



Policy on engaging with partners, grandparents, wider family members, and professionals.

Cafcass policies are designed to safeguard children, staff, and the reputation of Cafcass. They derive from legislation and from what we learn from practice quality audits, significant incidents and learning reviews, feedback, and complaints. They set out what must be done. They are public documents against which we can be held accountable. If they are not adhered to, we can be subject to challenge through complaints, the Parliamentary & Health Services Ombudsman, Social Work England, or even a Judicial Review. Exemptions must be supported by a compelling rationale and endorsed by a manager. Policies are, therefore, subject to monitoring for compliance – with fair and reasonable consequences for non-compliance. Key policies that are new or updated are subject to attestation by all staff or groups of staff where appropriate.

What is this policy for?

This policy sets out the considerations for Family Court Advisers (FCAs) when seeking information from other professionals who know a child well, or who can provide a reflective consultation from a different professional perspective. It should be considered alongside the *Safeguarding Children* policy.

Who does it apply to?

All practice staff.

Why this is important for children?

Children tell us that they want to know that we're considering all the important parts of their lives, including what people who know them well think. This helps us understand and analyse what's best for them and make decisions that help keep them safe. Family members and other adults close to a child have a unique perspective on the child's life. They know what's going on and can help us understand what's best for the child. Gathering information from these adults can help solve problems and keep the child safe.

Research and local and national reviews have shown that professionals sometimes don't share enough information about the children they work with. This policy reminds us that we need to listen to other professionals who know the child well or who can offer a different perspective to make sure we're doing the best for them.

1. PUBLIC LAW PROCEEDINGS

- 1.1 Children's Guardians are required to carry out their own independent enquiries and do not solely rely on the assessments of others. Learning from feedback and learning reviews reminds us of the importance of 'thinking the unthinkable', using professional curiosity and scepticism, when interviewing others and when challenging plans. Scrutiny and challenge are essential to the role of being independent and objective.
- 1.2 The [Public Law Quality Standards](#) remind us to give constructive challenge to local authority plans (1.4), and for Guardians to have a high degree of confidence that plans for the child will work for them and will improve their life and future life chances

(4.8). We can only achieve this if we are confident in our own assessment of the child's world which may include information from family members and involved professionals, assisting us to have a comprehensive understanding of the complexities of the child's life.

Policy on including partners, grandparents, and wider family members in enquiries in public law proceedings.

- 1.3 The details of all 'connected adults' must be added to Child First when their details are known and previous Cafcass records relating to them must be checked.
- 1.4 Children's Guardians must assess harm and risk of harm from adults in a child's network, for example from relatives, or partners of relatives, foster carers and their partners.
- 1.5 It is expected that the Children's Guardian will use their professional discretion while undertaking their enquiries to consider whether their assessment would benefit from including extended family members or members of foster carers' families who are involved in caring for a child or spending time with a child on a regular basis. Gaining information from adults who know the child also supports us to understand a child's world, and those who may provide protective experiences.
- 1.6 When a child is living, spending time with, or is going to spend time or live in the care of a parent or family member, the independent assessment by the Children's Guardian must include an open and frank discussion of the concerns about the risks, with parents, carers, wider family members, the child's social worker and Independent Reviewing Officer.
- 1.7 It is expected that the Guardian will use their professional discretion while undertaking their enquiries to consider whether their assessment would benefit from including people from these groups in their enquiries. This can include, but is not limited to:
 - Schools and nurseries or any educational setting.
 - Health visitors, safeguarding nurses / midwives.
 - Probation Service – assessing criminal history is a feature in recent Learning Reviews.
 - Domestic abuse workers including Independent Domestic Violence Advocates (IDVAs), Women's Aid or the Freedom Programme.
 - Foster carers / residential care staff.
 - Third sector staff working with the family (for example advocates working with adults with learning difficulties).

Legal parameters relevant for public law proceedings

- 1.8 In accordance with Practice Direction 16A a Children's Guardian 'must make such investigations as are necessary to carry out their duties.' This includes contacting or interviewing persons that the Children's Guardian thinks appropriate or as the court directs.
- 1.9 In undertaking enquiries, it is important that information relating to proceedings is not shared without the court's permission. Whilst the Children's Guardian can gather

information from family members and professionals who have involvement in a child or parents' life, they should not divulge information from the proceedings unless the court has specifically directed this.

