

Cafcass response to the Department for Education consultation on the Working Together to Safeguard Children statutory guidance, 2023.

1. Cafcass (the Children and Family Court Advisory and Support Service) welcomes the opportunity to respond to the consultation on the Working Together to Safeguard Children 2023 guidance. Cafcass is a non-departmental public body sponsored by the Ministry of Justice and is largest employer of children’s social workers in the role of Family Court Advisors (FCA) and Children’s Guardians (CG). Cafcass has a statutory duty to safeguard the welfare of children in family law proceedings. FCAs and CGs represent the best interests of children in private and public family law proceedings in England, making sure that their wishes and feelings are heard. They are independent of the courts, local authority children’s services, education, and health authorities.

Delegated safeguarding partners

2. Cafcass is not defined as and does not seek to be a delegated safeguarding partner. However, Cafcass does have a specific statutory duty to promote the welfare of children and ensure that they are safeguarded through proceedings, and through their advice and recommendations for their future. Between 1 April 2022 and 31 March 2023 Cafcass represented the best interests of 143,469 children. Approximately a third (46,371) of the children we worked with were in public law proceedings and two thirds (97,098) were in private law proceedings. These children’s cases are often complex and involve very significant welfare and safety concerns for children. Our view is that given the scale of our operations and our crucial role in safeguarding the welfare of children, the guidance should continue (as referenced in Working Together 2018) to explicitly recognise Cafcass as a *relevant agency*.

Rapid Reviews

3. In response to Working Together 2018, and as part of our organisational responsibility to safeguard and promote the welfare of children who are the subject of family court proceedings, Cafcass established a protocol for FCAs and CGs to follow for informing safeguarding partners of any significant incident in a child’s life that they believe should be considered for a Child Safeguarding Practice Review (CSPR). In all circumstances, Cafcass responds to requests to contribute to Rapid Reviews.
4. The invitation from local authorities for Cafcass to contribute to Rapid Reviews, however, is variable, even when an FCA or CG has been involved recently in assessing the welfare of the child and advised the court about their best interests. As the sole safeguarding agency involved in private law proceedings and a safeguarding partner in public law proceedings this variability in the involvement of Cafcass in this statutory process undermines the duty of local safeguarding partners to “gather the facts of the case” (Working Together 2018, amended 2020) and potentially denies Cafcass the opportunity to contribute to learning and gain learning from the CSPR process.
5. It is our view that as part of the requirement on safeguarding children partnerships under Working Together to develop local protocols for assessments and support, they should consider formalising the involvement of Cafcass in Rapid Reviews and CSPRs to make the most of all opportunities to identify, assess and respond to risks or concerns about the safety and welfare of children. Given our level of involvement with families as a



children's social work agency, we would also expect our view to be considered about whether there should be a Rapid Review or a CSPR.

Multi-agency/partnership working

6. We agree that effective information sharing is essential to build a full picture of a child's needs and risks. Cafcass routinely makes checks of local authority records when it undertakes an assessment, but it is rare that local authorities make checks of Cafcass. Our view is that if the local authority is carrying out a child protection enquiry, local authority social workers would benefit from understanding what prior involvement Cafcass may have had with children and families, the assessment of the FCA or CG, and their recommendation to the court.

7. If there are any questions regarding the points raised in this consultation, please contact Charlie Cooper Senior Policy and Implementation Manager via Charlie.cooper1@cafcass.gov.uk