



Conflict of Interest Policy

Owner	HR	Issued	Feb 02; Reviewed and updated June 17
Approved by	CMT	Version No	3
Next review date	June 2020	Ref	

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Conflicts of Interest Policy

Overview of Policy

This document outlines Cafcass' policy on conflicts of interest as they arise both in terms of case work and any independent work carried out by Cafcass employees.

1.0 Application of Policy

1.2 This policy applies not only to an actual and apparent, conflict of interest but also when a third party, particularly a party to proceedings, perceives or could reasonably perceive that a conflict of interest exists.

2.0 Potential Conflicts of Interest

2.1 Situations where a conflict of interest is likely to arise in a particular case 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 where the case is being heard.

2.2 A conflict of interest will arise if there is no adherence to rule 16.36(1) of the Family Procedure Rules 2010. This rule sets out who may not be appointed as a children's guardian, reporting officer or children and family reporter in specified proceedings (including placement proceedings) and in adoption proceedings. The rule refers to any individual who:

- (a) is a member, officer or servant of, a local authority which, is a party to the proceedings;
- (b) is, or has been, a member, officer or servant of a local authority, voluntary organisation, who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the child during the five years prior to the commencement of the proceedings; or
- (c) was a serving probation officer who has, in that capacity been previously concerned with the child or the child's family.

2.3 Where a practitioner has not been directly involved in a case but has some knowledge of a case as a result of a previous professional role, this may potentially create a conflict of interest.

2.3 A conflict of interest may 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.

3.0 How we seek to avoid conflict of interest

3.1 *The Practitioners Duty*

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

3.1.2 A practitioner must declare any conflict of interest to the manager immediately when 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.

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

3.2 *The Managers' duty*

3.2.1 A manager¹ 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 replaced. If the practitioner has been appointed as a children's guardian this may mean an application to the court with reasons being given for the conflict.

3.2.2 It is the responsibility of the Manager to consider the likelihood of a conflict of interest when asked to approve a practitioners request to undertake independent work.

3.2.3 If a perceived conflict of interest is raised the manager should consider whether such a perception is justified and if so should raise it with the court or children's solicitor and, consider whether reallocating the case is necessary.