on your own. Sometimes you may be asked to bring your child or children to the meeting or arrangements may be made to see them separately. This will depend upon the local dispute resolution scheme, the nature of the application and the age of the child.

In a lot of cases agreement on some or all of the issues is reached during the meeting. The court may then allow some time to see if the agreement works. If agreement cannot be reached relatively quickly the Children and Family Reporter may suggest that further sessions are held to try to resolve the difficulties. These may be at one of our offices rather than in court.

The Children and Family Reporter could also suggest that mediation may help. Mediation is a voluntary process in which parents can meet an independent person to try to resolve disputes. Mediation meetings are confidential unless both parents agree to information being passed on or if the mediator thinks that further enquiries need to be made to safeguard the children.

Both dispute resolution and mediation meetings provide an opportunity for you to talk, and to listen to each other's point of view. They can help you work out what is best for your children rather than have the court make the decision for you.

What happens if agreement still can't be reached?

If matters are still not agreed, the court will usually ask the Children and Family Reporter to carry out further work or make enquiries and write a report about what they think is best for your children. The report outlines the enquiries that have been made and makes a positive recommendation about the best way forward. This may include further work with your family. It usually takes about ten weeks to produce a report. It is still quite common for agreement to be reached during this time. When the report is finished, it goes to the court. It is also sent to your solicitor if you have one, or direct to you if you do not.

Who will the Children and Family Reporter want to talk to?

The Children and Family Reporter will initially need to talk to you and the other party to the proceedings. If there are issues of possible violence or harm then initially you will be seen individually and then together if appropriate and if you both agree. The Children and Family Reporter will also want to meet and talk with your children. In order to decide what is best for children the court needs to know about their wishes and feelings. It is part of the role of the Children and Family Reporter to tell the court what these are.

As well as talking with your children, with you and the other party to the proceedings, the Children and Family Reporter sometimes also needs to talk to other people who can provide information about you or your children. This may be, for example, a doctor, teacher, health visitor or social worker. The court may ask for a particular person to be contacted. The Children and Family Reporter will let you know who will be spoken to and will ask for your agreement if necessary.

It is usual to make enquiries of the police, social services (including the child protection register) and to see information already held by Cafcass.

Is what I tell the Children and Family Reporter confidential?

Any information you give to the Children and Family Reporter 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.

Will I have to see the other parent or adult involved?

No, not if you don't want to. A joint meeting may be suggested, but you always have the right to be seen on your own.

Will the court do what my child wants?

The court considers the wishes and feelings of children, taking into account their age and understanding. In making a decision, however, the court may not do what your child wants but will look to do what it thinks is best for your child.

Will the court always do what the Children and Family Reporter advises?

It is the court that decides what will happen, but the court will take careful notice of what the Children and Family Reporter says. If a court disagrees with what a Children and Family Reporter 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 the service
- > A **compliment** about our work or an individual Children and Family Reporter
- > 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.

In the interests of developing the service and for research purposes, we may approach you to obtain your views once proceedings are completed.

How do I feedback comments and compliments?

Pass on any comments or compliments (preferably in writing) to the Children and Family Reporter 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 Children and Family Reporter 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 follows. The full process is set out in our complaints leaflet, which is available from your local Cafcass office or can be accessed in the *Information* section of our website at: www.cafcass.gov.uk

What if I want to make a complaint?

Firstly, you should always let the Children and Family Reporter 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.

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.

If you are unhappy with the service we have provided, please let us know as soon as possible. Initially, we will try to deal with your complaint locally by:

- > contacting you to try to sort out any problems
- > explaining any misunderstandings
- > looking at the quality of our work
- > sometimes offering to meet with you to make sure we understand your complaint fully.

After this, we will write to you to explain our findings and what we have done about it. We will always think about what is best for children and young people, and listen to what you have told us about our work.

We will always do this as quickly as possible and this part of the complaints process will usually take no more than four weeks.

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 equality as required by legislation including 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 our 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 Freedom of Information Act, please visit the *Information* section of 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 لیٹ لیٹ اردو 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.

