

Freedom of Information Policy

Cafcass policies are designed to safeguard children, families, 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. A decision not to adhere to a policy 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.

The Freedom of Information Act 2000 provides for public access to information held by public authorities. Cafcass has a statutory duty under the Act to provide recorded information to the public through an approved publication scheme and respond to specific requests unless an exemption is applied. This policy sets out Cafcass' legal obligations and how they are met by the organisation.

What is this policy for?

This policy sets out the things that all staff employed or contracted by Cafcass have to do to manage information securely. Non-compliance leads to challenges and consequences, while exemptions require managerial approval. The policy is monitored for adherence and in addition requires attestation by any individual employed or contracting with Cafcass. The fundamental objective is to protect the integrity of information, safeguard the information of children, families and staff, and maintain accountability within Cafcass in accordance with legislation and the standards of government.

Who does it apply to?

This policy applies to all staff who may be requested to respond to or provide information for a Freedom of Information request.

Why is this important for children?

It is critically important that the information we hold on children, which is recognised in law as sensitive, is protected in accordance with all relevant legislation. This policy makes clear the commitment that you make so that you are doing all you can, and what you need to do to ensure this happens. You are a privileged custodian of highly sensitive and personal information which is key to the safety and the futures of children and their families and is also essential for them to understand what happened during Cafcass involvement in their lives. This privilege comes with your responsibilities which are explained in this policy. The impact of sharing information without proper consideration and care will cause harm to children, their families and carers. In some cases, the impact will be irreversible and long lasting. The same is true for information belonging and pertaining to Cafcass colleagues.

1. Introduction

- 1.1 The Freedom of Information Act 2000 (the Act) came into force on 1 January 2005. It gives everyone the right to request information held by public authorities. This includes paper records, e-mails, information stored on computers, voicemail messages, handwritten notes or any other form of recorded information. Information, which is not recorded, is not covered by the Act. The Act extends and formalises the non-statutory Code of Practice on Access to Government Information which has been in place since 1994.
- 1.2 Disclosure of information should be the default position and information should only be withheld when there is a justifiable reason, and if it is permitted by the Act.
- 1.3 When information is disclosed to applicants under a Freedom of Information request, it is as if it were being released to the world at large. Responses must therefore be reviewed and approved by a senior manager at Head of Profession/Practice level or above before being shared.
- 1.4 The procedure for making a Freedom of Information request is set out in Section 10 of the Act. The request does not need to specifically mention the Act, but it must be requested in writing and include the requestors name and contact information.
- 1.5 All staff must be able to recognise requests for information under the Act (the Act does not have to be explicitly mentioned in the request) and must forward these to the Information Assurance team at governance@cafcass.gov.uk without any delay.
- 1.6 The Information Commissioner's Office (ICO) states that Freedom of Information (FOI) requests generally need to be in writing to be valid. However, if someone is unable to make a written request due to a disability, Cafcass is required to assist them in making the request in another way, such as verbally.
- 1.7 The Act also obliges public authorities to publish information through a publication scheme to ensure certain classes of information are routinely available. Further information on our publication scheme is detailed below under section 4.

2. Freedom of Information Requests

- 2.1 Receiving a request
 - 2.1.1 Cafcass has no authority under the Act to ask why information is being requested, but seeking clarification may help us understand what information is being sought.
 - 2.1.2 Cafcass Information Assurance Team are responsible for managing all FOI requests and where requests are not clear, the Information Assurance Team has a duty under Section 16 of the Act, to give advice and offer assistance so far as it is reasonable to do so, to the requester.
 - 2.1.3 At the time a request is received the Information Assurance Team will work in collaboration with the Policy Team as per our Freedom of Information process please see [Appendix 1](#) for the Freedom of Information process.
 - 2.1.4 Applicants are not required to pay an application fee when making an application to Cafcass under the Act. However, under Section 12 of the Act, Cafcass reserves the right to refuse to respond to a request for information if the costs of providing it exceed £450. In terms of staff time this represents 2.5 days and disbursements.

2.1.5 Requests received from journalists, or those that may attract press interest must be processed through the Freedom of Information route. All such requests will require final review from the Communications team as part of the sign off for disclosure.

2.2 Request responses

2.2.1 Requests must be dealt with within 20 working days. In some circumstances this can be extended, for instance if Cafcass is considering whether the public interest test applies or needs to consult with other public authorities and/or third parties in order to reach a decision as to whether the requested information can be released. Where clarification of the request is needed from the applicant, the 20 working days begins once this clarification is received.

2.2.2 Information is provided in soft copy (via email), although if requested, it can be provided in hard copy (paper documentation). Information can also be provided in different formats such as accessible PDF, large print, easy read, audio recording, or braille.

2.2.3 Cafcass will disclose information, unless:

- the information sought is not held; or
- an [exemption to disclosure](#) applies (there are 23 exemptions in total, including seven absolute exemptions and sixteen qualified exemptions subject to the public interest test. Where the public interest test is relevant, Cafcass will apply it separately to each piece of potentially exempt information to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosure); or
- It is considered that the request is likely to cause a disproportionate or unjustifiable level of distress, disruption or irritation to respond, it will be considered vexatious.
- the request is substantially similar to previous requests from the same person other than at reasonable intervals.

