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Your ref: CAF 15-128
Our ref: Gov/CAF 15-128

Tel 0300 456 4000

13 July 2015

Re: Freedom of Information Request

Thank you for your email of 9 July 2015. You made the following requests for information:

Please send me a copy of the procedure and forms a CAFCASS officer must comply with when conducting a safeguarding assessment report for the court

Please see below for our response.

As part of our child protection responsibilities in private law cases, Cafcass provides a safeguarding assessment to the court regarding parties in family proceedings. This is completed in line with the arrangements set out in the [Child Arrangements Programme](#) (see paragraphs 13.1 – 13.8).

The work to complete these 'Safeguarding Letters' is undertaken prior to first hearing in new private law cases. For information on the procedure to be followed by Cafcass practitioners, please see the Cafcass [Operating Framework](#) section 'Work to the first hearing' (paragraphs 4.3 – 4.16). Please find attached or linked copies of documents referred to in this section, including:

- Standard Operating Principles and Standards for WTFH
- [Police Checks Handbook](#)
- Telephone script for risk identification phone calls

Relevant forms can be seen in the 'Safeguarding' section of the webpage showing [tools and templates for practitioners](#).

In all of its work, the role of Cafcass is to safeguard and promote the welfare of children. The [Cafcass Child Protection Policy](#) sets out the requirements placed on Cafcass staff by this role and details the procedures to be followed. Cafcass practitioners are required to assess risk in two ways: when the court orders a risk

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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, as noted above, please also see our [Child Protection Policy](#).

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):

Post

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Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

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0303 123 1113

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casework@ico.org.uk

Yours sincerely,

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