



Cafcass National Office
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Your ref: CAF 16-17
Our ref: Gov/CAF 16-17

Tel 0300 456 4000

19 February 2016

Re: Freedom of Information Request

Thank you for your email of 7 February 2016. You made the following requests for information:

1. [What is the role of Lawyers \(Solicitors / Barristers\) employed BY CAFCASS?](#)

Cafcass employs a small number of in-house solicitors. Their role includes:

- Providing legal advice to individual practitioners and to Cafcass as an organisation
- Providing training on legal issues to practitioners
- Representing guardians in High Court Team
- Representing guardians who are separate from child
- Representing Cafcass in civil litigation
- Acting as advocate to the court

2. [Are Solicitors / Lawyers \(including Barristers\) employed SOLELY to represent any legal challenges / allegations made AGAINST CAFCASS?](#)

No; please see the response to question 1 which sets out the role of Cafcass solicitors.

3. [Do CAFCASS provide Solicitors / Legal representation to REPRESENT CHILDREN?](#)

A children's guardian is appointed by the court to safeguard the interests of the child and to present an independent view of the best interests of the child. A guardian is obliged by the Family Procedure Rules 2010 to instruct a solicitor to represent the child in the proceedings. As set out above, Cafcass' in-house solicitors are appointed by the Cafcass guardians within the High Court Team to represent the child in proceedings within the High Court. Cafcass guardians in different teams instruct external solicitors.

Where a child instructs a solicitor directly, the child's guardian continues to provide advice to the court on the best interests of the child. In any of these cases where the guardian instructs a solicitor, the solicitor represents the guardian, not the child.

For more information, see the Family Procedure Rules Rule 16.2.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





If 3 (above) is the case, this is a clear conflict of interest as I understand CAF/CASS are meant to be independent to assess the best interests of the children and NOT represent a child in a LEGAL capacity in Court.

You also noted that you had concerns about conflicts of interest and the independence of Cafcass. While these were not requests for information, and therefore cannot be handled under Freedom of Information, you may find the below information helpful which shows that there is no such conflict.

The principal functions of Cafcass are set out within section 12 of the Criminal Justice and Court Services Act 2000 and these include:

- a) Safeguard and promote the welfare of the children
- b) Give advice to any court about any application made to it in such proceedings
- c) Make provision for the children to be represented in such proceedings**
- d) Provide information, advice and other support for the children and their families

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

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
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Yours sincerely,

Governance Team

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