



Cafcass National Office  
3rd Floor  
21 Bloomsbury Street  
London  
WC1B 3HF

**Your ref: CAF 16-65**

**Our ref: Gov/CAF 16-65**

Tel 0300 456 4000

31 May 2016

## **Re: Freedom of Information Request**

Thank you for your email of 3 May 2016. You requested policies and practice guidance relating to communicating a number of stated rights relating to children and parents involved in private and public family law proceedings:

Therefore to assess the detail of these gaps [in policy and good practice] in CAFCASS can you please provide copy of all the CAFCASS Policies, Practices Document & Practice Guidance. Regarding the following or state that they do not exist:

- A. CAFCASS directly Informing 1. Children and 2. Parents: of their Rights in both of Public Law and Private Law Proceedings
- B. CAFCASS informing Carers or Adoptors of Childrens Rights whilst in care or post adoption
- C. Ensuring or Verifying third parties such as Local Parties such as Local Authorities Inform Children their Rights in both Public Law Proceedings whilst in care or post adoption
- D. Ensuring that Local CAFCASS offices have gained a copy of Local Authorities Own Policies and Practice Guidance re Informing 1. Children and 2. Parents: of their Rights in Public Law Proceedings.
- E. Where a parent acts to undertake to inform a child of its rights in default of either 1. By CAFCASS not doing so in either both of Public Law and Private Law Proceedings or B. By CAFCASS or a Local Authority not doing so in Public Law Proceeding. And 3. if CAFCASS has any policy or practice to assist or deny a parent the ability to do so or 4. Any policy or practice to assist a parent if a LA acts to deny a parent the ability to do so.
- F. Informing of the right to record any meeting (but not court hearing)
- G. That Public Law Proceedings that a s20 is voluntary and can be rescinded at will by a parent
- H. Informing a child of the right of a Child to engage their own legal representation and how they may do so in both Private and Public Law, (including post adoption) and the

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age a legal framework for Gillick Competence and how they may gain this certification from their own doctor at age 12 at least.

- I. And in the case of adoption or long term care of a very young child providing all this to the adopter/carer for when the child is older and including how they may seek contact with a natural parent via a local authority or orders via a solicitor if they ask things of the adopter/carer or LA regarding so the adopter/carer may provide it all to them at the appropriate age level.

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](#). Cafcass operates within the law set by Parliament ([section 12 of the Criminal Justice and Court Services Act 2000](#)) and under the rules and directions of the family courts.

Our [Operating Framework](#) and other [policies](#) set out more information. Please see these in response to your request to see Cafcass policies and practice guidance.

Our role and relevant information is set out to parties within an introductory letter, during meetings, and can be seen on the [Cafcass website](#) (this information is written differently for children, teenagers and adults within separate clearly signed parts of the website). Within the website there are a number of [leaflets and resources](#) available to provide information to our service users.

The role of Cafcass does not include providing legal advice. Information about individual rights can be sought from legal advisers or can be found within [advice for litigants-in-person](#).

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)):

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

**Fax**  
01625 524 510  
**Tel**  
0303 123 1113  
**E-mail**  
[casework@ico.org.uk](mailto:casework@ico.org.uk)

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Yours sincerely,

Governance Team

Cafcass

[Governance@cafcass.gsi.gov.uk](mailto:Governance@cafcass.gsi.gov.uk)

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Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice  
Cafcass National Office, 3<sup>rd</sup> Floor, 21 Bloomsbury Street, London, WC1B 3HF | DX Cafcass 310101 Bloomsbury 11