Cafcass’ role in the Family Justice System

Click on the blue underlined hyperlinks to access further information.

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.

Relevant Legal Framework:
- Adoption and Special Guardianship
- Adoption and Children Act 2000
- Children Act 1989
- Children Act 2000
- Children and Families Act 2014
- 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.
- HMCTS: responsible for the administration of family courts.
- 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.
- Department for Work and Pensions: runs early help programmes such as Reducing parental conflict programme.
- The Department for Education is responsible for children’s services and education in England. See: Working Together to Safeguard Children
- 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.
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