

CAFCASS POLICY FOR FAMILY GROUP CONFERENCES IN PRIVATE LAW

This policy explains the purpose of a Cafcass Family Group Conference in private law. It sets out how Cafcass Family Court Advisors (FCAs), Family Group Conference co-ordinators and Family Support Workers (FSWs) should make use of them in their work with children and families.

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Approved by	Jane Booth	Version No	0.4
Next review date	2008	Ref	

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1.0 THE PURPOSE OF A FAMILY GROUP CONFERENCE

1.1 Family Group Conferences (FGC) are a decision making forum that bring children and families and their wider support networks together to jointly find solutions to the difficulties the family are experiencing. FGCs empower children and families to make decisions together about how to agree and commit to safe plans about future residence, contact and other arrangements for children that are in their best interests. [Family Rights Group information on Family Group Conferences](#)

2.0 GUIDELINES FOR HOW A FAMILY GROUP CONFERENCE CAN BE USED IN A PRIVATE LAW CASE

Background

2.1 Cafcass is applying the model of Family Group Conferencing, which has been used by local authorities to achieve good outcomes for children and families in public law proceedings, to children and families in private law proceedings.

2.2 One of the unique features of family group conferencing is the role of an independent¹ Cafcass FGC co-ordinator to work with the family to arrange the conference. While the FCA retains overall responsibility for the case, the FGC co-ordinator is independent of the case and decision making and so has a neutral role in relation to decision making.

2.3 The other unique feature of FGCs is the private family time, which is time to allow the family to talk amongst themselves without the presence of professionals and come up with a plan that addresses the questions posed by the professionals, together with the family's own issues and concerns. This part of the meeting is an integral part of a FGC as it places the responsibility on the family as the decision makers. The agreed family plan, subject to it being safe, will form the basis of the recommendations that will be included in an Analysis & Recommendation (A&R) to court, the plan can be appended to the A&R in full.

When a Family Group Conference Can be Recommended

2.4 A Family Group Conference is one of several casework options outlined in the Private Law Pathway and can be recommended to the Court at the First Hearing Dispute Resolution Appointment (FHDRA). It could also be recommended as an alternative approach to proposing a section 7 report or as part of an extended dispute resolution intervention. Once the Children and

¹ 'Independent' means that they have not, and will not be involved in the decision making process concerning the child.

Adoption Act 2006 has been implemented, it might also be relevant to recommend that a FGC be offered under the terms of a contact activity direction², where proceedings are ongoing.

2.5 If from the enquiries made at before the first hearing the FCA concludes that the background and network of this family could make them suitable for a FGC the FCA should meet with the parents/carers and the child (depending on age and understanding) to discuss the purpose of a FGC, and to seek agreement that they are willing to participate in the process. The FCA should be clear with the family about his/her role in the FGC and how this fits with his/her overall responsibilities in the case and what decisions s/he can and cannot support through a FGC. If the parties in the case (usually the parents) have indicated their willingness to hold a FGC, the FCA should consider recommending this to the court through the Initial A & R template for the FHDRA. Although, it could also be possible to convene an FGC at a later point in the case, such as after a further Directions Hearing.

2.6 A FGC intervention need not be a stand-alone option; it can also be used in conjunction with a court order or direction. For example:

- In 9.5 rule cases where parents are not able to meet mutually sustainable and safe decisions concerning their children, the use of a FGC could assist the parents to seek support from their wider support network. The FGC process might be able to help parents communicate with, and access the support of, the wider family network to understand the impact on their child of continued and protracted court appearances and the damage this may cause to their child's wellbeing.
- Family Assistance Orders are another area where family group conferencing could be appropriate. FCAs or FSWs, as part of their role of advising, assisting and befriending families, could consider long-term plans for the child beyond the duration of the Family Assistance Order and work towards enabling parents and wider family networks to reach mutually agreed decisions that are in the best interest of the child.
- If the court makes a direction for a contact activity, during the course of proceedings, or a contact activity condition as part of a section 8 contact order a FGC could form part of the activities that are considered by the court.

