



Your ref: CAF 16-143
Our ref: Gov/CAF 16-143

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22 November 2016

Re: Freedom of Information Request

Thank you for your email of 30th October 2016. You made the following requests for information:

Please could I make a freedom of information request concerning schedule 2 safeguarding letters that are prepared for the court in Children Act applications, private law only. Could you provide the details of:-

1. Whom are they generally prepared by?

'Schedule 2' letters are now 'safeguarding letters'. The below answers are mostly with reference to the Child Arrangements Programme (CAP), PD12(B) <https://www.justice.gov.uk/downloads/family-justice-reform/pd-12b-cap.pdf>.

Social workers employed by Cafcass/Cafcass Cymru (13.5 CAP)

2. What is the scope of these letters?

To 'record and outline any safety issues for the court' (13.5 CAP). Also, Cafcass' Operating Framework states, at paragraph 4.12, that safeguarding letters must be completed using the current judicially approved framework, which is: a summary of Cafcass' screening actions and outcomes; a summary of any risk identification contacts made by Cafcass; and issues arising from screening or risk identification.

3. What is the substance of these letters, what information specifically in detail goes in forming the content?

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





The substance of the letters is the results of safeguarding enquiries carried out by Cafcass; 'for all child arrangements orders this will include seeking information from local authorities, and carrying out police checks on the parties' (13.3 CAP). Cafcass will 'if possible, undertake telephone risk identification interviews with the parties' (13.4 CAP).

4. What examples of sensitive information can you provide where the letter is not disclosed to parties?

This is no longer Cafcass' policy. Our reporting to court policy (paragraph 6.2), updated in September 2016, states that we will share the safeguarding letter with parties unless to do so would present a risk to either party or to the child. Previously, this also included where the letter contains sensitive personal information about one party, about which the other party is unaware. We do not have a record of example cases.

5. Which specific agencies and departments are contacted for information and whom for?

As set out in section 13.3 of the Child Arrangements Programme, Cafcass obtains information from local authorities and the police, in respect of the parties to the case.

6. What type of information obtained is considered safeguarding concern examples, if something is safeguarding concern, how far does the letter go in preliminary investigations?

As in question 2, the purpose of the safeguarding letter is to record and outline any safety issues for the court. The Operating Framework states, at section 4.13, that 'advice to the court should be made once the information received has been analysed, up to the limits of the professional judgment possible (on limited information)'.

7. Is there any threshold tests applied when obtaining information, if so what are these?

No

8. Regarding parents, are adult social care contacted, if so what information is requested from them?





Cafcass does not directly contact local authority adult services. The local authority safeguarding information is obtained from the children’s services department within the local authority.

9. What has been the average turnaround time for the request for a letter and the completion of the letter in 2015 (or 2016 to date)?

Please see below for average time (working days) from application to receipt of Safeguarding letter filed.

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD Avg
2015	19	19	20	20	19	19	20	20	20	20	20	20	20
2016	20	20	20	20	20	20	20	20	21	20			20

The above data relates to the period 1st January 2015 to 31st December 2015 and 1st January to 31st October 2016.

Data source: Data taken from the Cafcass national databases (ECMS). ECMS is a live system, continually updated and is subject to change when further updates are made.

The unit of measurement is reports with types of “safeguarding letters” and “first hearing letters” where the report was filed in the years 2015 and 2016.

The data does not include the interval between the request for the letter and completion of the letter. Cafcass files the schedule 2 safeguarding letter as part of our statutory duty to safeguard and as such we don’t get a court order requesting one. We could the date of the application receipt as the date letter requested hence why the turnaround time is calculated from application receipt to report filing date. We have provided the data in working days.

10. Does Cafcass currently require consent from the adults or children in any aspects of obtaining information to prepare the letter, if so, what are the areas/issues where consent is required?

Cafcass does not require the consent of parties in order to undertake safeguarding checks for the safeguarding letter.





11. Are mental health issues of parents considered safeguarding issues by authors and inserted onto the letter, if so what mental health issues considered risks?

The safeguarding letter records and outlines any safety issues raised by the adult parties or by the agencies referred to in paragraph 13.3 of the CAP.

12. Are children interviewed or seen in preparation of the letter, if so, what example circumstances where this would happen?

Cafcass 'will not initiate contact with the child prior to the [first hearing]. If contacted by a child, discussions relating to the issues in the case will be postponed to the day of the hearing or after' (13.6 CAP).

13. Does Cafcass have any improvement plans pending concerning the preparation and deployment of the schedule 2 letters, if so what are these?

No

14. In the case where parents reside in different geographic localities, are only agencies in the location area where the child resides contacted for information, if not what other agencies are contacted?

Cafcass will contact any relevant local authorities and police forces.

15. Any further information that Cafcass can provide regarding the schedule 2 letters?

We attach a copy of the operating framework (click [here](#)) and would refer you to section 4 of this and the Child Arrangements Programme.

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 (<https://ico.org.uk/>):





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Yours sincerely,

Governance Team

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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive



Cafcass, the Children and Family Court Advisory and Support Service, is a non-departmental body of the Ministry of Justice
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