

Cafcass' role in the Family Justice System

Click on the blue underlined hyperlinks to access further information.

The Ministry of Justice is responsible for the family justice system in England and Wales and are Cafcass' sponsor department.

Judiciary: judges and magistrates take the final decisions in family law cases.

Association of Directors of Children's Services: national leadership association for directors of statutory children's services.

Cafcass undertakes research to help influence the family justice system, working with key partners such as the **Family Justice Observatory**.

Safeguarding Partners: key statutory mechanism for agreeing how the relevant agencies in each local area will cooperate to safeguard the welfare of children.

Parliamentary and Health Service Ombudsman: makes final decisions about complaints that have not been resolved by Cafcass.

Ofsted: inspects the work Cafcass does to ensure it is providing the best possible service.

Children's social care services or local authorities (LAs), have a statutory duty to investigate any serious safeguarding concerns raised about a child. LA social workers provide local support to children and families in need. If an LA has serious concerns about the safety or welfare of a child, it can apply to the court to take the child into care.

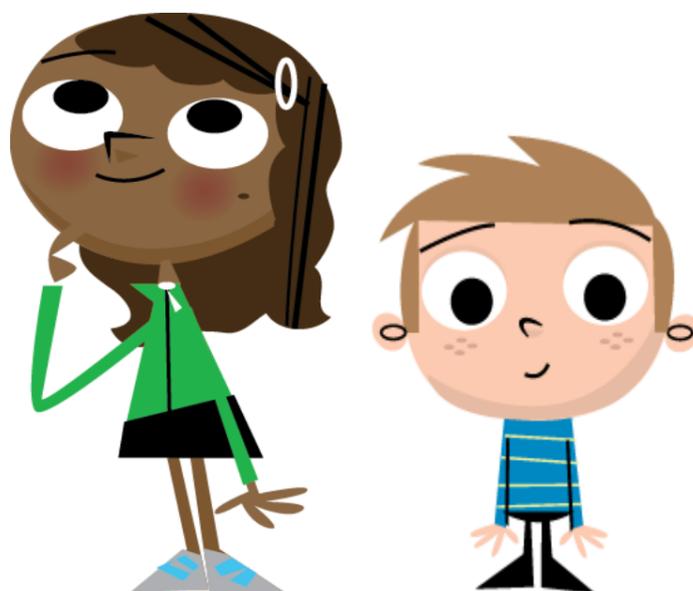
Cafcass are appointed by the family court in both public and private law cases, their statutory role is to: safeguard and promote the welfare of the child; give advice to the court; make provision for the child to be represented; provide information, advice and other support for the child and their family.

Public law

If a local authority has serious concerns about the safety or welfare of a child, it can apply to the court for permission to take action to protect the child. These are called 'care' or 'supervision' proceedings. After receiving an application from a local authority, the court will then request for Cafcass to become involved in the case.

A Cafcass worker will be appointed by the court to act as a Children's Guardian. Their job is to check the local authority social worker's plan and make sure that it is the best possible for the child. It is also to let the court know what they think should happen. The Children's Guardian will appoint a solicitor to represent the child in court.

In 2017-2018 Cafcass worked with 131,205 children and young people across England. We received 42,058 private law applications and 14,207 care applications in 2017-2018. In March 2018, Cafcass received an 'Outstanding' Ofsted rating.



Private law

When parents who are separating or divorcing are unable to agree on arrangements for their children, such as who they will live with and/or who they will spend time with, they may apply to the court for a Child Arrangements Order.

A Cafcass social worker will be appointed by the court to act as a Family Court Adviser (FCA). Their job is to provide information to the court that is needed for a safe decision to be made about arrangements for who the child should live with or spend time with and what is in the child's best interest. The FCA will write a safeguarding letter to the court which includes checks with police and local authorities as well as interviews with both parties.

The FCA may also write a Section 7 welfare report, if the court requires it, which may include talking to children, considering their wishes and feelings, speaking to parents and others such as family members, teachers and health workers.

The FCA may recommend that families attend a commissioned service to support them, these can include: Domestic Abuse Perpetrator Programme, Child Contact Intervention, Separated Parents Information Programme and mediation Services.

Family Justice Young People's Board: Individuals between 7-25 years old who have had direct contact with Cafcass or are interested in family justice. Their role is to support improvement to the family justice system for children involved.

The Department for Education is responsible for children's services and education in England. See: [Working Together to Safeguard Children](#)

National Family Justice Board: sets the direction for the family justice system and oversees its performance.

HMCTS: responsible for the administration of family courts.

Independent Reviewing Officers: chair reviews for children living in children's homes or in foster care, to protect the children's best interests and to plan for their future.

Local Family Justice Boards: Identify actions locally to improve performance and report back issues to the national Family Justice Board.

Cafcass maintains good working relationships with other organisations in the sector who support children and families such as: **NSPCC, Relate and OnePlusOne**. A list of support services can be found [here](#) and [here](#).

Adoption and Special Guardianship Leadership Board: drive significant improvements in the performance of permanence arrangements for children in care in England.

Cafcass works alongside other key professionals in the child's life such as **social workers, teachers and health workers**. [Click here](#) to view a diagram of public services available locally for families.

Department for Work and Pensions: runs early help programmes such as: [Reducing parental conflict](#) programme.

Relevant Legal Framework:
[Section 12\(1\) Criminal Justice and Court Services Act 2000](#)
[Children Act 1989](#)
[Children and Families Act 2014](#)
[Child Arrangements Programme \(private law\)](#)
[Adoption and Children Act 2002 \(public law\)](#)
[Public Law Outline](#)
[United Nations Convention on the Rights of the Child](#)