² Section 11 of the Children and Adoption Act 2006

When thinking through the suitability of a FGC it might be helpful to consider the following criteria:

1. Will a FGC contribute to improved safeguarding for this child and family? *If you have concerns about child or parental vulnerability the first component of the casework will be a Cafcass Safety Assessment. (See Cafcass Safeguarding Framework & Casework Guidelines)*
2. Can safe reliable strategies be applied to alleviate risk and reduce tension to manageable levels for the child and family members during the conference, e.g. the option of parties agreeing to come and leave at separate times?
3. Consider if parental drug or alcohol use is an issue, withdrawal from some drugs can significantly impair the capacity to tolerate stress and anxiety and the impact of a FGC with all the wider family members may prove too stressful for the conference to succeed.
4. Are the parents and child receptive to seeking help and support from their wider family and support network and is the wider network in place and potentially willing to assist?
5. Consider the value that a (Common Assessment Framework) CAF referral might bring for the child and family, will it be important to help them access other services to complement the FGC?
6. Are there any irresolvable conflicts between the child and or parents/carers about who to include at the conference?
7. Have adults and children who are to be the subject of the FGC consented to the disclosure by Cafcass at the FGC of personal information about their situation, that is held by Cafcass?

3.0 POLICY REQUIREMENTS FOR RESPONDING TO POTENTIAL RISK

3.1 The three-stage approach to risk assessment outlined in the Safeguarding Framework is applicable to all Cafcass interventions, however, given the fact that there are more parents/carers/family members involved in an FGC, screening for risk is complicated.

3.2 Before a FGC can be convened the FCA must ensure that:

- Screening for risk has been carried out – see paragraph 4 below.
- Both parents/carers have been met with separately.
- The child/ren have been met with and relevant enquiries have been made where information raises safeguarding concerns.
- Appropriate information has been sent to the child/ren.

- Arrangements have been made for the child to participate in the FGC, where s/he is of sufficient age and level of understanding and has expressed a willingness and agreement to be involved.

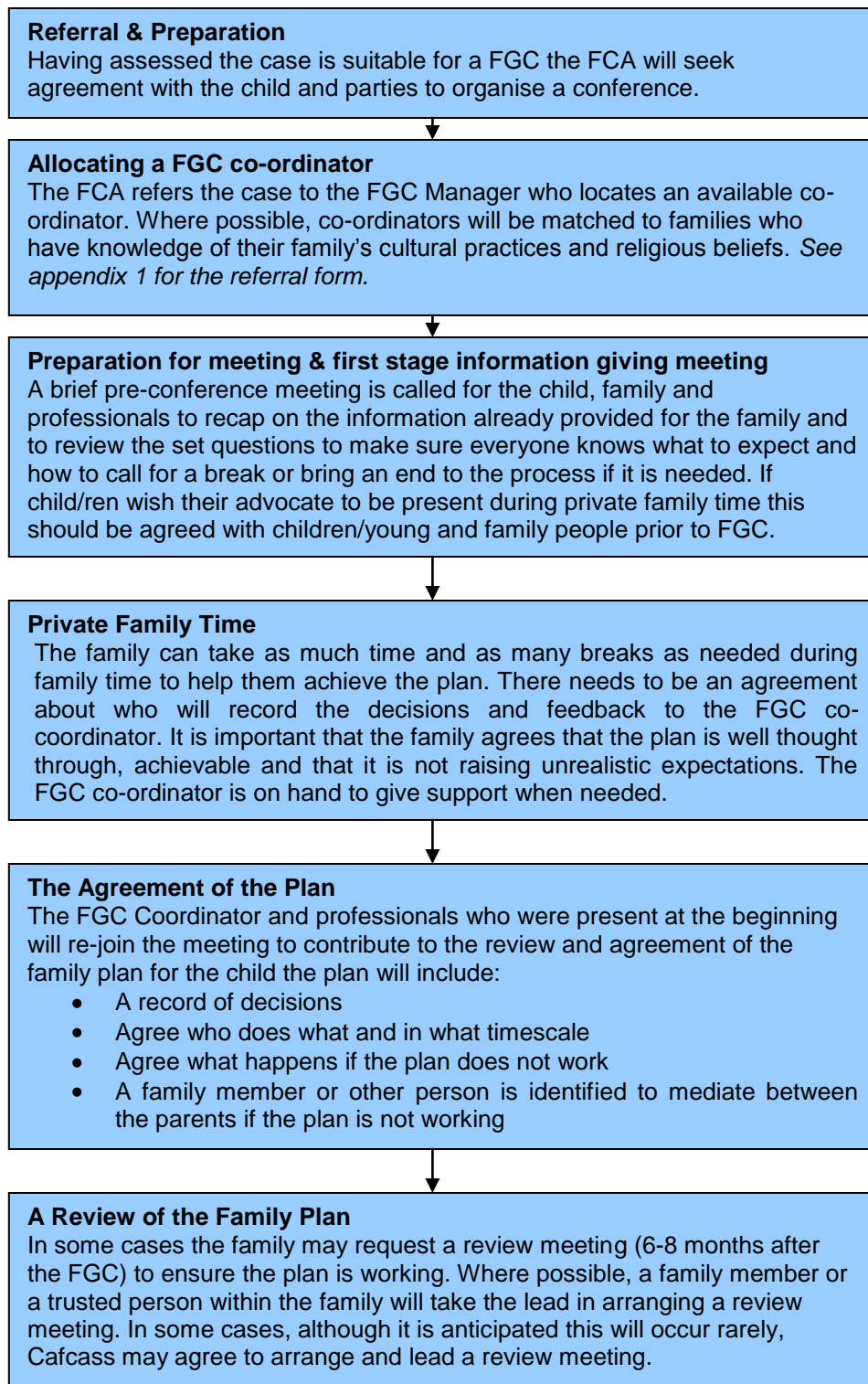
3.3 As a minimum, the FCA must ask each parent/carer and child whether they have any concerns about risk or issues in relation to the wider family network. As part of the assessment at early intervention the FCA must be satisfied that an FGC intervention is safe for those identified as potential participants to be involved³.

