



Cafcass National Office
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21 Bloomsbury Street
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Your ref: CAF 16-153
Our ref: Gov/CAF 16-153

Tel 0300 456 4000

20 December 2016

Re: Freedom of Information Request

Thank you for your email of 12 December 2016. You made the following requests for information:

1. [Any updated policy and procedure since April 2015 regarding permitting a McKenzie Friend to attend Cafcass Interviews.](#)

There is no updated policy or procedure since April 2015. The guidance provided by the President in relation to Mackenzie Friends has not been updated and Cafcass has not produced any information since advising practitioners of that guidance.

An article in Cafcass' internal newsletter sets out considerations practitioners should take when should take when faced with a request to bring someone into an interview. The article is enclosed below:

There is no Cafcass policy which states that service users cannot bring someone along to their interview. Under the Family Procedure Rules, Rule 12.75, service users can disclose information about proceedings to anyone in confidential discussions to obtain support and assistance in the conduct of proceedings. As the party to the proceedings is permitted to share information there is no reason why their chosen support person should not attend the interview.

If a service user asks to bring someone to their interview for support, assess the situation and consider the possible implications. You can enter into a discussion with the service user and you may consider that it is appropriate to suggest to them that they attend alone, explaining your reasons. You cannot, however, insist that a service user attend an interview alone. The advice should generally be that, if the service user feels the need for assistance, they can bring someone with them.

There will be a number of situations where it is appropriate for a service user to request support at an interview. For example, the recent Ombudsman investigation involved a service user with dyslexia who requested that his father accompany him.

Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive





If you consider that a request is not appropriate, you may try to dissuade them from bringing someone else. This may be advisable, for example, if you think that the service user may not speak as freely in the presence of the individual, or if they are involved in or have contributed to a dispute between the parties. If you think that the service user has been put under pressure to bring another person you could follow up with a phone call. Ultimately, however, you cannot refuse such a request without refusing to hold the interview. You would have to have very good reason to refuse to see the service user at all as part of your assessment and you would have to justify this to the court. An example may be where there are concerns regarding staff safety in relation a particular individual attending an interview in this capacity, in which case you can of course refuse their attendance. In such cases, it may help to suggest the party bring an alternative person for support.

If a service user brings a support person to an interview, the rules permit the sharing of sensitive information in front of both of them during the interview. It is important, however, that you exercise your professional judgement as to what information can be shared and explain to the third party that they cannot disclose the information further.

2. All central corporate e-mails to Cafcass officers from HQ providing guidance on McKenzie Friends attending Cafcass Interviews.

Cafcass is guided by the Family Procedure Rules (see [Rule 12.75](#)) and by the [president's guidance](#) and this guidance is followed by Cafcass FCAs (Family Court Advisers) and is available to them on the Cafcass intranet site. Cafcass does not provide guidance concerning McKenzie Friends attending Cafcass interviews to its FCAs in emails.

3. Minutes of meetings at a corporate level where this issues may have been discussed.

There is no record of this being discussed in minutes of corporate meetings.

4. The contact name and letter address of your head of policy or equivalent.

Helen Johnston, Assistant Director (Policy)

Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF

5. The contact name and letter address of your head of operations or equivalent.

Christine Banim, National Service Director

Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF





6. The name and letter address of your head of complaints department or equivalent.

Kevin Gibbs, Assistant Director

Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF

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

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Wycliffe House, Water Lane,
Wilmslow,
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SK9 5AF

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01625 524 510

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0303 123 1113

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casework@ico.org.uk

Yours sincerely,

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Baroness Tyler of Enfield Chair
Anthony Douglas CBE Chief Executive