2. SECTION 7 AND 16.4 ENQUIRIES IN PRIVATE LAW PROCEEDINGS

- 2.1 This section applies to enquiries undertaken under Section 7 of the Children Act 1989 and in rule 16.4 appointments. The policy sets out the legal parameters within these private law family proceedings. It does not apply to work conducted within Work to First Hearing Teams unless grandparents or wider family members are party to the proceedings. The extent of enquiries conducted at that stage of proceedings is specifically regulated by the Child Arrangements Programme. **It will not always be relevant to involve all grandparents or wider family members, who know a child.** The FCA must use their professional judgement to determine whether these people are significant in the child's life. The need to safeguard the child and understand their experiences should be the primary focus.
- 2.2 The [Private Law Practice Quality Standards](#) set out 'what good looks like' to underpin the policy and must be used as a source of guided self-supervision and self-evaluation.

Policy on including partners, grandparents, and wider family members in enquiries in private law proceedings.

- 2.3 The details of all 'connected adults' must be added to Child First when their details are known and previous Cafcass records relating to them must be checked.
- 2.4 Where a grandparent or wider family member is a **party to the proceedings**, they are entitled to be engaged in the enquiry in the same way as other parties.
- 2.5 The **partners of parents** who live with or play a significant role in a child's life should be included in enquiries, to establish how they contribute to the care of the child.
- 2.6 Maternal and paternal grandparents, wider family members, or carers who are not party to the proceedings but **who live with or care for** the child must always be included in the enquiries.
- 2.7 **People who are not parties** to the proceedings and who play or have played a less significant role in the child's life but nevertheless have or have had a meaningful relationship, may contact Cafcass to provide information relevant to the assessment. It is for the FCA to decide the relevance and significance of information provided. If there is a concern about how the information was obtained, for example by way of covert recording, then seek advice from Cafcass Legal before accepting or viewing.
- 2.8 Decisions on who, how, where, and when to include in your enquiries, must be informed by factors such as the need to assess risk of harm posed by a family member or 'connected adults', potential to provide valuable insights, the potential to play a future role in promoting and protecting children's welfare, and/or arrangements made in the proceedings.
- 2.9 The cultural context of the family and community is an important consideration and must inform decisions about who to involve in the assessment for the child. This

reflects our commitment to understanding the impact of the child's uniqueness on their life and future.

Policy on including professionals in enquiries in private law proceedings

- 2.10 Checks with local authorities and the police are undertaken on all C100 Child Arrangements Order applications for applicants and respondents at the outset of proceedings.
- 2.11 For school age children, information should always be obtained from their school and any school recently attended, about the child's attendance, academic progress, and welfare. A template is available in ChildFirst to request a school welfare report.
- 2.12 For younger children, the child's Health Visitor, their nursery or preschool provider should be contacted. A template to request information is available in ChildFirst.
- 2.13 It may be relevant to contact a child's General Practitioner if information about the child's health is relevant to the enquiry.
- 2.14 Check with parents and carers if the child has been or is being treated or assessed by any other professional, such as a medical professional. If so, it will be necessary to consider the likely relevance and significance of the information held by that professional, to the enquiry.

Legal parameters relevant for private law proceedings

- 2.15 Practice Direction 16A of the Family Procedure Rules states that an FCA can interview such persons as they think appropriate, which means that the child's FCA has discretion about who they contact for information. Therefore, it is not necessary to obtain the consent of parents or carers to speak to wider family members, although **FCAs are advised** to inform the parents or carers who we are going to contact and why.
- 2.16 If the parent or carer does not agree with the FCA's plan to contact a family member, the FCA should ask the court to direct that the FCA can speak to them without the consent of the parent or carer. Such a direction should only be sought when there is a clear rationale that information obtained will be relevant.
- 2.17 **Confidential information about the proceedings, beyond the nature of the dispute and the fact that the child is in proceedings, should not be shared with people who are not parties to the proceedings** (unless to a relevant professional in protecting a child from harm). If the FCA believes it is necessary to share details, for example it is relevant to the decision of the court, then it will be necessary to obtain permission of the court to do so.
- 2.18 Family members and professionals may share information with the FCA, who will use their professional judgement as to its relevance. The FCA will need to be clear about what they are trying to establish in respect of the child in proceedings and why they consider this person can provide information to support their assessment, or conversely why they cannot. The FCA must make family members and professionals aware that the information they provide may be shared with the courts and other parties.

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