3.4 The extended family in the FGC are likely to be a source of useful information and could be a vital support to the child/ren but it is important to understand the potential impacts of bringing the family together. When considering potential risk the best indicator of future behaviour is past behaviour. In some cases a risk factor may be flagged, such as domestic violence, but the dynamics of it may be such that FGC could still be suitable; because, for example, enough time has gone by so that fear and control is no longer an issue. However, a FGC must never be undertaken in circumstances of domestic violence without first undertaking a rigorous analysis, listening in particular to the views of the adult victim and the child⁴. For further guidance refer to the helpful prompts for screening questions in the [domestic violence toolkit](#) (at 5.29 & 5.53).

³ Cafcass duty to assess risk -section 16 A of the Children & Adoption Act 2006.

⁴ Cafcass duty to assess risk - section 16 A of the Children & Adoption Act 2006.

4.0 Flow Chart to Demonstrate the Six Steps of a Family Group Conference for Cafcass



5.0 Guidance for the End of a Family Group Conference

5.1 The FCA should ensure that the parents understand that the plan will feature in the FCA's A & R report that will be put before the court.

5.2 The FGC co-coordinator should invite all family members to sign the plan and provide a copy to all attendees. Children may also sign the plan and/or have their own copy (it may be appropriate to use some of Cafcass tools for working with children, such as My Court Life Record). The FGC co-ordinator should finish the meeting by making sure everyone understands what will happen, what the next steps are and who to contact for future advice or support.

5.3 It is good practice to work with the family to identify with them where support can be accessed in the community and where necessary, arrange a referral, in some cases this may require the completion of a CAF to access services for the child. If so, the time for the completion of a CAF needs to be built into the plan.

6.0 THE ROLES AND RESPONSIBILITIES OF THE FCA & THE FGC CO-ORDINATOR

6.1 The role and responsibility of the referring **FCA** are to:

- Hold overall responsibility for the case and be accountable to the court.
- Ensure the family understand the purpose of the FGC how it will work this will include a discussion of his/her initial assessment of the issues for the child and family.
- Prepare the questions on the issues that need to be addressed by the family during their private family time.
- Attend the FGC other than during the private family time section of the conference.
- Consider the plan put forward by the family, ensuring that it is child-centred and meets the needs of the child, on which basis it will then be possible to recommend the plan to the court.
- Ensure that the family plan reflects any disagreements, the reasons for the disagreements and the family's plans to manage this.

6.2 The role and responsibility of the **FGC Co-ordinator** are to:

- Make sure the preparation work with the FCA takes place and the child and family understand and are content to participate in the processes that will be followed in the conference.

