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Your ref: CAF 15-191  
Our ref: Gov/CAF 15-191

Tel 0300 456 4000

16 November 2015

## Re: Freedom of Information Request

Thank you for your email of 11 November 2015. You made the following requests for information:

1. Under freedom of information I require to know how many complaint have been made against [REDACTED] and the Nottingham department in general. I will require to know the nature of those complaints and the outcomes.

Cafcass is unable to provide you with personal information belonging to an individual staff member. The information you have requested is personal data relating to employees to whom Cafcass owes a duty of confidence.

Disclosure is therefore exempt under Section 40 of the Freedom of Information Act 2000. The exemption from the duty to disclose third party personal data where to do so would breach a data protection principle is an absolute exemption.

[Section 40 of the Freedom of Information Act](#) provides that:

1. Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
2. Any information to which a request for information relates is also exempt information if-
  - a. it constitutes personal data which do not fall within subsection (1), and
  - b. either the first or the second condition below is satisfied.
3. The first condition is-
  - a. in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 1998, that the disclosure of the information to a member of the public otherwise than under this Act would contravene-

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- (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - b. in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 1998 (which relate to manual data held by public authorities) were disregarded.
2. Under freedom of information I require a copy of all of your guidelines that you work to, specifically in report writing, conducting interviews with children and adults, timeframes to adhere to, what you are supposed to investigate when informed of safeguarding issue and flow of information to parents. I also require all other guidelines to be sent to me.
- Report writing:
    - Sections 4.19-4.24 of the Cafcass [Operating Framework](#) set out what Cafcass practitioners should have regard to when working on a section 7 report. Cafcass practitioners also use a [standard form](#) of report which provides template headings for each subsection.
    - 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](#), and all recommendations are case specific.
  - Interviews with children and adults:
    - In the absence of a specific direction from the court, practitioners will determine who needs to be interviewed, and how many times. This will usually include the parties to the application and the children subject to the application. Depending on the circumstance of each case this may also include contact with other relevant family members or other professionals/ agencies, such as the police, local authorities, GPs and schools. The needs and circumstances of each individual case will determine the nature and extent of the enquiries made by the practitioner, depending on how each practitioner has planned to carry out their work of safeguarding and promoting the welfare of the child.
    - Sections 1.16 – 1.29 of the Cafcass [Operating Framework](#) sets out how Cafcass practitioners work with children, young people, parents and carers; sections 2.21 – 2.25 relate to visiting children and interviewing.
  - Timeframes:
    - Sections 4.19 – 4.20 of the Cafcass [Operating Framework](#) relate to timetables and filing dates; the timetable for proceedings, including





dates of hearings and filing dates for reports, is set by the court. Cafcass requires both Family Court Advisers and Guardians to adhere to the filing date set by the court for any court reports.

- Safeguarding issues:
  - 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.
  - 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).
  - 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 current risk of harm and to pass this information to the court. Please see section 2.40 – 2.42 of the Cafcass [Operating Framework](#); for more information please also see our [Child Protection Policy](#).
  
- Communication with parents:
  - Sections 8.4 – 8.7 of the Cafcass [Operating Framework](#) set out standards for communication with service users; information on sharing the section 7 report with parties is available in the [Reporting to Court policy](#) (section 6).

The request for 'all other guidelines' to be sent to you is too broad to respond to; if you would like any further guidelines on a specific issue please let us know.

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)):

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01625 524 510

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[casework@ico.org.uk](mailto:casework@ico.org.uk)

Yours sincerely,

Governance Team

Cafcass

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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice  
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