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**Your ref: CAF 16-161**

**Our ref: Gov/CAF 16-161**

1 February 2017

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

Thank you for your email of 15 January 2017. You made the following requests for information:

I would like to make a freedom of information request for the training materials you give your staff on parental disability and I would also like your comments on why you think it is acceptable to bring up disability in child custody proceedings as this then means that one party is judged more harshly than the other based on physical appearance and this is clearly discrimination.

Cafcass does not have specific training materials on parental disability. Cafcass training does not specifically focus on this issue, as the focus for Cafcass practitioners is the needs of individual children, and any recommendations will be based on professional judgement of the child's welfare. Cafcass FCAs are qualified social workers and are expected to have the ability to consider the impact of disability upon parenting capacity in any event.

Please also see guidance on diversity which is set out in paragraphs 2.43 - 2.47 of the [Cafcass Operating Framework](#). Please note in relation to paragraph 2.46 that Cafcass has reintroduced national recording of diversity information about our service users in order to support our workforce to better understand and integrate equality and diversity considerations into their working practices.

In making a decision about a child the court must have regard to the [welfare checklist](#), set out in part 1, section 1 of the Children Act 1989, in making recommendations which are in the child's best interest.

I would also like to know why an allegation of a child 'caring' for a parent is not required to be proven by physical evidence? Why are reports based on opinion (in a

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society that is inherently biased against disabled people), why is evidence not mandatory as in a criminal court setting?

This is a case specific question but as above the duty of the Cafcass officer is to provide the court with a recommendation which is based in part on their professional assessment of the circumstances as presented and or as provided to the court.

You also made the following further requests for information on 17 January 2017:

### 3. Why is disability or health status considered a child welfare issue?

In making a decision about a child the court must have regard to the [welfare checklist](#), set out in part 1, section 1 of the Children Act 1989, which sets out what should be regarded when considering what is in a child's best interests and section 1 (3) (b) refers to the court taking into account the child's physical, emotional and educational needs.

### 4. Why is disability and health allowed to be included in CAFCASS reports?

Please see the answer to question three. Cafcass must have regard to the welfare checklist in making recommendations as to what is in a child's best interests and this is included in Cafcass reports and case analysis to the court.

### 5. Why are opinions that a child is 'caring' for a disabled parent not required to be backed up by physical evidence and why does that view remain unchanged when such a parent can produce official records from care agencies to show the opposite?

This is a case specific question and therefore not a valid Freedom of information request.

### 6. Why are children moved in cases where the illness is just temporary?

This is a case specific question. All practitioner advice and recommendations are case specific and are based on their professional judgement of the child's welfare. All of our training revolves around being child centred, and taking into account risk factors, evidence-based assessments, and diversity issues.

### 7. What measures are there in place to ensure that CAFCASS workers are not being discriminatory towards disabled parents?

Cafcass' guidance on diversity is set out in sections 2.43 to 2.47 of Cafcass' [Operating Framework](#) and our [Equality and Diversity Strategy 2013-16](#). Staff are required to demonstrate appropriate identification, recording and reporting of any relevant diversity factors affecting every child and family we work with. Cafcass has reintroduced national recording of diversity information about our service users in order to support





our workforce to better understand and integrate equality and diversity considerations into their working practices. Staff acting as 'diversity champions' lead events in the local areas and training is available to staff on topics including dyslexia awareness and communicating with deaf parents and children.

Anti-discriminatory practice is a core value of the social work profession and is part of training offered on many issues; all Cafcass practitioners are qualified social workers registered with the Health and Care Professions Council (HCPC). Please see:

- The HCPC [Standards of Proficiency: Social Workers in England](#) (sections 5- 6)
- the British Association of Social Workers' [Code of Ethics for Social Work](#) (pages 9, 13, 14)

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/>):

**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)

Yours sincerely,

Governance Team

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Baroness Tyler of Enfield Chair  
Anthony Douglas CBE Chief Executive

