



Cafcass National Office
3rd Floor
21 Bloomsbury Street
London
WC1B 3HF

Your ref: CAF 15-59
Our ref: Gov/CAF 15-59

Tel 0300 456 4000

13 April 2015

Re: Freedom of Information Request

Thank you for your email of 11 April 2015 which was received by our office on 13 April 2015 and has been dealt with under the terms of the Freedom of Information Act 2000. You made the following requests for information:

we would like to know what is the policy and procedures when dealing with children what procedures would be taken to make a risk assessment and if one parent made an allegation and had police reports would a risk assessment be carried out if that police report was about domestic violence? would a judge being informed of this ?

Please see below for our response.

It is not the function of Freedom of Information to give opinions or judgements which are not already recorded in response to specific hypothetical situations. However, the following provides general information about the risk assessment policy of Cafcass.

The role of Cafcass is to safeguard and promote the welfare of children and we have a [Child Protection Policy](#) that sets out how we will respond to allegations of significant harm.

Cafcass practitioners are required to assess risk in two ways: when the court orders a risk assessment as part of a Section 7 report if it feels that there is some risk to any child subject to proceedings; and under [s16A](#) of the Children Act 1989 Cafcass practitioners are under a duty to undertake a risk assessment whenever they have cause to suspect a child subject to proceedings is at risk of harm and to pass this information to the court.

Set out below is a relevant section of the Cafcass [Operating Framework](#); for more information please also see our [Child Protection Policy](#).

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Operating Framework Extract

2.40 Throughout our work, Cafcass has a duty to assess risk, under s16A of the Children Act 1989. In our private law work, we may consider it necessary, as a result of our involvement in cases, to pass information about children to local authority children's services, where it appears that their duty (under s47(1) Children Act 1989) to investigate child protection concerns appears to be engaged. These steps are set out in the Cafcass Child Protection Policy, and in the guidance document on our 16A duty. In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself, exercising its s37 Children Act 1989 power, directs a local authority to undertake and provide to the court a welfare investigation report

2.41 The risk of harm to a child, including but not restricted to harm arising from seeing or hearing the ill-treatment of another, should be considered in cases where domestic violence is identified. The direct and indirect impact of domestic violence on individual children should be addressed. Static and dynamic risk factors should be taken into account, such as whether the violence is 'separation-specific' or endemic and showing itself in behaviours such as post-separation control. In all cases involving acute concerns about domestic violence, the practitioner should consider the need for a child protection referral, police referral, or a multi-agency risk assessment conference (MARAC.) It is difficult to differentiate between past risk and future risk, so caution is needed before concluding that a proven level of domestic violence will not recur and was situational at the time of the separation only. However, this can be a sound evidence-based conclusion in some cases.

2.42 A MARAC is a non-statutory meeting of local agencies whose purpose is to identify the highest-risk victims of domestic violence, and to produce a safety plan to reduce the risk to victims, their children, and any other vulnerable person in the household. Participants at a MARAC do not all come within the categories of people specified in the Family Procedure Rules (FPR) 2010, to whom disclosure can be made without the court's permission. Cafcass will therefore not routinely participate in MARAC discussions, nor will it sign MARAC information sharing protocols. Guidance is available to practitioners in 'MARACs and disclosure from Family Court Proceedings' (2013) on the Safeguarding intranet page. Where a child is suffering, or is likely to suffer, significant harm, the practitioner must ensure that relevant referrals are made to local authorities or to the police.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office (www.informationcommissioner.gov.uk):

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Post

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

Fax

01625 524 510

Tel

0303 123 1113

E-mail

casework@ico.org.uk

Yours sincerely,

Governance Team

Cafcass

Governance@cafcass.gsi.gov.uk

Baroness Tyler of Enfield Chair
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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF | DX Cafcass 310101 Bloomsbury 11