

Engaging with and seeing children policy

Overview

The independence of court appointed family court advisers (FCAs) in individual children's cases is respected and considered in all matters of policy and practice development. However, Cafcass has a statutory responsibility to hold FCAs accountable for adhering to Cafcass policy and for meeting practice quality standards that are designed to facilitate a consistent focus on the needs of children in family proceedings and the quality and effectiveness of professional social work practice. Seeing and engaging with children to gain an accurate understanding of their uniqueness, what life is like for them, and their relationships is one of our highest priorities in safeguarding them, promoting their welfare, making sure that their voice is heard and making recommendations to the court about future arrangements that are in their best interests.

As well as their right to be seen and heard, feedback from children and young people is consistent about the value they place on their engagement with FCAs, from introduction (hello) letters, in direct work, sharing recommendations with them and writing goodbye letters.

This policy sets out **mandatory requirements for all FCAs in seeing and engaging with children** as part of their work in all family court proceedings.

Why this is important for children

These requirements about seeing and engaging with children are in place so that we can form the best possible understanding of what life is like for them and their wishes and feelings. This is a critical aspect of our assessment of their welfare and informs: :

- Our view of what is or has been happening for this child - including the harm and risk of harm with which they live and the strengths in their family arrangements
- Our understanding of the child's uniqueness, who they are and how they see themselves and how this should influence our reports to the court
- Our analysis of what might happen to them in current arrangements, the likelihood of this and the seriousness if it did happen
- Our understanding that the child's needs are being met where they are living
- Our overall assessment of harm and risk of future harm for the child and how we explain our understanding of this to them and connect it clearly to the recommendations we make in our reports
- Our analysis of how best to safeguard their future welfare and life chances
- Our responsibility to amplify the child's voice to the court

We will be clear about what children and families can expect of us in our first engagement with them through our introductory (hello) letters and this will continue throughout all meetings and communications, including sharing our recommendations with the child and seeking their views, through to the conclusion of our work with the family and a goodbye letter.

We will also ask children and families for feedback routinely whilst we are involved with them, at the end of our involvement and when we undertake collaborative audits of the quality of practice. Our 'hear to listen' telephone line is an important part of asking children to tell us at the end of proceedings, how they found our work with them: **0808 175 3333**

1. Principles underpinning these requirements

1.1 Introduction (hello) and goodbye letters

Children have told us that they value the way FCAs introduce themselves before their first meeting. They have told us that it helps them to understand what will happen when the FCA visits, gives them time to think about the visit and also makes them less nervous and worried. Personalised introduction letters account for a high proportion of compliments received by FCAs. It is for this reason that **all children regardless of their age or understanding will receive an introduction letter.**

For those children who are unable to appreciate the introduction letter now, it is important to have it on their record should they want to make a 'subject access request' in later life to understand what happened to them and your involvement.

The introduction letter includes sections on the role of a Family Court Advisor / Children's Guardian, asking the child about themselves, arrangements for the first meeting and providing feedback. **These are the required elements that must be included in the letter.**

If a video or alternative communication is being sent as an introduction, an introduction letter including the elements listed above must also be sent to ensure these elements are communicated to all children.

All children should receive a goodbye letter, or alternative communication at the conclusion of our work with them. What form this letter takes will depend on the nature of our involvement and the child's age and level of understanding, mindful that the child may make a 'subject access request' in later life to understand what happened to them in this period of their life. The goodbye letter should provide the child with a clear understanding of why we were involved with them, what we learned about them and how we tried to safeguard them and promote their welfare. It should make reference to the recommendations we made and why as well as setting out what the plan was when our involvement with them came to an end.

For babies and young children, careful consideration should be given to making sure their primary carer/s understand or have access to the letters if it is safe enough for this to be the case. This could be the foster carer or child's social worker in public law proceedings where children are looked after by the local authority.

1.2 All children will be seen in person during their court proceedings

This applies to all children, regardless of age or circumstances, and the arrangements for seeing the child will be set out in the Child's Plan.

Remote or virtual meetings have their place and may be preferable for some children, or where this relates to health conditions being experienced within the family or by the FCA. However, in view of the importance of the decisions we are recommending are made for the children we support and advise, all children must be seen face to face at least once during the life of the proceedings. However, you should make an assessment of how much they need to be seen in order for the proceedings to serve their best interest and build this into the Child's Plan. For protracted and delayed proceedings, it follows that you will be seeing them more often. It is a requirement of the Assessment and Child's Plan that the arrangements you will make to see them in person, are set out on that record. This includes seeing children, if this is required, when an addendum report is ordered.

1.3 Children should be seen alone.

Whilst it may be important to see children together with their brothers and sisters, and observe them with parents or carers, or to see them with a trusted professional, individual time with the FCA is also required to ascertain their wishes and feelings away from the immediate influence caused by the presence of others. Children may express a wish to be seen with a brother or sister and this should be respected and recorded.

1.4 Specific purpose of different types of meeting

The first meeting involves getting to know what life is like for the child, what makes them happy or sad, what their hopes are for the future and an exploration of what makes them unique. Information about their sense of identity and diversity including any protected characteristics, should be gathered during this meeting, and recorded within three working days.

In public law proceedings when a child is still at home where the harm to them has been identified or a reunification plan is being considered, especially if children are going back to the family home from where they were removed, there must be a visit to see what has changed for the child and what is assessed as being safer for them. The guardian should consider, parenting capacity, the home environment, family dynamics and interaction between parent and child. In all instances where home with parents is considered to be the care plan for the child and is set out in the proceedings, FCAs must speak with local authority social workers at length about this plan in order to satisfy themselves that it is in the child's best interests. This assessment should be part of the submission made to the family court by the FCA.

