



# Conflict of Interest Policy

<b>Owner</b>	HR	<b>Issued</b>	Feb 02; Reviewed and updated March 14
<b>Approved by</b>	CMT	<b>Version No</b>	2.2
<b>Next review date</b>	April 2015	<b>Ref</b>	

©2007 CAFCASS

## **CONFLICTS OF INTERESTS POLICY**

### **1.0 Basic principles**

1.1 For the purposes of this policy, a conflict of interests arises not only when a conflict of interests exists but when a third party, particularly a party to proceedings, perceives or could perceive that a conflict of interests exists.

1.2 It is the personal, professional responsibility of all Cafcass practitioners, whether employed or self-employed, to be alert to actual or potential conflicts of interests which may prevent them from working in any particular case or which might make them unsuitable to do so.

### **2.0 Managers' duty**

2.1 A manager<sup>1</sup> must not allocate work to a practitioner if undertaking the work would cause a conflict of interest for the practitioner. Even if no conflict exists at the time of the allocation, managers must be alert to the possibility of a conflict arising at a later point. If a conflict does later arise, the manager must consider whether to take action to have the practitioner removed from the case.

### **3.0 Practitioners' duty**

3.1 A practitioner must declare any conflict of interest to the manager immediately the practitioner becomes aware of it. If a conflict of interest arises during a case, the practitioner must declare it not only to the court but also to the manager.

3.2 If Cafcass applies to court for the termination of a practitioner's appointment in proceedings as a result of a conflict of interests having arisen, the practitioner must co-operate with that application.

### **4.0 Conflicts which will always prevent a practitioner acting in a particular case**

4.1 For the purpose of this policy, rule 16.36(1) of the Family Procedure Rules 2010 is to be treated as though it read:

*1. A practitioner shall not accept appointment as a children and family reporter, children's guardian, reporting officer or parental order reporter if s/he :*

*(a) is a member, officer or servant of, or a contractor with, a local authority which, or an authorised person (within the meaning of section 31(9) Children Act 1989) who, is a party to the proceedings;*

*(b) is, or has been, a member, officer or servant of, or contractor with, a local authority, voluntary organisation (within the meaning of section 105(1) Children Act 1989) or an adoption agency, who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the child or his family during the five years prior to the commencement of the proceedings; or*

---

<sup>1</sup> 'Manager' in this policy refers to Service Managers, Enhanced Practitioners or Contract Managers.

*(c) was a serving probation officer who has, in that capacity been previously concerned with the child or his family.*

4.2 A conflict of interest will also arise in the event that the FCA is a complainant in a criminal case which also relates to one or more of the parties.

## **5.0 Other Potential Conflicts**

5.1 Situations where a conflict of interests is likely to arise include (but are not limited to) those where a practitioner:

*(a)* is related to or in a relationship with a witness or lawyer involved in the case;

*(b)* where the practitioner or someone close to the practitioner knows a member of the family personally;

*(c)* undertakes voluntary or paid work for, or has a financial involvement with, an organisation (e.g. contact centre) involved in the case;

*(d)* is a member of, or has acted as advisor to, the board of an organisation (e.g. a mother and baby unit) involved in the case; or

*(e)* sits as a magistrate in the family proceedings court.