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Your ref: CAF 16-91
Our ref: Gov/CAF 16-91

Tel 0300 456 4000

27 June 2016

Re: Freedom of Information Request

Thank you for your email of 27 June 2016. You made the following requests for information:

CAFCASS as an organisation will perform safe guarding checks on persons who have responsibility for children. Could you let me know the guidelines that CAFCASS work to regarding the findings from their checks and how this effects access to children, or is it at the discretion of the CAFCASS officers.

As an example, if a person had a drug/drink conviction (ie drug dealing/drink driving) would they require to be clean before being allowed access to there children. If they had convictions for violent offences (ie ABH/GBH) would they need to do an anger management course.

Please see below for our response.

Safeguarding checks with other agencies

As part of our child protection responsibilities, Cafcass provides information regarding parties in family proceedings to the court which has been provided by other agencies, such as the police and local authorities. The information required for these safeguarding assessments is obtained in line with the arrangements set out in the [Child Arrangements Programme](#) (see paragraph 13.3). The outcome of these checks will form part of the safeguarding letter sent to the court prior to the First Hearing Dispute Resolution Appointment (FHDRA).

Where work is undertaken after a first hearing, the Cafcass officer 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.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Please see the following sections of our [Operating Framework](#) for more information on when checks are made with other agencies: sections 2.4, 4.1, 4.7, 4.21, 8.23, 8.24 and Appendix 4 are relevant.

Cafcass recommendations to court

Cafcass makes recommendations to the court for how a child's welfare and best interests can be promoted and safeguarded. When considering how much time a child should spend with each parent, Cafcass' recommendation to the court will be based on what the Cafcass officer assesses is in the child's best interests in that specific case. This will be based on their professional judgement and will be specific to each case. It is the court, and not Cafcass, that makes decisions about contact.

The following guidance may be relevant from the Cafcass [Operating Framework](#):

Work prior to the first hearing

- (4.7)
 - *In reporting to court, past convictions or offending behaviour should be scrutinised for relevance and reported accordingly.*
- (4.8)
 - *The Safeguarding Letter (which is an initial safeguarding and welfare analysis...) plus any direct work in court carried out at the FHDRA, must collectively ensure that the court is informed if there are, or may be, safeguarding or serious welfare concerns.*

Work after the first hearing

- (4.21)
 - *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*
 - *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 below).*
 - *Where appropriate, recommend available support services that could make a difference in the particular case. Before recommending a family assistance order, practitioners should always consider whether there are other services outside Cafcass such as a therapeutic*





intervention or an addiction service which would be of more assistance to the family. Services to be considered include a Parenting Information Programme (SPIP), mediation, (if a mediator is likely to be available locally), Child Contact Services, and Alcohol Counselling Services (see the CAP for more information on alternative support).

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.ico.org.uk):

Post

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Yours sincerely,

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