Child safeguarding policy

Cafcass policies are designed to support and strengthen the accountability of Family Court Advisers (FCAs), Children's Guardians, and their managers in safeguarding children, supporting families, staff, and upholding the reputation of Cafcass. They do not supplant or negate the balanced professional judgement that is required in preparing advice for the family court. Nor are they intended to compromise the independence of FCAs and Children's Guardians who are appointed by the family court. ***Our policies do not stand alone as a set of rules. They set out what is expected as an integral part of effective professional practice in preparing advice for family court proceedings, and they must be applied in parallel with professional assessment and the balancing of information about what is known and understood in respect of the safety, welfare, and best interests of children.*** *Our policies derive from legislation and from what we learn in practice quality audits, court judgments, significant incidents, learning reviews, feedback, and complaints. They are public documents against which we can be held accountable collectively and individually. If they are not adhered to, Cafcass and individual FCAs and managers can be subject to challenge through complaints, the Parliamentary & Health Services Ombudsman, referral to Social Work England, or a Judicial Review. A decision not to adhere to the requirements set down in a policy intended to protect children must be supported by a thorough assessment and compelling rationale, reflected through a discussion with a manager and recorded. Policies are, therefore, subject to monitoring for compliance. Key policies that are new or updated are subject to attestation[1] by all staff or specified professional groups of staff where appropriate.*

Why this is important for children?

1. While Cafcass is not a primary child protection agency, it has a statutory duty to safeguard children and promote their welfare through their proceedings and not only those children who are the subject of family law proceedings. This means practitioners working together with others to identify harm and risk of future harm, and to take appropriate and prompt action when there is concern about the safety of a child, including any child who is 'connected' to the child(ren) subject of the proceedings. This policy sets out what Family Court Advisers (FCAs) and Children's Guardians (hereafter 'practitioners') and their managers, as registered social workers, must do when they are concerned about a child's welfare or safety.

What is the purpose of this policy?

2. Cafcass is required by Working Together (2026) to contribute to strong and effective multi-agency child protection arrangements. Children who need protecting may include those who experience harm in their own family and those who are harmed or exploited by others in their community. Suffering or being likely to suffer significant harm is the threshold for child protection enquiries and such harm can take different forms, including sexual, physical, or emotional abuse; neglect or domestic abuse, including, threats to kill, controlling or coercive behaviour; exploitation by criminal gangs or organised crime groups; trafficking; female genital mutilation, forced marriage, online abuse; sexual exploitation; and the influences of extremism which could lead to radicalisation.

3. This policy sets out the requirements of practitioners and managers, including locums and Cafcass Associates, in accordance with the statutory duty of Cafcass to safeguard and promote the welfare of children.

[1] Cafcass process requiring its employees to confirm they have read, understood, and will act in accordance with a policy.

4. The policy covers all family law and application types, where a practitioner is appointed to provide advice and assistance to the child, their family, and the court. The policy is underpinned by practice guidance to support practitioners and managers to fulfil their duties to safeguard and promote the welfare of children.

5. Nationally, Cafcass follows the statutory guidance set out in Working Together (2026) and, locally, the policies, protocols and procedures agreed by the Local Safeguarding Children Partnership for the area where the child lives. Practitioners and managers are required to familiarise themselves with the national guidance and local arrangements, to refer to them when they identify harm or risk of future harm and to act in accordance with them when they become concerned about the welfare or safety of a child.

6. The policy includes the duty of practitioners and managers to be alert and to take action to safeguard a child when they suspect abuse by a person who works with children or contextual risks including child exploitation and radicalisation.

Specific requirements

Making a report to the police

7. If a practitioner believes a child, or associated adult, is being harmed or is in danger of immediate harm, or where they are the target of threats to kill, **they must make a report to the police**. A referral to a local authority and a 16A risk assessment must be made to set out the risk and harm of any current spending time arrangements and what the court is being asked to do to protect the child, including the recommendation to cease all spending time arrangements, whilst investigations are made and further assessment about safety and welfare is undertaken.

8. When a child makes further or additional disclosures of cruelty, abuse, and/or neglect once they are in care and feel safe, consideration alongside a referral to children's social care services, must be given to making a report to the police.

