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Your ref: CAF 16-48
Our ref: Gov/CAF 16-48

Tel 0300 456 4000

29 March 2016

Re: Freedom of Information Request

Thank you for your email of 24 March 2016. You made the following requests for information:

Can you tell me what responsibility lies with Cafcass to identify abuse, either emotional or physical?

It is the local authority that has statutory responsibility for investigating safeguarding concerns, which is recognised as including emotional harm or abuse, as well as physical harm or abuse and neglect. Please contact your local authority should you wish to receive more information on their procedures.

Cafcass can only become involved and complete work on a case at the request of the court. When Cafcass is involved in an open case, our role is to safeguard and promote the welfare of children and we have a [Child Protection Policy](#) which sets out how we will respond to allegations of significant harm.

Cafcass practitioners are required to assess risk in two ways: when the court orders a risk assessment as part of a Section 7 report if it feels that there is some risk to any child subject to proceedings; and 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. Set out below is a relevant section of the Cafcass [Operating Framework](#); for more information please also see our [Child Protection Policy](#).

The [Operating Framework](#) also sets out that it is the role of the Cafcass practitioner to assess the emotional and psychological impact of proceedings on the child (paragraph 1.25). This includes, as referenced in paragraph 4.19, instances of implacable hostility that can be emotionally harmful to a child. The Operating Framework also references the [Welfare Checklist](#), which FCAs will use to assess the

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needs of the child and how they might best be met. FCAs will include analysis of the child's circumstances taking account of the relevant welfare checklist as part of their case analysis for court. The [Checklist](#) includes specific reference to the emotional needs of the child.

Operating Framework Extract

2.40 Throughout our work, Cafcass has a duty to assess risk, under s16A of the Children Act 1989. In our private law work, we may consider it necessary, as a result of our involvement in cases, to pass information about children to local authority children's services, where it appears that their duty (under s47(1) Children Act 1989) to investigate child protection concerns appears to be engaged. These steps are set out in the Cafcass Child Protection Policy, and in the guidance document on our 16A duty. In our public law work, we analyse whether the risks to a child who is the subject of care proceedings have been appropriately managed. In some cases, the court itself, exercising its s37 Children Act 1989 power, directs a local authority to undertake and provide to the court a welfare investigation report

2.41 The risk of harm to a child, including but not restricted to harm arising from seeing or hearing the ill-treatment of another, should be considered in cases where domestic violence is identified. The direct and indirect impact of domestic violence on individual children should be addressed. Static and dynamic risk factors should be taken into account, such as whether the violence is 'separation-specific' or endemic and showing itself in behaviours such as post-separation control. In all cases involving acute concerns about domestic violence, the practitioner should consider the need for a child protection referral, police referral, or a multi-agency risk assessment conference (MARAC.) It is difficult to differentiate between past risk and future risk, so caution is needed before concluding that a proven level of domestic violence will not recur and was situational at the time of the separation only. However, this can be a sound evidence-based conclusion in some cases.

2.42 A MARAC is a non-statutory meeting of local agencies whose purpose is to identify the highest-risk victims of domestic violence, and to produce a safety plan to reduce the risk to victims, their children, and any other vulnerable person in the household. Participants at a MARAC do not all come within the categories of people specified in the Family Procedure Rules (FPR) 2010, to whom disclosure can be made without the court's permission. Cafcass will therefore not routinely participate in MARAC discussions, nor will it sign MARAC information sharing protocols. Guidance is available to practitioners in 'MARACs and disclosure from Family Court Proceedings' (2013) on the Safeguarding intranet page. Where a child is suffering, or is likely to suffer, significant harm, the practitioner must ensure that relevant referrals are made to local authorities or to the police.





Can you also tell me what qualifications officers have in order to enable them to identify and protect children from severe emotional or physical abuse?

All Cafcass Family Court Advisers (which includes those acting as Children's Guardians) are qualified social workers with a Diploma in Social Work (or recognised equivalent) and at least three years post qualifying experience in social work with children and families at risk. As a condition of employment, Family Court Advisers must maintain their registration with the Health and Care Professions Council (HCPC). The [job description for a Family Court Adviser](#), including person specification, is available on Cafcass' website.

Further to experience in social work, our Family Court Advisers receive training while at Cafcass. All social work staff are required to complete core in-house training modules upon joining the organisation, which includes the module 'Risk and Harm'. This training aims to help ensure practitioners:

- understand Cafcass' legal responsibilities regarding the assessment of risk and harm
- understand the key requirements of Cafcass' [Child Protection Policy](#) and [Operating Framework](#) regarding risk identification and risk assessment.
- understand what [risk assessment tools](#) are available and when to use them
- apply Cafcass' expectations regarding risk identification and risk assessment to case planning, assessment and analysis in public and private law cases.
- be able to use assessment tools correctly and with confidence

Further training is provided in order to assist with continued professional development; as part of registration with the HCPC, all social workers on a biennial basis must provide evidence of their professional development.

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):

Post

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Wilmslow,
Cheshire
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Yours sincerely,

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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