Policy for Family Group Conference –September 2008

- Ensure that issues of confidentiality are explained⁵, and answer any queries, questions and concerns the family members may have.
- Hold discussions with parents/carers and children to identify important family members and significant others to attend the FGC, and inviting them to attend. (This could include friends, neighbours, professionals or anyone else that they consider to be important in the child's life. There is no limit on the number of such people who may attend).
- Prepare the child for the conference – finding out if they would like an advocate/support person at the conference (this could be a teacher, specific family member, family friend or an independent professional advocate commissioned by Cafcass).
- Agree with the family the role of the child advocate – if there is to be one.
- Agree and confirm with family members the date, time and venue of the meeting and sends out confirmation letters.
- Discuss with attendees about bringing refreshment to the conference – attendees should be encouraged to bring food, as stopping for breaks can be a helpful way of defusing family tensions.
- Chair the FGC and establish the ground rules, which are, should any abusive or threatening behaviour occur from any member of the network then that individual will be removed, or the FGC may be brought to an end.
- Support the family members to focus on the needs of the child and his/her future needs during the meeting and, if called upon, during the private 'family time'.

6.3 Shared responsibilities between the **FCA and the FGC Co-ordinator** are as follows:

- Screening (police checks, social care and Cafcass records) those members of the FGC that have been identified as a person who might have residence of a child or play a vital role in supporting contact, overnight stay or if the child will be in their sole care for a period of time, we would not screen people merely on the basis that they might attend an FGC.
- Any information relating to risk that comes to the attention of either the FCA or the FGC co-ordinator will be shared between them, in order to facilitate such safety assessment as may be needed.
- Make sure that health and safety issues (fire exits etc) are covered and child and adult members are safe throughout the meeting.
- At any stage either the FCA or the FGC co-ordinator is able to stop the FGC from going ahead if information emerges which leads them to believe that the child, either party or other member of the FGC will be placed at risk of physical harm or abusive behaviour.

⁵ Confidential information concerning parents should only be shared / disclosed if it has any impact on the well-being of the child

- Ensuring that before the FGC the child, parents and other family members are briefed and provided with the questions that professionals would like the family to consider at the conference to allow some preparation time for the child

7.0 Guidance for the FGC Plan and Case Documents for the Final Court Hearing

7.1 The main output of the FGC is the family plan, outlining what the family has agreed and this must form a part of the Interim **or** Final Analysis and Recommendations, provided that the FGC has led to a satisfactory safe agreement that can be presented to court.

7.2 In some cases, it may also be appropriate to recommend further Cafcass casework, perhaps through the mechanism of a Family Assistance Order. For example, if the family reaches only a partial agreement, this may require another Cafcass intervention or a referral to another service.

7.3 The family plan must be kept on the Cafcass case file; it may also be appended to the A & R for court if the FCA considers that the court should receive a copy of the family plan.

7.4 In most cases, a family will only need one FGC. The case plan will be developed, and this will form the basis of the plans for the child in the Interim or Final A & R, which might also, depending on the timing of the court hearing, be able to report progress made since the family plan was agreed. The parents/carers and child (subject to the his/her age and understanding) should be given a copy of the A & R.

APPENDIX 1: CAFCASS FGC REFERRAL FORM



**CAFCASS Family Group Conference Service
Referral Form**

To be completed by FCA and sent by email to
zafer.yilkan@cafcass.gov.uk

Child/ren's Name(s)	DOB	CMS No	Ethnicity

For case details see attached

Summary Sheet

Risk Assessment Attached

Have parents given consent for FGC to be convened? YES / NO.

Any disability or communication issues within family: YES / NO
Please specify:

Are there any risk factors to take into account in this case? YES / NO

Referrer's details

FCA's Name:

Workplace
Address

Tel No:

Email:

Policy for Family Group Conference –September 2008

Line Manager:	
Date of Referral:	
Final Hearing Date	

Genogram/ Diagram of family network (Include all known extended family and any significant friends). Please draw a family tree if possible or record extended family details.

Reason for FGC and Need for a Family Plan (circle all relevant categories)

*What is the nature of the court application? What does applicant and respondent want? What are the main issues preventing parents to reach an agreement? Are there any **child protection, domestic violence** or health & safety concerns? What does the child/ren want to be different and change?*

**Brief history of CAFCASS involvement with the family, if already known.
*Could you please state what the order states?***

What needs to change/ put in place to improve current situation – focus on the needs of the children:

What are the outcomes you would like the family's plan to achieve for the child(ren)?

Policy for Family Group Conference –September 2008

Please return completed forms to:

zafer.yilkan@cafcass.gov.uk or fax on 020 8681 1271