Situational supervision

9. Practitioners **must seek situational supervision when they have concerns about the welfare or safety of a child**. This supervision must be with the intention of seeking agreement about the nature of harm or risk of future harm and the most appropriate action necessary to safeguard the child(ren). **Managers are required to record the issues and outcome of situational supervision in the child's record, including agreed actions and to follow up in the agreed timeframe.**

Making a referral to a local authority

10. When a practitioner becomes concerned about the welfare or safety of a child either through screening a court application, or via information received by any other means, **they must request situational supervision with a manager about whether a referral to the child's local authority should be made**. **This action must happen within 24 hours of screening the application or the concern being identified.** The manager is responsible for recording the supervision on the child's record, with any actions clearly recorded, with a timeframe agreed and followed up.

11. If a referral is required, it must clearly set out the details of the concern by providing evidence of harm, or the risk of future harm. The referral must provide the information and analysis

required to assist the local authority to decide whether to take further action. The referral must be made initially by telephone (for local authorities where this is accepted), followed by a written referral on the same day via email or local authority website portal. Where a referral must be made via a local authority website, the content of that referral must be copied into the child's record on ChildFirst. When using email, that must be uploaded to the child's record. There is a requirement on local authorities to provide an outcome to the referrer within 24 hours. **If a decision is not received within that timescale, the practitioner must follow up with an email/phone call and record that they have done so**. The practitioner must alert their manager if there is a significant delay in receiving a decision to consider escalation.

12. For all children subject of the application, the court must be informed that a referral about the immediate safety was made, as Cafcass has a **simultaneous statutory duty** to inform the court of concerns about the welfare or safety of a child through the submission of a 16A risk assessment report. The 16A report must be clear about the risks identified, the evidence that is available to substantiate the identified harm or risks, the action taken to seek protection for the child, and the action the court is being asked to take - including listing an urgent hearing if that is required. If further information is obtained which means that an urgent hearing is not necessary, this must be communicated to the court so the child's case can be taken out of the list.

13. If the outcome of the referral is known, the practitioner or manager must provide the outcome to the court, to assist in making the hearing effective. If the decision of the local authority is to undertake child protection enquiries or a statutory social work assessment, then it is the local authority that must provide the section 7 report or child impact report to the court or any other assessments.

14. While the consent of a parent/carer is not required before making a referral about the safety of a child or connected child, it is good practice to inform a parent/carer beforehand when it is judged safe to do so. Where a decision is taken not to inform a parent/carer, the rationale must be recorded in the child's record. Referrals for early help or family support services do require the consent of the parent/carer.

15. When there are concerns about a child subject of the proceedings, **consideration must also be given to whether a referral to the local authority should be made for any connected children**, such as brothers and sisters, or other children who are not the subject of proceedings but may be at risk of harm. Practitioners must seek situational supervision when they are concerned about the safety of connected children.

16. **Cafcass' duty to safeguard subject and connected children extends beyond the proceedings being open to the court. During a review of any closed record, any new or unassessed information relating to a child that provides evidence of harm or risk of harm must result in situational supervision and consideration given, and evidenced on the file, to a referral being made to the local authority. Where a referral or further action is not considered to be necessary the rationale for this must be clearly recorded.**

17. If a local authority decides to take **no further action** following a referral about a child's welfare or safety, the practitioner **must receive sufficient information** from the local authority to understand the reasons for this decision. The practitioner **must assess whether the decision is safe for the child**, taking account of known risks, protective factors, and any previous safeguarding concerns. The decision, the information provided by the local authority, and the practitioner's judgement **must be clearly recorded on the child's**

record. This record **must include an analysis** explaining why the practitioner is satisfied that taking no further action is a safe outcome for the child.

18. If the practitioner is **not satisfied** with the decision and believes that the **child is suffering harm**, **they must not accept the decision without further action**. The practitioner **must seek management oversight or situational supervision without delay** with a manager or Head of Practice to review the concerns and agree whether the matter should be escalated further, the practitioner and manager **must consider all relevant actions already taken** and assess the impact or intended impact of these actions on the child's safety.

19. Where concerns **cannot be resolved through supervision**, the matter **must be escalated without delay**. A Head of Practice and/or **Assistant Director must raise concerns with the Assistant Director or Director of Children's Services**, setting out the child's circumstances, identified risks, and evidence of harm or potential harm. Escalation **must take place immediately** where a child has experienced harm. All escalation actions, decisions, and outcomes **must be fully recorded** on the child's record.

