



Your ref: CAF 16-149
Our ref: Gov/CAF 16-149

Cafcass National Office
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Tel 0300 456 4000

19 December 2016

Re: Freedom of Information Request

Thank you for your email of 28 November 2016. You made the following requests for information:

- 1) Please share with me if Cafcass retain Witness statements served and filled on Cafcass as ordered by the court? and if so would the date this statement was filed be saved on the logs Cafcass hold? Under data retention? And under the case management? And be held on file for 6 years as under the data protection act 1998?

Case information, which may include witness statements, is held until the youngest child involved in the proceedings would be 22 years old. Please see more information in section 10.1 of the [Case Recording and Retention Policy](#)

- 2) When the court serve sealed court orders on Cafcass, is it the duty of the service manager to make sure the orders are forwarded to the Cafcass officers who are appointed? Who is responsible for this duty?

All Court orders are sent to the Central Intake Team (CIT). CIT screens the order and then transfers the case to the relevant local team on Cafcass' Electronic Case Management System (ECMS). The relevant Family Court Adviser (FCA) will then receive an alert from ECMS to inform them that a case has been allocated to them or that an order has been made.

- 3) When a case is accessed is it the service manager or the line manager duty to record all data on the case so there is a record of phone calls? Letters received? Any court document? Text messages shared etc. or emails and fax?

Once a case has been allocated, the allocated FCA is responsible for recording all relevant information on the case file. Please see our [Case Recording and Retention Policy](#) for information about what we record in a case file.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





4) If data is not recorded who is responsible for this? As this could have a devastating effect on a case if Cafcass have not retained such data? How would the court know what Cafcass did or did not do if there is no record and how would the service used then be aware of what was seen or what was received if there is no record of it?

Please see response to question 3.

5) Do Cafcass retain any medical data on a child and any photos if so how would the services user get access to this data?

Only relevant case information is held on a case file by Cafcass, which may include medical information if it is relevant to the proceedings.

A service user would usually have access to all relevant material held on the case file if it was filed with the court within the proceedings. Alternatively they may be able to make a subject access request for their child's personal data if they have parental responsibility and if the child does not have capacity to make the request themselves. A child who has reached the age of 12 is generally presumed to have such capacity.

Please see our [Subject Access Request Policy](#) for requests about your personal information held by Cafcass.

6) Whose duty is it to share any application form received and assess the case prior to passing it to the Cafcass officer? Who is responsible for this duty? And sharing all data from a case with the appointed Cafcass officer? Is this the line manager or service manager? Who has overall responsibility for the case?

Please see response to question 2.

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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Information Commissioner's Office
Wycliffe House, Water Lane,
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01625 524 510
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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





Yours sincerely,

Governance Team

Cafcass

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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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