Children should be seen in person following a change in where they are living, at the most appropriate time.

We will seek feedback from children in every meeting about their experience of working with us so that we can improve in both our personal practice but also as an organisation working directly with children.

Practice quality standards in relation to where and how we see children, when we see them remotely and how we conduct our direct work with them are set out in the engaging with and seeing children guidance accompanying this policy.

1.5 Pre-verbal infants

The purpose of seeing pre-verbal infants is to observe their behaviour and presentation, their interactions with their care givers and to check that their specific needs are being met. If a baby is sleeping during a first visit, this should be noted in the recording and a further visit planned to observe and interact the infant when they are awake. **In exceptional circumstances, when the FCA decides that an infant is not going to be seen within the required timescale there must be a case discussion with a manager and the decision recorded on the child's file with the rationale agreed with the manager.**

1.6 Sharing recommendations with the child

All children have a right to know what their FCA is recommending to the court and on this basis should be told what is considered to be in their best interests and why. The FCA must share their recommendation and explain their reasons with a child who is of

sufficient age and understanding. **The explanation provided to the child must be recorded in the Our Words to the Child and their Response section in the **Assessment and Child's Plan**.** The child's FCA must make sure that children have had a chance to talk with them about their recommendations, then share the child's views and feelings about the recommendation, in the words of the child to the court. Where an FCA decides not to share their recommendation with a child, their reason must be explained in Our Words for the Child and their Response. This would be highly unusual.

1.7 Children who are experiencing delay

Children have told us that delay in making decisions about their lives increases their feelings of stress and anxiety about what is happening. It disrupts their relationships, often with really important family members and it affects their schooling and friendships. Delay is harmful for them.

In children's cases that are delayed, the FCA must make concerted effort to hasten proceedings. Specifically in public law proceedings, where the statutory requirement is for them to conclude within 26 weeks, where this looks like it will be breached, the child should be seen again face to face. This purpose of this is to:

- Update our understanding of the child's life, including any change in risks
- Keep the child informed about the reasons for the delay and what to expect next
- To assess the impact of delay on the child, so that this can inform further evidence provided to the court on behalf of the child
- Identify any actions or representations on behalf of the child that could bring their proceedings to a conclusion

In addition, in all long-running children's cases, including where an addendum has been ordered, FCAs should assess how often a child should be seen until the conclusion of the court process. The rationale for this should be recorded on the Child's Plan, giving consideration as to why it is important to see children, including ensuring an understanding of the impact of delay on them, keeping children informed about what is happening and considering any risk factors. The FCA must with their manager, be in regular contact with the court to secure a hearing and to conclude proceedings quickly.

2. Timescales and case recording

2.1 In public law proceedings, children are expected to be seen within 15 working days of the first lead allocation. This will inform the thinking, initial risk analysis and planning set out in the Child's Plan, which must be commenced at the initiation of our involvement in the proceedings and will be reviewed by a manager or practice supervisor within 15 working days of being initiated. The timetable for the child must be quickly and clearly established before the first case management hearing.

2.2 In private law work after first hearing, children are expected to be seen as early as possible in line with the risk to which they are exposed or the harm that has happened but – at the latest – no later than 10 working days prior to the first s7 report being filed. In private law the Child's Plan will be commenced upon Cafcass being directed to undertake work after first hearing and will be reviewed by a manager or practice supervisor within 15 working days.

- 2.3 In all proceedings, unless there are exceptional reasons for not doing so, the practitioner must share their thinking and recommendations with the child and include the child's views about these in the final analysis/report to the court.
- 2.4 The child's record must be updated in relation to the child being seen within three working days of the meeting, in line with the timescales set out in the case recording policy (see the [case recording and retention policy](#)).
- 2.5 The thinking in respect of the meeting with the child and planning based on this will be set out in the Child's Plan.
- 2.6 All interactions with the child must be recorded in the 'child seen' section of the child's record which auto-populates the contact log. Further and extended detail of the meetings should be added to the contact log. This will include the child's wishes and feelings, expressed wherever possible in their own words.

3. **Exceptions to the timescales**

Professional judgement with a legitimate and justifiable rationale is the basis of professional accountability. There may be circumstances where it is not possible or appropriate to see a child within the required timescales. For example, this child may be ill or in a new living arrangement where it would be justified and preferable for the meeting to take place later.

Children with capacity have the right to refuse to be seen, although the FCA should use their social work skills to engage the child, to explain to the child the importance of being seen and heard, and to motivate them to take part in a meeting. The evidence of what actions the FCA has taken to try to see a child should be recorded on the child's record. Where this is the case or where a professional judgement has been made not to see a child:

1. 'Child not seen' must be recorded within the timescales set out in section 2 together with the reason or rationale. Seeing the child must remain under review and the case record updated when the child has been seen.
2. **A manual trigger for management oversight of this decision must be set by the manager. The manager will discuss the decision with the FCA and record relevant actions and timescales on ChildFirst. Completion of these actions will be reviewed by the manager.**
3. For some s.7 reports produced by the Cafcass High Court Team, timescales will be shorter than those set out above.

4. **Allocation types not requiring the practitioner to see the child (this list covers the most frequent types of excluded application but is not exhaustive (a full list of application types excluded from reporting is available on request))**

- Children during private law work to first hearing unless a requirement of a private law pilot and therefore agreed revisions to the child arrangements programme.
- Step-parent adoptions.
- Leave to oppose applications
- Parent seeking leave to withdraw an application (unless work is ordered by the court)
- Foreign enquiry reports

- Unpaid work – order of the court applying a sanction to a child arrangements order
- Request from the court for a report to consider whether a child should be made party to the proceedings and a 16.4 guardian appointed unless the FCA identifies the need to see the child for the preparation of the report.

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