

The Children's Guardian

Helping to achieve the best possible outcome for children who need safeguarding



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 court 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 is a Children's Guardian?

Children's Guardians are qualified in social work and trained and experienced in working with children and families. They are appointed by the court to represent the rights and interests of children in cases that involve social services. They are independent of social services, courts and everyone else involved in the case. Children's Guardians work for Cafcass or may be self-employed and contracted by us.

What do Children's Guardians do?

Children's Guardians are there to help achieve the best possible outcomes for the children they represent. In particular, they:

- > appoint a solicitor for the child who specialises in working with children and families
- > advise the court about what work needs to be done before the court makes its decisions
- > write a report for the court saying what they think would be best for the child. The report must tell the court about the wishes and feelings of the child.

To do this, the Children's Guardian spends time getting to know the child and members of their family. They talk to other people who know the family, such as relatives, teachers, social workers and health visitors. They attend meetings on behalf of the child, check records and read reports and statements. They may also recommend to the court that other professionals are asked to help, such as a paediatrician or a psychologist.

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 Children's Guardian always recommend what a child wants?

Although Children's Guardians always consider the wishes and feelings of the child and report on this to the court, their report will also say what they think is best. This may not be the same as what the child wants.

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.

Will I see the Children's Guardian's report?

The Children's Guardian will normally discuss their report with you before it is sent to the court. When it is sent to the court it is also sent to your solicitor, if you have one, or direct to you.

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 Children's Guardian
- > 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's Guardian 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's Guardian 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 complaints are dealt with as quickly, fairly and effectively as possible. An introduction to the complaints process can be found on the next page. 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 *Feedback* section of our website at: www.cafcass.gov.uk

³ Your Views Count – How to make a comment, compliment or complaint about our work

What if I want to make a complaint?

Firstly, you should always let the Children's Guardian 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, bearing in mind the timescales on the following page for submitting a complaint.

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.

It is important to note that there are time limits within which we will accept complaints. For adults this is within three months of the event or incident having occurred. Please refer to the *Your Views Count* booklet for full details of these time limits.

You can expect receipt of your complaint to be acknowledged by us within five working days.

Complaints from children can be received at any point. 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 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 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 لیٹ آرڈو 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.

