



Protocol on returning to in-person work with children and families during the COVID-19 pandemic

Effective from 1 September to 1 December 2020

Review date 20 August 2020

This document outlines Cafcass' position on seeing children and families in-person as the restrictions of the national COVID-19 imposed lockdown have been amended. Our first duty to children involved in family proceedings is to safeguard and promote their welfare and to give advice to the family courts about their experiences, their feelings and their wishes for their futures. We see all children involved in proceedings if their case progresses beyond the first hearing, and in order to understand what life is like for them, we will often see them directly in person for example in a Cafcass office, at home or in school. There is no prescription on the means through which we see children, and in some cases it is more effective, more timely and preferred by the children that we see them remotely.

From 23 March 2020, and in line with Government guidance in place at the time to protect our staff and the children and families with whom we work, all our contact was initially remote. There have been many successful examples of casework carried out in this way, with significant feedback from some children indicating that video-enabled work is their preferred way of speaking with us. We will continue to use all our learning and best practice in respect of seeing children and their families as we recover from the COVID-19 pandemic.

Since this protocol was introduced in July 2020, there have been a number of changes to Government guidance relating to clinical shielding, face covering use, travel, regulations on permitted activity and also the introduction of local or regional guidance. These changes are acknowledged but it is noteworthy that the practice of our staff has remained focused on the delivery of services to children and families and the voice of the child within court proceedings.

Depending on the particular child's circumstances, it may not be possible or in their best interests to see them remotely and seeing them in person is the best option. They may want to see their Family Court Adviser (FCA) in person; they need to be seen alone and this is not always possible to establish through remote means, or it may be safer to see them in person somewhere that is not where they are living. It is a matter of professional judgement, and negotiation with children and their families which will inform how children are seen and, by association, how best to understand their experiences, needs, wishes and feelings in a timescale which is in their best interests.

Cafcass is not a safeguarding agency and we do not have the same responsibilities as a local authority to act to provide immediate protection from the risk of or actual harm to a child. We are however required to ensure that we can provide the court with an accurate assessment of the needs of the child and are able to reflect the wishes and feelings of the children who are the subject of family proceedings.

As an organisation, we have been successful in transforming in order to fulfil our functions remotely, and the courts have conducted a very considerable number of hearings remotely. Some high-quality interventions with children and young people have taken place and some excellent feedback has been received about this work from children. The Family Justice Young People's Board have asked us to consider the benefits and disadvantages of undertaking direct work with children and young people remotely rather than seeing them face to face. Their view is:

"whilst face to face meetings are very important, remote direct work does provide an extra positive option to children and young people. For some young people this could feel a more comfortable and usual setting, it could be less intimidating, and it might allow a young person to be a bit more open as they are in their own space. It could also feel less intrusive than a worker going into school and could also be less inconvenient for the child or young person who might be busy!" (FJYP Board June 20).

Staff consultations were held on the initial draft protocol with over 180 staff. Staff recognised the need for choice and balance in how we connect with children and their families but there was strong support to the necessary return to visiting children and families in-person in a manner that was safe for the practitioner and the families.

It has not been possible to progress all of our work and court hearings remotely due to the level of demand and this has caused a significant backlog of work building up. It is now urgent that we progress decision-making for children and families, in both public and private law cases. Continued delay is not in their best interests and for some it will increase the risk of harm to them. **We will now need to make safe arrangements to see the children and families in person, when it remains in their best interests to do so.**

A core Cafcass principle is to ensure our involvement **starts with the child and stays with the child**. We strengthen their world by seeing each case through their eyes and experiences. We work with them to understand what worries and upsets them as well as what they enjoy and would like to happen in the future. We find out what is happening in a family and try to take steps to make the situation better for the child.

As an organisation we are clear that we will use our professional judgement to ensure work is proportionate, focused and purposeful. This requires us to reflect and consider the best way to see children and to set out our rationale clearly for the decision we make. It is not possible to provide prescriptive guidance for every situation in respect of every child. We are confident however that FCAs are able to use their professional judgement well, to weigh and balance the information they have, and to record their rationale and decisions. This was the case pre-COVID-19 and our skill to judge the best intervention required to complete our assessments, and to be confident that we can support and defend these, remains as strong as it always has been.

Circumstances where in-person contact with children and/or parents may be necessary

FCAs in discussion with their manager will need to **exercise professional judgement in each intervention** about whether and how to have effective in-person contact with children. The FCA will need to satisfy themselves that they are able to understand the child's situation, that they have been able to ascertain as far as possible the child's wishes and feelings, and that they have been able to engage with the adults around the child in such a way as to promote

change if that is what is required. It is for the FCA to determine whether the best way of fulfilling those responsibilities is to see the child and/or adults in person or remotely.

It is clear from our experience of remote working that there is no single factor that will define whether contact is direct or remote. It is the **individual circumstances and needs of the child, family and the judgement of the appointed FCA** which are the influencing factors.

Seeking to engage with children and families should **not be seen as a singular activity nor a binary choice between remote or in person**. Each activity should supplement or complement the other; and we must take care to understand and report to the courts the limitations of each interaction.

If it is decided that taking all considerations together, the FCA should engage with the child and with the other parties remotely rather than in person, the FCA must be confident that they are able to make a recommendation to the court that is reasoned, defensible and will stand up to cross-examination.

To reduce the delay for children in reaching final decisions about their futures **we must make the most of remote connection**, the resources and possibilities that they offer without compromising our evidence. [Click here for the guide to working remotely with families](#).

