

## **Guidance on McKenzie Friends and support for service users during Cafcass meetings**

### **1.0 Introduction**

- 1.1 The purpose of this guidance is to clarify how Cafcass responds to service users who want to be accompanied to a meeting, including an interview, with Cafcass.
- 1.2 Third parties may be providing support or assistance to service users under different circumstances. This guidance relates to anyone who is not a professional legal adviser/representative, such as:
- a friend or relative: they may provide emotional or practical support to a vulnerable service user (see section 2);
  - a support worker: this is a layperson who has a professional relationship with the service user and who may support, advise or assist a party during proceedings (see section 3);
  - a McKenzie Friend: this is a layperson who assists a party in court during proceedings (see section 4).
- 1.3 Service users are able to bring a third party to meetings with Cafcass if they feel the need for assistance. This is in line with the Family Procedure Rules 2010 (Rule 12.75) which set out that parties can disclose any information about the proceedings to anyone as part of confidential discussions to obtain 'support, advice or assistance'.
- 1.4 In general, practitioners may allow a third party to attend meetings. Meetings can be conducted as usual, with the support person present and acting within the limitations of their role. However, sometimes there may be concerns that the attendance of the support person is not appropriate. This guidance considers:
- the role of a third party, including a McKenzie Friend within the Cafcass context;
  - when it may be appropriate to discuss concerns about the attendance of a third party with a service user; and
  - how a meeting may be conducted with a third party present.

### **2.0 The role of a relative or friend**

- 2.1 A relative or friend may support the vulnerable service user, who might feel intimidated or anxious, by providing them with reassurance or practical assistance. Such reassurance may be a positive influence during the meeting.
- 2.2 The relative or friend cannot act as a representative of the service user, and should not influence the responses of the service user, or give evidence themselves. They may provide moral support for the service user; take notes during the meeting for the service user; help the service user with any administrative requirements; and speak with the service user during the meeting to give advice or assistance on any aspect of the meeting.

### **3.0 The role of a support person**

- 3.1 A support person is any layperson who may have a professional relationship with the service user (such as a community psychiatric nurse or a refuge worker), but who may also be providing some level of advice.
- 3.2 Their role is to assist and advise the service user; however, they cannot act as a representative of the service user. A support person may provide moral support for the service user; take notes during the meeting for the service user; help the service user with any administrative requirements, such as consent forms that need to be completed. They may speak with the service user during the meeting to give encouragement, advice or assistance and may be able to provide relevant information to the Cafcass practitioner.

### **4.0 The role of a McKenzie Friend**

- 4.1 A 'McKenzie Friend' is a role within the court; it does not apply within the context of meetings with Cafcass. A McKenzie Friend is a layperson who provides reasonable assistance to a litigant in person during proceedings held in open court. They are not a legal representative for the litigant and they need permission from the court in order to attend a hearing and further permission to speak to the court during a hearing. Their role is set out fully in the President's [Practice Guidance of 2010](#), which says that they 'may not act as the agent of the litigant in relation to the proceedings nor manage the litigant's case outside of court'.
- 4.2 Outside of court hearings, such as during a Cafcass meeting, the McKenzie Friend has no status but may be asked by the service user to provide support during meetings. This would be as a support person, as set out in section 3.2.
- 4.3 Advice on handling requests for information from individuals acting as McKenzie Friends has been provided by [Cafcass Legal](#).

### **5.0 Responding to a request for third party support at a meeting**

- 5.1 If a service user asks to bring someone to their meeting for support, the practitioner should assess the situation and consider the possible implications. In general, a third party can attend if the service user feels they require assistance. A decision on whether the attendance of the third party is not appropriate may have regard to:
- Whether the practitioner feels the service user will be able to speak freely in the presence of the individual;
  - Any involvement in, or contribution to, the dispute between the parties;
  - Whether the practitioner feels the service user may have been put under pressure to bring the individual;
  - Any concerns regarding staff safety in relation to the individual.
- 5.2 A discussion may be had with the service user and the practitioner may suggest to the service user that they attend alone, or bring an alternative person for support, explaining their reasons.

5.3 Practitioners cannot insist that a service user attends a meeting alone; if the practitioner refuses the request for the attendance of the third party, then they must also refuse to hold the meeting. In this case the decision not to see the service user, part of the practitioner’s assessment, would have to be justified to the court.

## **6.0 Conducting a meeting with a third party present**

6.1 If a service user brings a third party to a meeting, the sharing of sensitive information during the meeting will not breach the Family Procedure Rules. However, the practitioner should exercise their professional judgement as to what information can be shared. The practitioner should also explain to the third party that they cannot disclose the information further.

6.2 The meeting may be conducted as normal by the practitioner addressing any questions and comments to and from the service user directly. The service user may speak with the third party during the meeting in order to obtain assistance, but the third party should not speak on behalf of the service user, as set out in section 2.2 and 3.2.

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