

Engaging with and seeing children policy

Overview

While recognising and valuing the professional autonomy of the Family Court Adviser (FCA), Cafcass has a responsibility to ensure that work with children and families is of the highest quality in line with best social work practice and the expectations of the family court. Seeing children to gain an authentic understanding of their life and relationships is our highest priority.

This policy sets out requirements for all practitioners in engaging with and meeting with children as part of their work in family court proceedings. The policy must always therefore be followed by all social workers in their capacity as FCAs and guardians.

The policy sets out our commitment and approach to seeing children and is therefore the basis governing our engagement with them. During the COVID-19 pandemic however, temporary arrangements regarding how to see children have been in place aligned to the COVID-19 regulations issued by government and our own position regarding the safety and welfare of children, families and colleagues.

Why this is important for children

These requirements about seeing children are in place so that we can form the best possible understanding of children's experiences and their wishes and feelings. This is vital for us to:

- Inform our view of what is or has been happening to this child
- Inform our analysis of what might happen, the likelihood of this and the seriousness if it did happen
- Inform our overall assessment of risk for the child
- Inform our analysis of how best to safeguard their future welfare
- Inform our understanding of the child's' uniqueness, who they are and how they see themselves

Children have a right to know what to expect from Cafcass. We will clarify this requirement in our first engagement with children and families through our introductory letters and this will continue throughout all meetings and communications, whether remote or in person, through to the conclusion of our work with the family and a closing letter

1. Principles

1.1 All children will be seen in person during their court proceedings.

This applies to all children, regardless of age.

Remote meetings have their place and may be preferable for some individual children and young people, or where this relates to COVID-19 or other health conditions being experienced within the family or by the FCA. However, in view of the importance of the decisions at stake for children we work with the intention to achieve a minimum of one face to face, in person meeting during the life of the proceedings.

FCAs will use their professional judgement as they assess the risks associated with in-person visits to children and their families. All operational colleagues must complete a dynamic risk assessment before seeing children and families in person. We advise that the risk assessment clearly shows the weighing and balancing of judgement in respect of the need to see a child in person versus the risk we present to them by in person work and vice

versa. The decision remains that of the FCA and should be written contemporaneously onto the casefile, explained clearly to the family and communicated to the court in all subsequent reports.

The purpose of seeing pre-verbal infants is to observe their behaviour and presentation and their interactions with their care givers. If a baby is sleeping during a first visit this should be noted in the recording and a further visit planned to observe the baby when awake. Exceptional circumstances resulting in a child or young person not being seen, for example if the young person refuses, must be discussed with a manager or practice supervisor and recorded on the child's file with the rationale.

1.2 Children should be seen alone.

Whilst it may also be important to see children together with their brothers and sisters, and observe them with parents or carers, or to see them with a trusted professional, individual time with the practitioner is also vital to ascertain their wishes and feelings away from the immediate influence caused by the presence of others. Children may express a wish to be seen with a brother or sister and this should be respected for these exceptions.

1.3 All children who are judged by the FCA or guardian to be of sufficient age and understanding will receive the introductory letter or alternative explanatory communication.

This letter will establish where and how the first meeting with the child will take place, making the child and their family a participant in this planning.

1.4 Specific purpose of different types of meeting

The first meeting will involve getting to know how life feels to the child or young person, what makes them happy or sad, what their hopes for the future might be and will also include exploration of what makes them special and unique. **Information relating to their sense of identity and diversity i.e. all protected characteristics, should be gathered during this meeting, and recorded within three working days.**

In public law when a **reunification plan** is being considered, and if children are going back to the family home from where they were removed, there must be a visit to see what has changed in home conditions for the child; the home environment, family dynamics and interaction between parent and child.

We will **seek feedback** in every meeting from children about their experience of working with us so that we can improve at both an individual level and a system wide basis.

Good practice standards in relation to where and how we see children, when we see them remotely and how we conduct our direct work with them is set out in the engaging with and seeing children guidance accompanying this policy.

2 Timescales and case recording

2.1 In public law proceedings, children are expected to be seen within 15 working days of the first lead allocation. This will inform the thinking, initial risk analysis and planning set out in the case plan, which must be commenced at the initiation of Cafcass' involvement in the proceedings and will be reviewed by a manager or practice supervisor within 15 working days of being initiated.

2.2 In private law work after first hearing, children are expected to be seen as early as possible in line with the risk in the case but – at the latest – no later than 10 working days prior to the first s7 report being filed. In private law the case plan will be commenced upon Cafcass being directed to undertake work after first hearing and will be reviewed by a manager or practice supervisor within 15 working days.

2.3 The child's record must be updated in relation to the child being seen within three working days of the meeting, in line with the timescales set out in the case recording policy (see the [case recording and retention policy](#)).

2.4 The thinking in respect of the meeting with the child and planning based on this will be set out in the case plan.

2.5 All interactions with the child must be recorded in the 'child seen' section of the case record which auto-populates the contact log. Further and extended detail of the meetings should be added to the contact log. This will include the child's wishes and feelings, expressed as far as possible in their own words.

3 Exceptions to the timescale

Professional judgement accompanied with a recorded rationale is the basis of professional accountability. There may be circumstances where it is not possible or appropriate to see a child within the required timescales confirmed below. For example, this child may be ill or in a new living arrangement where it would be justified and preferable for the meeting to take place later. Children with capacity have the right to refuse to be seen. Where this is the case or where a professional judgement has been made not to see a child:

1. 'Child not seen' must be recorded within the timescales set out in section 2 together with the reason or rationale. Seeing the child must remain under review and the case record updated when the child has been seen.
2. A manual trigger for management oversight of this decision must be set by the manager or practice supervisor.
3. For some s.7 reports produced by the Cafcass High Court Team, timescales will be shorter than those set out above.

4 Allocation types not requiring the practitioner to see the child (this list covers the most frequent types of excluded application but is not exhaustive (a full list of application types excluded from reporting is available on request))

- Children during private law work to first hearing
- Stepparent adoptions
- Leave to oppose applications
- Parent seeking leave to withdraw an application (unless work is ordered by the court)
- Foreign enquiry reports
- Unpaid work – order of the court applying a sanction to a child arrangements order
- Request from the court for a report to consider whether a child should be made party to the proceedings and a 16.4 guardian appointed.

Owned by	Jack Cordery, Operational Director
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Implemented	20 April 2022
Version	1.2
Amended	<p>Updated in line with the government's plan for living with COVID-19, clarified:</p> <ul style="list-style-type: none"> • Family Court Advisers (FCAs) will continue to use their professional judgement as they assess the risks associated with in-person visits to children and their families. • All operational colleagues must complete a dynamic risk assessment before seeing children and families in person.
Next review	April 2023