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Your ref: CAF 15-149
Our ref: Gov/CAF 15-149

Tel 0300 456 4000

4 September 2015

Re: Freedom of Information Request

Thank you for your email of 23 August 2015. You made the following requests for information:

Can you explain to the public why Cafcass use a Solicitor as a Guardian in private law matters when a solicitor has not had the training or experience of a guardian, this would be like using a Dr as Surgeon both jobs are not the same , so why would a solicitor with no formal legal qualifications in child matters act in 2 roles in a court for Cafcass?

The law states a solicitor must not act and make recommendation in the absence of a child guardian so can you explain to the public how a solicitor/guardian then makes recommendations to the court in the absence of a guardian?

Please see below for our response.

The children's guardian is appointed by the court and not by Cafcass. If a children's guardian is appointed under section 41 of the Children Act 1989 then they must be an officer of the service (Cafcass). If the court appoints a guardian in private law proceedings it can be an officer of the service but can be another suitable person and this may include a solicitor but the appointment is a decision of the court. A guardian is obliged by the Family Procedure Rules to instruct a solicitor to represent the child in the proceedings.

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





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Yours sincerely,

Governance Team

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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive



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