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Your ref: CAF 15-154
Our ref: Gov/CAF 15-154

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4 September 2015

Re: Freedom of Information Request

Thank you for your email of 1 September 2015. Please see below for responses to requests for information.

Please note that the Freedom of Information Act is intended to allow requests for existing information held by a public authority. Responses cannot be given if they require the creation of opinions or judgements which are not already recorded.

1. I would like to know how many fathers have been refused access to their children for reporting concerns similar to any or all of the above (including if the concerns were also reported to professionals)

Cafcass does not record the requested information.

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.

Where allegations are unsubstantiated or disputed, the court can hold a Fact Finding hearing to adjudicate upon these. The final decisions in cases are made by the court.

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.

More information can be seen in our [Operating Framework](#); relevant sections which set out our work with children and parents include paragraphs 1.16 – 1.29, part of which is below:

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Operating Framework Extract

1.24 Whilst practitioners have a presumption they are being told the truth, they also have to be cautious in case they are not being told the full facts, or, for example, if they are faced with 'disguised compliance'. They also have to guard against the 'rule of optimism', in which a parent or parents has/have deceived social workers about what is really going on in a household and social workers assess that an appalling situation is much better than it is. Positive change can of course take place. Practitioners have to balance hope and a belief in change and communicate this to parents and carers, where it is justified, whilst protecting the child in question against future damage and being clear where standards of care are not good enough.

1.25 In private law cases especially, parents are seeking to convey their side of the story to the practitioner, including facts about who did what to whom and when. Such 'facts' are often disputed. For the practitioner, it is the impact on a child that she/he has to assess, particularly the emotional and psychological impact. It is for the court to determine the facts, as far as it can.

The final decisions in cases are made by the court. Ultimately it is for the court to determine the weight to be given to any evidence presented and to reach a decision. If there are ongoing court proceedings, parties should raise any concerns they have in court, so that the court has all the information before coming to a decision on the case. If parties have concerns regarding a court's final decision these should be raised with the court, or legal advice sought.

2. [And how many cases are there where social workers recommended the child lives with the mother following concerns raised by the father and or professional \(naming the mother / or external family member as the abuser\)](#)

Cafcass does not record the requested information. Please see the response to question 1 for how Cafcass respond to allegations of significant harm and how Cafcass make recommendations to the court.

3. [I would like q1&2 answered but change father to mother.](#)

Please see above questions 1 and 2; the gender of the parents does not affect the responses.





The work of Cafcass focuses on being child centred. Please see our [Operating Framework](#); relevant sections which set out our work with children and parents include paragraphs 1.16 – 1.29.

4. What is the courts policy on allowing social workers to lie, mislead, cover up abuse etc within court? i.e. altering medical records, concealing concerns heard by others, including professionals

This is a request for a court policy, rather than a Cafcass policy. The requested information is not held by Cafcass.

Cafcass Family Court Advisors have a contractual requirement to comply with the [Health Care Professional Council \(HCPC\) Standards of Conduct, Performance and Ethics](#). Expectations of staff conduct are also detailed through the Cafcass [Employee Relations policy](#).

5. What is the definition of “emotional harm” and how can social services deem sending birthday cards be emotional harm but a mother hitting a child trying to suffocate a child and allowing the maternal grandfather to sexually abuse the child not deemed emotional harm, physical harm, and sexual harm.

Cafcass has no recorded definition of emotional harm; this is judged on a case by case basis, and practitioners may make reference to the definition of emotional abuse provided in [Working Together](#).

Cafcass holds no recorded opinion or view in relation to your specific question. However, 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.

6. Why is it in the best interest of the child for social workers to place children with an abuser?

Cafcass holds no recorded opinion or view in relation to your specific question. As set out in the Cafcass [Child Protection Policy](#), 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.

7. Where does it state in the children’s Act 1989 that we are not allowed to report what the child has disclosed to us.





The requested information is not held by Cafcass. As noted above, Cafcass has a [Child Protection Policy](#) that sets out how we will respond to allegations of significant harm.

8. I have been told that I am a risk to my child for reporting not only child abuse, but professionals intimidated to keep their mouth shut of a local authority concealing child abuse and tampering with records to police. What is the courts policy on dealing with social workers corrupt conduct? What is the courts policy on judges condoning or ignoring the actions of social workers

This is a request for a court policy, rather than a Cafcass policy. The requested information is not held by Cafcass.

9. Can we name the authorities and social workers that have concealed child abuse ensuring the name of the child(ren) have not been mentioned.

This is not a request for recorded information under the Freedom of Information Act. It may be an issue for which you would like to seek legal advice.

10. If I was female and reported the same concerns would social workers and the family courts have treated me any different.

Cafcass holds no recorded opinion or view on your question. Please see the response to question 3 above.

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):

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

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01625 524 510
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0303 123 1113
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Yours sincerely,

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Governance Team

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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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