Finding of Fact hearings

20. A referral to the local authority must always be considered when the risk of harm to a child is such that a recommendation is also made for a Finding of Fact hearing because risks to children can continue, and even increase, in the period between the court directing a Finding of Fact hearing and the Finding of Fact hearing taking place. A referral may not be required in situations where children are not spending time with a parent who is reported to be unsafe, nor where the method of family time is assessed as safe (remote or professionally supervised). The rationale for not referring in such situations must be clearly recorded in ChildFirst. **Situational Supervision is mandatory when considering a safeguarding referral.**

21. If a parent, child, or adult known to children in proceedings are subject to findings made by the family court in relation to harm, maltreatment or domestic abuse, this should be referred to the local authority where the child is resident, so that they are aware of any potential risk posed. Referrals should set out the risk and harm. Request to the court of disclosure of the findings should be considered where a Cafcass practitioner remains involved.

Local authorities seeking information from Cafcass

22. In circumstances where the local authority approaches Cafcass for information about a child or family with whom we have worked or are working with, the practitioner can share information to support a local authority child protection investigation. This is permitted only when there is a s47 investigation, or when the local authority has invoked child protection processes following an investigation, or the child is already or has been the subject of a child protection plan. Any requests outside of the child protection process (such as a s17 child in need assessment) requires the permission of the court to disclose information.

23. Where the local authority convenes a strategy discussion for a subject child in proceedings in either public or private law, the practitioner must discuss with their manager about attending the discussion in line with Working Together (2026) as part of professionals involved in supporting the child. If the practitioner does not attend the meeting, they should obtain an update from the local authority regarding the outcome or decisions from the meeting to update the court as appropriate. Cafcass officers can only provide advice and are not part of the decision-making process in a strategy discussion.

24. Following attendance at a strategy discussion for a subject child, if there are any concerns about the local authority decision making then supervision with a manager should be sought to consider what escalation is required in line with expectations set out in this policy.

Multi-agency risk assessment conference (MARAC)

25. Information can be shared with the local authority if it is fulfilling a child protection function. Information from proceedings cannot be shared directly with MARAC as this is a multi-disciplinary forum not carrying out a direct child protection responsibility.

26. MARACs are not a legal entity in themselves. Those who report into a MARAC retain ownership of the information they provide. The local authority will attend a MARAC and will be able to share the information that Cafcass has provided if that information is about harm or risk of future harm to a child.

27. If a referral is made to local authority children's social care relating to domestic abuse AND the criteria for MARAC are met (i.e. there is high risk of imminent and significant harm, such that there are threats to kill), this referral must direct that it is for the local authority to lead and coordinate the work with the MARAC. This request should only be made to the local authority if it has been agreed by a manager that a referral to MARAC should be considered. The referral must explicitly request that the Cafcass practitioner is to be told the outcome of whether the local authority referred to the MARAC and the action that was taken to protect the child/ren and adults involved. The Cafcass practitioner must follow up immediately if they are concerned for the safety of children and escalate until a resolution is given.

MAPPA (multi-agency public protection arrangements)

28. MAPPA is the process through which various agencies such as the police, the Prison Service and Probation work together to protect the public by managing the risks posed by violent and sexual offenders living in the community.

29. Practitioners can share information from proceedings with a police officer in limited circumstances i.e., if they are acting in the furtherance of child protection (for example they are investigating an offence against a child, and/or exercising their powers of immediate protection). If a person involved in proceedings is subject to a MAPPA, then the practitioner must seek to obtain as much information as possible from the agencies involved to inform and assess any risk posed to the child subject of proceedings or connected children.

Section 16A risk assessments and report to court

30. As court appointed officers, under s16A of the Children Act 1989, practitioners must undertake a risk assessment and inform the court of the outcome of their risk assessment when they have reasonable cause to believe that a child has been harmed or is at risk of harm. **The child's practitioner must seek situational supervision with a manager and complete a 16A risk assessment for the court**.

31. The 16A risk assessment must be specific about the concerns, any substantiating evidence to support the concerns, and the action that the court is being asked to take, such as listing an urgent hearing to consider changing arrangements for the child to safeguard their welfare, to direct the local authority to undertake urgent enquiries or, to alert the court to the risks which may have been resolved, following a referral to the local authority.

32. Section 16A of the Children Act 1989 states that: *If … an officer of the Service … is given cause to suspect that the child concerned is at risk of harm, he must a) make a risk assessment in relation to that child and b) provide the risk assessment to the court.*

33. This duty requires the practitioner to extend their enquiries beyond the specific requirements of the application and court order to gain the perspectives and insights of those who know the child and/or parents/carers.