- Place greater emphasis on information from other trusted sources and professionals.
- Analyse all historical case information that is available
- Consider observation of families at an open space (e.g. parkland)
- Use virtual platform calls at critical times of the day (e.g. breakfast time, tea time, etc.)
- Use purposeful activities during calls to create movement around the home and keep individuals engaged
- Clearly record the sources of information
- Note the consistency of information over time and from differing sources
- Be specific in our analysis as to the weight given to remote discussions and observations
- Be clear as to the purpose of a potential visit
- Use remote connections to prepare children for visits including speaking about social distance and face coverings where necessary.

Examples of circumstances where visits should be considered. This is intended as a guide and is neither an exhaustive list nor specific examples of when visits must take place but is intended only as an aid to a professional judgement.

- Where undue influence or parental alienation is suspected to be taking place or where the FCA feels that remote contact would not provide the children with a safe and confidential environment in which to be interviewed.
- Where a child or family has requested it or will not/are unable to engage remotely.
- Where a parent refuses the FCA remote contact with a child, if it is in the child's best interest and is safe for face to face contact to take place.

- In cases of domestic abuse, where the parent has justified concerns about the impact on the child of speaking about such traumatic events via video. This would also apply when interviewing parents as victims or suspected perpetrators.
- For a young person or parents with significant complex and additional needs including significant mental health issues where remote direct work is not appropriate for the individual.
- Where there has been a change of placement for a looked after child.
- Where there is a need to see the child in a proposed placement such as preparation for the making of a Special Guardianship Order (SGO).
- If the court is being asked to make an Interim Care Order, Supervision or Final order and the case could not progress without a face to face intervention.
- In applications for adoption/placement orders where a placement would be compromised by a delay caused by the inability to visit.

Staffing considerations

Before the decision is made that an in-person visit is necessary, the FCA should discuss with their manager the arrangements that would need to be put place to make such a visit safe. The following are matters to consider and to record on the rationale:

- Travel should be by car, walking or cycling as a first option.
If the FCA does travel on public transport, face coverings have been made available in order to abide by the government guidelines and current legislation.
- The increasing availability of bookable appointments in Cafcass offices means that this is now an option to see children and family members in these locations. The benefits of seeing children in offices include the ability to manage the physical environment, observe social distancing and allow effective ways of engaging with children to meet their needs.
- If office visits are not practicable or possible, and it is assessed as unachievable to visit children and families in their home, then consideration should be given when undertaking the risk assessment to local venues such as schools, civic buildings and children centres where these are available.
- If a home visit is assessed as being the best option in the circumstances for the child/ren, then a discussion should take place between the FCA and the child's parents, to agree how best to enable this to happen with as much social distancing during the contact as is reasonably and practically possible. We recommend that the advantages and disadvantages of using a face covering when seeing children are also discussed and agreed so that the child/ren are prepared for either scenario. Central to the decision and plan must be the needs of the child/ren and their comfort and security during the visit. It is also important to note that if staff assess that the visit is not safe then they should take steps to make themselves safe including not proceeding with or continuing with the visit.

- Where the FCA has a dependent for whom they are caring and/or they continue to have pre-school or young children at home without alternative child care or schooling and they are unable to work outside the home, **and** professionally it is judged to be in the child's best interest to make an in-person visit to undertake the assessment, then urgent discussions will need to take place with line managers to agree whether the case should be reallocated, or visits undertaken by another FCA.
- Any adjustments which are in place as part of an Individual Health Risk Assessment
- A staff member who has been told to self-isolate by test and trace or who has made the decision to self-isolate because they have early symptoms may still be able to work remotely, but they will not be able to carry out any face to face work as this would place others at risk.
- Home visits are not to be undertaken in any circumstances of a confirmed case or symptomatic COVID-19 household.

In accordance with the '[Attending Court Protocol](#)', if the FCA is unable to attend court in person because of the circumstances above including caring for dependents and no alternative childcare, and their attendance at court has been ordered, discussion needs to take place with their line manager, and possibly with the court at the earliest opportunity, while being careful not to disclose personal information about the FCA to the court without their consent.

If the FCA has been directed to undertake direct work with a child and/or family in person, the court will need to be informed that this is not possible where the individual has dependents and no alternative childcare. If the direct in-person work is assessed as necessary, in these circumstances, Cafcass would need to consider an alternative staff member for that piece of work or reallocate the case. In such circumstances, a full rationale would be made on the case file and the child, family, court and local authority (where one is involved) notified accordingly.

[A risk assessment](#) will need to be completed on the first occasion when a physical visit is considered as necessary. If the FCA is undertaking another visit to the same children and/or family and there are no changes in the circumstances of the visit, the FCA will not need to complete another risk assessment, they will just need to record on the risk assessment that there is no change to any circumstances. If there has been a change, a new risk assessment will need to be completed.

The Use of Personal Protective Equipment (PPE)

The government advises that for the purposes of normal visiting in the course of our duties. PPE has limited advantage and that workplaces should not encourage the precautionary use of extra PPE to protect against COVID-19 outside clinical settings.

Cafcass considers that our role in visiting children and seeing children is vital although physical contact should not occur during a visit and social distancing should be observed. For this reason, Cafcass has made an initial supply of face coverings and hand sanitisers available to

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all staff. Additional provision of these items can be made by the staff member and the reasonable cost reclaimed through the T&S process.

[Guidance on wearing a face covering is available.](#)