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Your ref: CAF 15-103  
Our ref: Gov/CAF 15-103

Tel 0300 456 4000

2 June 2015

## Re: Freedom of Information Request

Thank you for your letter of 1 May 2015 which was received by our office on 5 May 2015. Please see below for responses to your requests for information.

Please note that where documents are available online, we have given the website link rather than attaching a hard copy.

### 1. It is requested that the guidelines for a section 7 are supplied for appraisal

Reports are completed by Cafcass when ordered by the court under section 7 of the Children Act 1989 as part of work after the first hearing in private law cases. It is for the judge to decide, when examining all of the available evidence, what issues a report should focus on.

All Cafcass recommendations are based on professional judgement of how a child's welfare can best be promoted and safeguarded, with reference to the [Welfare Checklist](http://www.legislation.gov.uk/ukpga/1989/41/section/1) (<http://www.legislation.gov.uk/ukpga/1989/41/section/1>), and all recommendations are case specific.

When working on a section 7 report Cafcass practitioners should have regard to the relevant sections of the [Operating Framework](http://www.cafcass.gov.uk/media/212819/cafcass_operating_framework.pdf) (4.19-4.24): [http://www.cafcass.gov.uk/media/212819/cafcass\\_operating\\_framework.pdf](http://www.cafcass.gov.uk/media/212819/cafcass_operating_framework.pdf). Cafcass practitioners also use a standard form of report which provides template headings for each subsection. This standard form can be accessed [here](http://www.cafcass.gov.uk/media/209751/non_s7_specific_report_template_1_0_4_14_v0.2.dot): [http://www.cafcass.gov.uk/media/209751/non\\_s7\\_specific\\_report\\_template\\_1\\_0\\_4\\_14\\_v0.2.dot](http://www.cafcass.gov.uk/media/209751/non_s7_specific_report_template_1_0_4_14_v0.2.dot)

### 2. Guidelines on risk assessment, particularly in relation to historical issues

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

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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](#): [http://www.cafcass.gov.uk/media/187671/child\\_protection\\_policy\\_jan\\_2014.pdf](http://www.cafcass.gov.uk/media/187671/child_protection_policy_jan_2014.pdf)

### 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*

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*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.*

### 3. Guidelines on review of safeguarding checks

As part of our child protection responsibilities, Cafcass provides information regarding parties in family proceedings to the court which has been provided by other agencies, such as the police and local authorities. The information required for these safeguarding assessments is obtained in line with the arrangements set out in the [Child Arrangements Programme](#) (see paragraph 13.3). In some circumstances we are also asked to provide this information about individuals who are not parties; in such cases we require the consent of the individual or a court may order the checks to be undertaken.

The outcome of these checks will form part of the safeguarding letter (previously known as a Schedule 2 letter) sent to the court prior to the First Hearing Dispute Resolution Appointment.

Where work is undertaken after a first hearing, the Cafcass officer should decide on the need for wider safeguarding checks with relevant agencies other than the police and local authority (e.g. schools, health visitors, probation). The prior consent of the subject of the wider check should be obtained and, if refused, a court direction sought.

Please see the following sections of our [Operating Framework](#) for more information on when checks are made with other agencies: sections 2.4, 4.1, 4.7, 4.21, 8.23, 8.24 and Appendix 4 are relevant.

### 4. Guidelines on use of CAADA DASH risk assessment for domestic violence

CAADA is now known as 'Safe Lives'. Safe Lives have produced an information sheet on the use of the DASH risk checklist. This is available to all practitioners and is available on our [website: http://www.cafcass.gov.uk/media/215151/safelives\\_dash\\_guidance.doc](http://www.cafcass.gov.uk/media/215151/safelives_dash_guidance.doc)

### 5. Guidelines on interviews

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Cafcass policy on interviewing can be seen in the [Cafcass Operating Framework](#) section 2.24-2.25 (this refers to 'toolkits' available to support practitioners in their direct work with adults and children, these can be found on our website [here: http://www.cafcass.gov.uk/leaflets-resources/policies-and-templates-for-secs/forms,-templates-and-tools.aspx](http://www.cafcass.gov.uk/leaflets-resources/policies-and-templates-for-secs/forms,-templates-and-tools.aspx)).

There is also a guidance document for telephone interviews during work to first hearing in private law cases to help consistency within Early Intervention Teams. Please find this document attached.

#### 6. [Guidelines on seeing children and parents](#)

Section 1.16 – 1.29 of the [Operating Framework](#) sets out how Cafcass practitioners work with children, young people, parents and carers (pages 6 – 8).

#### 7. [Guidelines on direct work with children](#)

Section 1.16 – 1.22 of the [Operating Framework](#) sets out how Cafcass practitioners work with children and young people (pages 6 – 7).

#### 8. [Guidelines on telephone discussions](#)

Guidance on telephone interviews can be seen in response to question 5. In relation to discussions, Customer Care Standards are set out at 8.5 of the Cafcass Operating Framework, these minimum standards make clear that in all interactions with services users we will:

- provide a friendly, professional service and treat you with respect at all times
- treat everyone fairly and allow everyone to access our services
- be helpful, give you the information you need and work hard to get things right for your children
- provide clear information on our services that you can access easily
- use plain English, avoid jargon, translate information and put it into other formats when you need it
- use your comments and feedback to improve our services
- make sure that our complaints process is clear, easy to understand and fair, and that we solve problems quickly





9. Guidelines on telephone interviews

Please see the response to question 5.

10. Guidelines of review of available papers

There are no guidelines outlining which papers a Cafcass practitioner must / must not review. Practitioners are expected to use their professional judgment to assess which documents they should review and whether they should make reference to these documents in their final report.

11. Guidelines on Level 2 checks undertaken

An enhanced police check ('level 2') is a request by Cafcass for the disclosure, and provision by Police, of any information held on the databases of a local force(s) including local intelligence, call out logs and domestic violence records. A request to the local police force for enhanced information should only be made when a FCA determines, upon consideration of information received, that it is necessary to check with local force(s) whether additional information pertaining to one or more of the parties is held in order to provide the court with the information it needs to make an informed decision about how to deal with the case. The decision to request an enhanced check is an exercise of professional judgment

For more information about how safeguarding information is obtained in private law applications from the police, please see the [Cafcass police checks handbook](https://www.cafcass.gov.uk/media/241839/police_checks_handbook_external.pdf):  
[https://www.cafcass.gov.uk/media/241839/police\\_checks\\_handbook\\_external.pdf](https://www.cafcass.gov.uk/media/241839/police_checks_handbook_external.pdf)

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](http://www.informationcommissioner.gov.uk)):

**Post**  
Information Commissioner's Office  
Wycliffe House, Water Lane,  
Wilmslow,

**Fax**  
01625 524 510  
**Tel**  
0303 123 1113

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Yours sincerely,

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