2.2.4 Cafcass may consult a third party if;

- the views of that third party may assist Cafcass to determine whether an exemption under the Act applies to the information requested; and/or
- where the views of the third party may assist Cafcass to determine where the public interest lies under section 2 of the Act.

2.2.5 Even if a document cannot be released in its entirety, Cafcass will endeavour to release what it is able to.

2.2.6 When a request is refused Cafcass will offer an explanation based in law by:

- explaining the relevant exemption;
- setting out, if applicable, the reasons for claiming that the public interest in maintaining the exemption outweighs the public interest in disclosure.

2.3 Complaints regarding responses

2.3.1 If a requester is unhappy with the way their request has been handled, or is dissatisfied with the decision made regarding disclosure or non-disclosure of information, they can request an internal review by contacting the Information Assurance Team at governance@cafcass.gov.uk, quoting the reference number for a full review to be completed

- A senior manager who was not party to the original decision, will undertake a review to determine if Cafcass has responded appropriately and will either uphold, partially uphold or overturn the original decision.
- Cafcass aims to respond to internal reviews within 20 working days, unless there are exceptional circumstances, in which case the review period may be extended to 40 working days of receiving the complaint, ensuring the applicant is kept informed.

2.3.2 If a requester remains unhappy with the processing and outcome of their request after an internal review has been completed, they are directed to make a complaint to the Information Commissioner's Office – the UK's data protection regulator.

- A decision notice will be served upon Cafcass if the Information Commissioner's Office decide that Cafcass has failed to:
 - communicate information;
 - confirm or deny where required to do so by section 1 (1);
 - comply with requirements of section 11 (which refers to the manner of communication in response to a request for information); or
 - comply with any of the requirements of section 17 (which refers to the refusal of a request for information).
- The decision notice will specify the steps which must be taken by Cafcass to comply with the requirement and the timescale for compliance.
 - The Information Commissioner's Office has statutory powers to serve Information Notice on Cafcass requiring Cafcass to take specific action (unless certain criteria apply).
 - If the Information Commissioner's Office is satisfied that Cafcass has failed to comply with any of the requirements under Part 1 of the Act, they may serve an Enforcement Notice on Cafcass, requiring Cafcass to take particular steps within a specified time to comply with those requirements.

2.3.3 All public authorities may appeal to the Information Tribunal against decision notices, information and enforcement notices.

3. Related Information Rights

3.1 There are related laws which establish information rights: the Freedom of Information Act 2000 and the Data Protection Act 2018.

3.2 The Freedom of Information Act 2000 is concerned with factual and analytical information and the reasoning behind decisions and policies.

- 3.3 Information requests relating to the environment are exempt for disclosure under the Freedom of Information Act 2000 and instead processed under the Environmental Information Regulations 2004. The definition of 'environmental information' is broad under the legislation, so there is some scope for Cafcass to receive a request that should be handled under the Environmental Information Regulations.
- 3.4 The UK GDPR / Data Protection Act 2018 covers rights of access to personal data.
- Under Section 40 (7) of the Freedom of Information Act, the term 'personal data' has the same meaning in section 1(1) of the Data Protection Act. Personal data is exempt under the Freedom of Information Act as the processing of personal data is regulated by the Data Protection Act.
 - Information on how to make a Subject Access Request for personal information held by Cafcass can be found in our [Subject Access Request Policy](#). Any FOI application for access to personal information of which the applicant is the subject will be classed as an application under Article 15 of GDPR and the applicant will be advised to this effect.
 - More information on the Data Protection Act can be found at www.ico.org.uk.

4. Cafcass Publication Scheme

- 4.1 Under the Act, all public authorities are obliged to adopt and maintain a Publication Scheme specifying:
- the classes of information that they publish or intend to publish; and
 - how the information is or will be published.
- 4.2 The classes of information covered in the Cafcass Publication Scheme include:
- Who we are and what we do;
 - What we spend and how we spend it;
 - What our priorities are and how we are doing;
 - How we make decisions;
 - Our policies and procedures;
 - Lists and registers;
 - The services we offer.
- 4.3 The Cafcass Publication Scheme can be found on the Cafcass website [here](#). Alternatively, applicants can request a copy by contacting Cafcass either via the Cafcass website webenquiries@cafcass.gov.uk or by writing to Cafcass National Office, Ground Floor, 70 Gray's Inn Road, London, WC1X 8NH.
- 4.4 In some instances, documents made available under this [Publication Scheme](#) will have gaps in the text. This is because the information which has been omitted falls within an exemption. Where this is the case, the document will be clearly marked to show where the information has been removed and the exemption used.
- 4.5 Cafcass intends to update the publication scheme on an annual basis.

5. Retention Period

- 5.1 FOI requests are held by Cafcass for 3 financial years. For further information on the retention on correspondence relating to Freedom of Information requests please see [Cafcass Records Management Policy](#).

Policy Owner	Head of Legal
Approved by	Corporate Management Team
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Implemented	February 2018
Version	12 – August 2025- Policy moved to correct template, process map added and process for working with Policy and Communications teams clarified, links updated.
Amended	19 August 2025
Next Review	19 August 2026

Appendix 1

Freedom of Information Process

