

## **Children and Families Act 2014: Cafcass submission to the call for evidence**

1. Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. We represent children in family court proceedings in England, putting their needs, wishes and feelings first, making sure their voices are heard at the heart of the family court, and that decisions are made in their best interests. Operating under the law set by Parliament (Criminal Justice and Court Services Act 2000) and under the rules and discretion of the family courts, we are independent of the court, children's services, education and all similar agencies.
2. We have prepared a short response to the call for evidence, on the areas of the Act where we can add insight from our experience as representatives of children's best interests within family court proceedings and signposting to information we have previously published relating to the Act. We will not repeat evidence already provided by our sponsor department to the committee in the oral evidence session.
3. As set out in our current strategy and delivery priorities, Cafcass is committed to playing its part in system leadership.<sup>1</sup> We are working with the judiciary, the courts, local authorities – and most importantly with children and families themselves – to make positive change happen. This includes the work on the presumption of parental involvement, where we are part of the working group announced by the Ministry of Justice in late 2020.
4. We have supported, and continue to support, proposals to bring a greater focus on the experience of children and families within the family justice system, particularly in the context of families without representation navigating a complex court system at what is an already difficult time in their lives. We need integrated support for separating families in the community prior to and alongside a less adversarial and more inquisitorial court process for those who need it. We welcome the focus set out in the MoJ evidence session on better promotion of alternative dispute resolution and the work to look at enforcement of MIAMs within court. The long-term impact on children of unresolved parental conflict is well documented and the impacts can be felt for future generations.
5. On both the private and public law systems it is difficult to reflect without reference to the impact of the pandemic, though it was becoming clear before then that the 26-week timeframe introduced in the Act was an aspiration often not fulfilled. It was recognised in the MoJ evidence session that one of the priorities of the Family Justice Board is to identify the factors leading to delays and what can be done in response; we are supporting the Board in this work.

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<sup>1</sup> [Strategies and delivery priorities - Cafcass](#)

6. The average length of public law care and supervision proceedings is now 45 weeks and private law cases where a section 7 report is ordered is 54 weeks.<sup>2</sup> This is nine and 15 weeks longer respectively than it was pre-pandemic. The impact of long durations for children is that crucial decisions about their futures are delayed, creating more uncertainty and distress in what are already difficult circumstances. We know from working with families that remote hearings were difficult for many, especially in public law proceedings where lack of access to technology exacerbated vulnerabilities and affected how families were able to engage with critical decisions about their lives.
7. We would direct the Committee to our responses to the public and private law working groups, published in 2019. The public law response<sup>3</sup> includes our experience of the appointment of experts, and in private law<sup>4</sup> our experience of the MIAM process. We also published a joint statement with Cafcass Cymru.<sup>5</sup>

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<sup>2</sup> [Our data - Cafcass](#)

<sup>3</sup> <https://www.cafcass.gov.uk/download/11648/>

<sup>4</sup> <https://www.cafcass.gov.uk/download/11652/>

<sup>5</sup> <https://www.cafcass.gov.uk/download/11656/>