34. **Where an assessment by a practitioner, concludes that a child in their current living or spending time arrangements is at risk of harm, or the child reports that they are being harmed or they are known to have been harmed**, then urgent formal child protection procedures must be followed in the form of a referral to the local authority children's social care service where the child is living, only if there is a current risk to the child.[2] **If such a referral is made, then a 16A risk assessment report should be made to the court simultaneously, setting out the rationale for any urgent action and any court directions that are required to protect the child/ren.**

35. **If the child's situation has come back to court any harm or risk of harm identified previously needs to be considered in current proceedings.** Referral and risk assessment reports must clearly set out previous concerns and decisions in respect of the safety and welfare of the children, including what has changed and why the assessment of the risk has changed. Critically, where a child is being harmed or is at risk of harm, an assessment of the safety of existing arrangements must be made in both referrals and risk assessments submitted to the court.

Practice Direction 12J

36. If a parent has a conviction for domestic abuse including physical offences, or allegations of honour-based[3] offences and/or a sexual offence such as rape, the risk of harm to a child of contact with that parent is to be considered as significant. **Practice Direction 12J paragraphs 35-37** must be followed to evidence the risks to the child. Attention is drawn to the particular extracts of the Practice Direction below,

The court should make an order for contact only if it is satisfied-

(a) that the physical and emotional safety of the child and the parent with whom the child is living can, as far as possible, be secured before, during and after contact; and

(b) that the parent with whom the child is living will not be subjected to further domestic abuse by the other parent.

In every case where a finding or admission of domestic abuse is made, or where domestic abuse is otherwise established, the court should consider the conduct of both parents towards each other and towards the child and the impact of the same. In particular, the court should consider –

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[2] There is a continuing duty on the Cafcass Officer/Welsh FPO which requires them to provide a risk assessment for the court under section 16A Children Act 1989 if they are given cause to suspect that the child concerned is at risk of harm. Specific provision about service of a risk assessment under section 16A of the 1989 Act is made by rule 12.34 of the Family Procedure Rules 2010 - Practice Direction 12J, paragraph 13.

[3] Honour- based is a form of domestic abuse which is motivated by the abuser's perception that a person has brought or may bring 'dishonour' or 'shame' to themselves, their family or the community. It is a collection of abusive, coercive, or violent behaviours used to control individuals and punish them for perceived or alleged transgressions of accepted family, community, or cultural norms.

(a) the effect of the domestic abuse on the child and on the arrangements for where the child is living;
(b) the effect of the domestic abuse on the child and its effect on the child's relationship with the parents;
(c) whether the parent is motivated by a desire to promote the best interests of the child or is using the process to continue a form of domestic abuse against the other parent;
(d) the likely behaviour during contact of the parent against whom findings are made and its effect on the child; and
(e) the capacity of the parents to appreciate the effect of past domestic abuse and the potential for future domestic abuse.

37. Where risks are identified at any stage of proceedings, (including **Work to First Hearing**) consideration must be given to whether it is in the child's interests and whether it is safe to continue **any 'direct time with' arrangements that may already be in place**, until the next hearing. Practitioners must also in this instance consider **Practice Direction 12J when undertaking an assessment of whether interim arrangements are safe for the child.**

38. As part of this assessment practitioners must provide to the court clear advice or recommendations as to whether any order to spend time with a parent would expose the child or their other parent to any 'unmanageable risk of harm' taking into account the specific definition of a 'victim of domestic abuse' and the impact any abuse can have on the emotional well-being of the child and the safety of the other parent. Any arrangements must be in the child's best interests. PD12J sets this out in paragraph 25:

    When assessing the benefits or otherwise of interim contact practitioners should make reference to;
    (a) the welfare checklist
    (b) give particular consideration to the likely effect on the child, including on the care given to the child by the parent who has made the allegation of domestic abuse. This includes in assessing in accordance with Practice Direction 12J 'any risk of harm, whether physical, emotional or psychological, which the child and that parent is likely to suffer as a consequence of making or declining to make an order.'

39. In addition, practitioners should set out for the court that they have considered the following as specified in the Practice Direction:

    (a) the arrangements required to ensure, as far as possible, that any risk of harm to the child and the parent who is at any time caring for the child is minimised and that the safety of the child and the parties is secured; and in particular:
        (i) whether the contact should be supervised or supported, and if so, where and by whom; and
        (ii) the availability of appropriate facilities for that purpose.
    (b) if direct contact is not appropriate, whether it is in the best interests of the child to make an order for indirect contact; and
    (c) whether contact will be beneficial for the child

40. Consideration should also be given to Practice Direction 12Q and an application for an order under section 91(14) of the Children Act 1989 in all cases where there is domestic abuse and there is concern that the proceedings are being brought and/or used to further the control, abuse and harm to the protective adults and the children.

