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Your ref: CAF 16-32  
Our ref: Gov/CAF 16-32

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14 March 2016

## Re: Freedom of Information Request

Thank you for your email of 4 March 2016. You made the following requests for information:

[What advice \[do\] you give to practitioners in private cases](#)

Please see below for our response.

The role of Cafcass is to assess children's needs and write reports or a case analysis to the court recommending how a child's welfare can best be promoted and safeguarded, with reference to the [Welfare Checklist](#). In private law work, Cafcass works within the parameters of the national [Child Arrangements Programme](#).

All practitioner advice and recommendations are case specific and are based on their professional judgement of the child's welfare. Please note that it is the court, and not Cafcass, that makes final decisions in the family court proceedings.

Please find links to policies and guidance documents which show the procedures required by Cafcass practitioners in private law cases:

- Section 4 of the [Operating Framework](#) (pages 25 – 34) sets out the work of Cafcass in private law cases. The following documents mentioned within this section are also relevant:
  - *Standard Operating Principles and Standards for Work to First Hearing (attached)*
  - [Police Checks Handbook](#): this handbook set out how safeguarding information should be obtained in private law applications from the Police National Computer at the National Business Centre, local police forces, international police forces, military police and SSAFA.
  - *Telephone script*: this is a guidance document for telephone interviews during work to first hearing in private law cases to help consistency within Early Intervention Teams (attached).

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- [Tools to support work in private law cases](#), and a matrix for how and when to use them: Cafcass has developed tools to support staff in evidence informed analysis when writing reports. The approach taken, and the therefore the tools used, will reflect the unique circumstances of the case.
- [Child Protection Policy](#): this document sets out the requirements placed by Cafcass on its staff and contractors relating to its statutory function of safeguarding and promoting the welfare of children. It details the procedures to be followed when completing a section 16a risk assessment; making a child protection referral; taking urgent action to protect a child; and responding to an allegation against a person who works with children.
- [Reporting to court policy](#): this policy sets out:
  - The standards to be met when attending court and reporting to court;
  - The implications of including information in a report to court;
  - Resolving differences of opinion about the contents of reports to the court;
  - Expectations for sharing court reports with parties.
- 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).
- Supporting guidance for Work to First Hearing for practitioners (attached); as set out above, please note that all practitioner advice and recommendations are case specific and are based on their professional judgement of the child's welfare.

For more information about Child Arrangement Orders, please see our website: <https://www.cafcass.gov.uk/grown-ups/professionals/child-arrangements-orders.aspx>

You have also requested information relating to validity, time scales and shelf life of reports and information used by practitioners in private law case: [information about the validity and time scales and shelf life of reports and information that your employees should use in private law cases](#). I am wondering if cafcass recommends to its practitioners the 3 months as they do with private cases to ensure that the most accurate and upto date infomation

Details of what information is obtained by practitioners in the course of their enquiries is set out above within the guidance for private law cases, and can also be seen in the Cafcass [privacy notice for service users](#) which explains how information is processed by Cafcass.

Historical information is taken into account where relevant; please see the following sections of the Cafcass [Operating Framework](#) which are relevant to considerations relating to historical information:

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- Work to first hearing, 4.7: *In reporting to court, past convictions or offending behaviour should be scrutinised for relevance and reported accordingly.*
- Work after first hearing, 4.21: *When working on a private law case, practitioners 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. If the wider check relates to a child who is not of sufficient age or level of understanding to give informed consent, the practitioner should obtain the consent of a person with parental responsibility for the child and, if this is refused, should seek a court direction.*
  - *Think in terms of a root cause analysis of the nature and trend line of the dispute, reading all relevant past court papers, to be able to project the most likely scenarios in the future e.g. non-molestation orders; injunctions; and earlier Cafcass, local authority or child care agency records of involvement.*
  - *Explore with individual parties the results from checks and what they mean for the child now, e.g. analyse the current relevance and impact of historic convictions.*
  - *Make clear to the court which factual issues are disputed or unclear and their potential relevance to the case. The emphasis is always on relevance and vulnerability. It is for the court to determine whether or not to convene a fact finding hearing.*
  - *Focus on what advice/recommendations can and should be given to the court in order to keep the child safe and promote her/his welfare, and what action has been taken if necessary to protect the child from short or long-term damage to wellbeing that may result from actions or omissions by specific adults. Use the Framework for a case analysis in a private law case (see the diagram in the Operating Framework page 29).*

Case information is held by Cafcass until the youngest child involved in the proceedings would be 22 years old. Please see more information in section 10.1 of the Cafcass [Case Recording Policy](#).

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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[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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