41. Practitioners are required to be specific about and act upon the risk, behaviours and impact of post separation abuse. Domestic abuse does not stop because a relationship has ended.

It is often a point of escalation in frequency and severity of risk that can include using the family proceedings to harm, coerce and control.

Section 37 recommendations

42. In private law proceedings, if the child is experiencing harm or there is risk of future significant harm such that a practitioner believes the threshold is met to consider either a s31 Care Order or Supervision Order, **the practitioner must consult with a manager** and appropriate advice must be provided to the court, setting out the rationale for this advice.

43. Before advising the court, the relevant local authority must be informed by the practitioner that they are advising the court that a s37 report is required, along with a referral and 16A risk assessment report outlining their concerns and why a s37 report will be advised. In such instances, it is likely that the 16A risk assessment will require the court to list an earlier hearing.

44. If the court agrees, it will direct the local authority to undertake an investigation of the child's circumstances and report its findings to the court. The child's FCA must confirm with the local authority in writing that the order has been made and the timescales agreed.

45. As part of their enquiry the local authority social worker will need to consider if the local authority should consider applying for a s31 Care Order or for a Supervision Order, if the local authority must provide services or assistance for the child and their family or take any other action to protect the child from harm.

Elective Home Education

46. Where a practitioner becomes aware that a child, they are working with:
    - has been withdrawn from school,
    - is being electively home educated, or
    - is not receiving education for any reason

    The practitioner must notify the local authority who have a legal duty to register all children who are not registered full-time pupils at a formal school (including those already educated at home and those newly withdrawn). Families must obtain local authority consent before they can begin or continue home educating if the child is currently on a child protection plan, attending a special school, or subject to child protection investigations. Local authorities will assess if home education is in the child's best interests. Once registered, local authorities have strengthened powers to evaluate the home learning environment. If an authority deems the education or home environment unsuitable, they can mandate school attendance or trigger School Attendance Order (SAO) procedures.

    Having made the local authority aware, the practitioner must confirm how it will take steps **to satisfy itself that the child is receiving a suitable education.**
    The practitioner must record on the child's record:
    - when and how this information became known;
    - what enquiries have been made with the local authority; and
    - any response or action taken by the local authority in relation to the child's education.

47. Elective home education **does not, in itself, constitute a safeguarding concern**. However, where there are **existing or increasing concerns about a child's welfare or safety**, and where these concerns will be **exacerbated by a lack of regular contact with education or other professionals**, the practitioner must treat this as a safeguarding issue.

48. In such circumstances, the practitioner must seek management oversight without delay to consider:
    - whether a referral to the child's local authority is required; and
    - whether concerns should be shared with the court by way of a section 16A risk assessment or other appropriate mechanism.

49. This requirement is critical where the child is, or has previously been, subject to a child protection plan, or where there is a known history of harm, neglect, or unmet need. All decisions and actions must be clearly recorded on the child's record, with analysis of the impact on the child's safety and wellbeing.

Private fostering

50. If a practitioner becomes aware that a child is living with an adult, who is not a close relative, for twenty-eight days or more, **they must notify the local authority**, to check whether the arrangement is known and has been assessed as suitable to meet the needs of the child or, if not, to enable an assessment under Private Fostering Regulations. When notifying the local authority, details must be provided of who lives in the household and who holds parental responsibility and has, therefore, been able to agree to this arrangement.

51. Where there are concerns about the welfare or safety of a child subject of proceedings living under a private fostering arrangement, a referral to the local authority must also be submitted, as well as a 16a risk assessment to the court.

Prohibited Steps Orders

52. Where there is a Prohibited Steps Order in place to safeguard a child, permission must be sought from the court to share details about the Prohibited Steps Order with the child's school and any other involved agencies to safeguard the child. It is permissible to share details of the Prohibited Steps Order without consent of the court if there is an immediate risk to the child's safety.

Vulnerable adults

53. When a practitioner becomes concerned about the welfare or safety of an adult, **they must seek situational supervision from a manager to consider whether an adult safeguarding referral must be made**, in accordance with local arrangements and adult protection procedures. Referrals must set out details about the nature of harm experienced by the person and/or the risk of harm. The adult concerned and their family must be made aware unless in so doing, harm or further harm is a likely outcome.

54. In the event of an immediate risk to a vulnerable adult, such as self-harming, threats to kill, or violent domestic abuse, **a report must be made to the police** and a referral to the local authority.

Children experiencing harm outside the family

55. Children experiencing harm or a risk of harm outside of their family is sometimes referred to as **contextual or extra-familial harm**. This is harm that is attributable to behaviour associated with criminal or sexual exploitation of children, including county lines,

radicalisation, trafficking, modern slavery, 'honour-based'[4] abuse, female genital mutilation, and gang activity. Children who may be causing harm to others, must receive a safeguarding response in the first instance as well as action being taken appropriately to protect any other children whom they are causing harm or risk of future harm.

56. If contextual safeguarding concerns are known or suspected, practitioners **must immediately seek situational supervision with a manager to consider whether a referral to the local authority is required**. In instances of Female Genital Mutilation (FGM) or Forced Marriage or radicalisation, practitioners have a duty to report this to the police. This is an explicit requirement and the procedure to be followed is set out on gov.uk and must be discussed with a manager.

57. If modern slavery or human trafficking is known or suspected, the local authority must be asked, as soon as this information is known to Cafcass, in accordance with its first responder status, to refer the child to the National Referral Mechanism (NRM). The NRM is part of the UK Human Trafficking Centre. Referrals to it can only be made by first responders which include local authorities and the police. Cafcass is not a first responder.

Orders which result in a concern about a child's welfare or safety

58. When a court does not accept the recommendations of the child's FCA or Children's Guardian which results in an order that they consider leaves or places the child at risk of harm, **situational supervision must be sought from a manager** where the following options are considered:
    a) **16A risk assessment**. This must only be used where there is new information not already before the court.
    b) **Manager's letter to court**. This must be drafted in a courteous, respectful tone clearly setting out the practitioner's concerns for the safety of the child with constructive suggestions for next steps.
    c) **Appeal (16.4 proceedings only)**. Where the child is joined as a party the child's legal representative must be consulted to consider whether there are grounds for appeal.
    d) **Child safeguarding referral**. This option must be considered in combination with any of the above options and must always be made in reference to the Child Safeguarding Policy.

    The submission of a 16A report **must not be used as a means to challenge an order of the court when the order has been made after the court has had sight of the practitioner's assessment and recommendation and there is no new information for the court to consider.** Therefore, in this instance a child safeguarding referral could be made without a 16A Risk Assessment.

59. If the court rejects the challenge and confirms the decision, the practitioner must record on the child's record what steps were taken to challenge the court order on behalf of the child and seek legal advice.

60. It may be necessary for local senior managers (Head of Practice or Assistant Director) to escalate matters to the relevant Designated Family Judge. This might be where there is a

[4] Honour- based is a form of domestic abuse which is motivated by the abuser's perception that a person has brought or may bring 'dishonour' or 'shame' to themselves, their family or the community. It is a collection of abusive, coercive, or violent behaviours used to control individuals and punish them for perceived or alleged transgressions of accepted family, community, or cultural norms.

risk of significant harm to a vulnerable adult or child, or where a court direction poses a serious risk to the safety of staff.

Child protection concerns about a professional who works with children

61. When a practitioner has safeguarding concerns about a person who works with children, in a paid or voluntary capacity (which can include a party to proceedings, volunteer or another professional) they must complete a referral to the local authority with a recommendation to consider involvement of the Local Authority Designated Officer (LADO). They must stipulate that the referral can include sharing of information with the LADO, setting out what type of behaviour has been identified that is harming or represents a risk of harm to the child(ren) with whom they work or know. **Information from proceedings must not be shared with any other agency except for the LADO and local Authority. In the case of immediate risk of harm or injury to a child or other adult information can be shared with the police.** It is for the local authority to exercise their powers under Working Together (2026) in deciding in consultation with the relevant LADO, on how they will act on the information provided by the referral from Cafcass. **We must not share information from proceedings directly with people's employers.**

62. The referral and any subsequent information sought must be sufficient to enable the local authority to make decisions. The local authority is responsible for the decisions made in response to the concerns shared and practitioners should not attend any meetings arranged by the LADO in their management and oversight of allegations. But should consider attendance at any strategy discussion regarding a child known in proceedings, as set out in this policy.

    - **Situational supervision must be sought from a manager prior to making a referral to the local authority that includes a recommendation to inform the LADO; and the manager must read and approve the referral before it is submitted**. A record of the rationale must be made on the child's record regarding any such referral. The individual concerned must be informed of the referral prior to making the referral. The practitioner must follow up the outcome of the referral made to the local authority and the court must also be made aware.

Special Guardianship, Foster Care and Disclosure and Barring Scheme (DBS) checks

63. In public law proceedings, the Child's Guardian **must have sight of the completed DBS, adult social care and medical checks of prospective special guardians and foster carers and have discussed the content of these checks with the social worker prior** to supporting a Special Guardianship or Fostering assessment, **which must be clearly recorded and analysed on the child's record and within the guardian's final report to court.** Where assessments are completed, the Child's Guardian should have sight of the **Agency Decision Maker** response and include reference to this in their report to court. Whilst waiting for checks to complete before supporting any Special Guardian application, it is important to factor this into the timetable for the child and to continue all other work in parallel to minimise any potential delay in the decision making. **No recommendation or advice can be given to the court in respect of the suitability of carers BEFORE the checks are received and considered as set out above.**

Protecting children from sexual harm

64. Where there is an ongoing criminal investigation into a report of a sexual offence by an adult or child it is imperative that the practitioner takes steps to prevent children or adults being

put in potentially harmful situations. **Practitioners must seek management** oversight or situational supervision to reflect on their analysis and must:

- Make every attempt to speak with the charging officer to seek detail on the offences and an update of the status of the charge and Crown Prosecution Service decision.
- Request the details of any bail conditions, particularly in relation to contact with children.
- Share information with the court by completing a 16A risk assessment and setting out that either no spending time arrangements should take place whilst the investigation is taking place or to suspended and existing spending time arrangements.
- Depending on the status of the criminal investigation, consider recommending/advising a Finding of Fact hearing.

65. If there has been a **conviction for either domestic abuse including physical offences, honour-based[5] offences and/or a sexual offence such as rape, the risk of harm to a child of contact with an adult who has been convicted of such an offence, will be immediate and the court should be advised of that risk of harm to the child using a 16A risk assessment of any spending time arrangements and/or an urgent review live with arrangements in so far as needed whilst further assessments are completed.**

66. Practitioners must urgently seek the views of a probation officer or risk offender manager and discuss with them if they become aware that a **registered sex offender is in contact**, or seeking contact, with a child. Any spending time arrangements should cease until all available evidence is obtained and scrutinised, including reports and risk assessments from other professionals such as the Probation service and sentencing remarks from the criminal court.

67. If practitioners intend to make recommendations for **family time when the applicant or respondent is a registered sex offender, practitioners** must assess that the adult or adults concerned present a risk of significant harm to the child, connected children and the main carers. The advice to the court should clearly set out an analysis of the risk of harm to the child and how this affects the advice regarding contact and/or live with arrangements, including any further action that should be taken to protect the child/ren and their main carer from harm or risk of further harm.

68. To assist the court further Information must be sought from any professionals working with the offender, such as Local Authority, police, probation service or MAPPA. This must include discussion regarding any consideration of safety planning, including supervised or virtual spend time, which must always be considered alongside the impact on the child and the resident parent or carer, rather than in isolation.

69. Where concerns have been shared about sexually harmful behaviour by an adult who has contact with a child, but these concerns have not led to a conviction or further child protection action (for example where a police investigation or local authority assessment has concluded with no further intervention), practitioners must still explore the nature of the concerns and the impact of risks to the child(ren). This includes understanding the specific behaviours

[5] Honour- based is a form of domestic abuse which is motivated by the abuser's perception that a person has brought or may bring 'dishonour' or 'shame' to themselves, their family or the community. It is a collection of abusive, coercive, or violent behaviours used to control individuals and punish them for perceived or alleged transgressions of accepted family, community, or cultural norms.

reported and, where possible, why no further action was taken by the relevant safeguarding partner. This information is necessary to support an independent assessment of risk and advise the court. Practitioners will need to request police disclosure in every instance.

Recording

70. Practitioners **must record any safeguarding** concerns; the action they have taken to safeguard the child and the outcome of that action in line with the recording and retention policy and our expectation that all actions must be followed through to secure the child's safety.

Repeated proceedings and safeguarding concerns, case summaries and supervision

71. Practitioners **must consider the impact on children where safeguarding concerns have been raised repeatedly over time and where there have been repeated proceedings**. This includes a requirement to review and analyse how concerns have been identified, shared, and responded to by safeguarding partners and within any previous or current proceedings.

72. Practitioners must complete a case summary as part of all case screening activity and at the point of case closure. Case summaries must provide a clear and accurate record of the case and must always include:

    - An outline of the assessed risk and harm to the child(ren)
    - Any advice given to the court to make a protective and safe order for the child.

    Case or closure summaries should refer to the Assessment and Child's Plan for substantive information and therefore only contain very relevant detail to inform future involvement and to ensure continuity of understanding where children's records are re-opened.

73. Practitioners must use situational supervision to reflect on the impact of harm over time on children, particularly where children and families are known to services or proceedings on a repeated basis. Supervision must be used to critically reflect on patterns of concern, cumulative harm, and the effectiveness of professional responses.

74. In repeat proceedings, there is a high possibility of accumulating harm for the child. For practitioners to remain focused on concluding proceedings safely and avoiding further repeated proceedings, practitioners and managers should consider providing the court with a child impact timeline showing the accumulating harm for the child and advising the court as to why proceedings should conclude and an order made for a longer-term settled and safe outcome. Managers must support and facilitate this reflective practice by:

    - Ensuring supervision includes consideration of repeated safeguarding concerns and cumulative harm
    - Requesting and reviewing relevant case summaries and chronologies where there is a history of repeated proceedings or safeguarding involvement

- Supporting practitioners to evidence learning from previous cases and to apply this learning to current practice.

Standard safeguarding checks and scrutiny of police information to inform analysis of harm and risk of harm

75. In public law applications, a child's guardian must make enquiries of anyone who may have relevant information to support their safeguarding assessment of the child's circumstances and best interests.

76. **Police records and criminal histories must be reviewed and used to inform analysis of harm and risk of future harm**, and specifically when unification or reunification is being considered.

77. In private law C100 applications, Cafcass undertakes police and local authority checks in relation to both applicants and respondents. Consideration must be given as to whether level 2 police checks are required, see police checks guidance on Connect for further details. The rationale must be recorded on the child's file.

78. In all other non C100 applications and in respect of third parties, practitioners must exercise their professional judgment as to whether further safeguarding checks, including level 2 police checks are required.

79. International police checks can be requested by a practitioner if a domestic PNC check indicates that relevant information is held by a police force in another country, or the practitioner has reason to believe relevant conviction information may be held by a police force outside of England. Each country will adhere to its own national laws in providing information so responses may vary or be denied. In these circumstances, practitioners must consult the police checks guidance on Connect for further information.

Policy owner	Assistant Director for Performance & Quality Assurance
Endorsed by	Deputy Director of Operations and Improvement
Approved by	Corporate Management Team
Approved on	05 May 2026
First Implemented	11 December 2023 (policy previously named Safeguarding and Child Protection Policy)
Attestation	Yes
Version	1.8
Amendments	December 2020 – replaces Cafcass Child Protection Policy
	October 2021 – reflects changes to practice framework
	May 2022 – reflects learning from significant incidents/child record reviews
	October 2023 – reflects learning from significant incidents

	January 2024 – link to supporting guidance added
	September 2024 – reflects learning from complaints and learning reviews
	January 2025 – reflects updates to the domestic abuse practice policy
	July 2026 – Updated language. Expectations regarding Special Guardianship Orders with DBS and Medical checks aligned to Public Law PQS. Section widened to include section review of safeguarding information pertaining to foster carers, special guardians and adult social care and reference to Agency Decision Maker. Clearer expectations when someone with a sexual offence (criminal or findings in family court) seeks to spend time with a child. Greater detail provided regarding sexual offenders and criminal investigations. Added clarity regarding safeguarding responsibility beyond proceedings including auditing of closed cases. Added to Finding of Fact section and when a referral may not be required. Added reference to specific circumstances where there are 'threats to kill.' Clarity provided regarding disclosure of 16A risk assessments and advice to court regarding this. Updated to make consistent with Domestic Abuse Practice Policy changes. Updated to make clear that referral to Local Authority and 16A risk assessment has regard for the child's current living of spending time arrangements that will require someone with statutory responsibility to intervene. Inclusion of what to do when there are repeated proceedings or repeated safeguarding risks, including use of case summaries and chronologies. Footnote definition of honour-based abuse added for clarification.
Next Review	30 July 2027