

# JOINT PROTOCOL STATEMENT ADCS & CAFCASS

This protocol sets out the agreed procedures between Cafcass and ADCS on them working together where appropriate, sharing good practice and identifying ways to improve the service and support provided to children in the family courts.

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## Contents

1.0	Introduction.....	3
2.0	Principles.....	3
3.0	Objectives.....	4
4.0	To agree the Basis for Liaison Between Cafcass and ADCS.....	5
5.0	Joint Professional Practice Between Social Workers and Children’s Guardian.....	6
6.0	To Inform Public Policy to Promote the Common Aims of Both Organisations.....	6
7.0	Appendix 1.....	7

## 1. Introduction

- 1.1. A high proportion of children and their families involved in family court proceedings will have dealings at some point with Cafcass and Children's Services. Both have specific and important roles to play within the family justice system.
- 1.2. The purpose of this statement is to outline the commitment of both Cafcass<sup>1</sup> and the ADCS<sup>2</sup> to work together where appropriate, share good practice and identify ways to improve the service and support provided to children in the family courts. This statement will be reviewed after two years.
- 1.3. This statement is timely and consistent with government policy in relation to inter-agency working to promote better outcomes for children and young people.
- 1.4. Both Cafcass and Children's Services work with the most vulnerable children in need following family breakdown and both agencies need to work together to ensure their specific roles, that are relevant to their agencies, are undertaken in a timely way. This includes having clarity of responsibility within our respective roles.

## 2. Principles

- 2.1. ADCS and Cafcass will work together:
  - a) On having a shared commitment to safeguard and promote the wellbeing of children;
  - b) On establishing common principles for joint working and information sharing;
  - c) To agree the basis for liaison between Cafcass and ADCS;
- 2.2. To develop specific guidelines for areas of work where both Cafcass and ADCS are involved;
- 2.3. To promote active resolution on all issues between the agencies to safeguard children's interests;

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<sup>1</sup> The Children and Family Court Advisory and Support Service (Cafcass) exists to fulfil the functions set out in the Criminal Justice and Court Services Act 2000 and the Children and Adoption Act 2006.

<sup>2</sup> The Association of Directors of Children's Services (ADCS) represents all directors of Children's Services in England and brings breadth, depth and experience to discussions on all policy, management and professional issues arising within social care.

- 2.4. To promote an evidence based approach to practice, to underpin interagency service;
- a) To work together for the implementation of the Public Law Outline to have the greatest impact in meeting the needs of children in proceedings;
  - b) To fulfil our statutory duties and common principles and responsibilities in the interest of the child and within the child's timescale; and
  - c) To inform public policy to promote the common aims of both organisations effectively.

### **3. Objectives**

- 3.1. Drawing on the work of Local Safeguarding Children Boards, ADCS and Cafcass will establish systems for sharing good practice and ensure lessons are learned to inform future services to children and families.
- 3.2. ADCS and Cafcass will promote improved communication between the relevant agencies involved in family proceedings.
- 3.3. Cafcass and ADCS, with the support from Children's Services will promote appropriate and effective information sharing at all levels in relation to cases and service delivery.
- 3.4. Cafcass and Children's Services will establish common principles for joint working and information sharing, so that:
- a) The child's welfare and timescale remains the paramount consideration in family proceedings;
  - b) Information is shared lawfully and appropriately in the interests of all service users, including children;
  - c) The views of parents, carers and children are sought and taken into account;
  - d) Service users are engaged and involved to reach safe outcomes;
  - e) Diversity and equality of opportunity are valued and promoted through practice;
  - f) Confidentiality, privacy and security of personal information is respected and assured;
  - g) Better outcomes for children and families are promoted through improved communication between organisations working together; and

- h) Regular communication and feedback is promoted between the agencies to support learning and future improvements.
- 3.5. Cafcass has a right of access to certain Children's Services information as specified in government guidance. Other information sharing between Cafcass and Children's Services needs to be lawful, necessary and proportionate for safeguarding and protecting children. Due consideration needs to be given to the Article 8 rights of children and parents.
- 3.6. Where Cafcass requires leave of the court in order to disclose any particular document to Children's Services, it will seek it promptly to assist Children's Services to carry out its duty. It is recognised that when the agreed principles of this protocol cannot be met, arrangements will be put in place between both organisations to manage the process to a satisfactory resolution, subject to the authority of the family courts to determine the disclosure of court documents.

#### **4. To Agree the Basis for Liaison Between Cafcass and ADCS**

- 4.1. To be effective there needs to be liaison at a number of different but complementary levels:
- a) National – Cafcass Chief Executive/Operational Director to attend the ADCS committees annually to discuss issues of mutual concern/interest;
  - b) Where regional forums exist, Cafcass Operational Directors/Local Heads of Service to attend regional ADCS meetings at least once a year to discuss matters of mutual concern/interest;
  - c) Local – each local Children's Social Care authority to link at Assistant Director or Head of Service level with local Cafcass Service Manager and to meet at least once a year. This is to be used as an opportunity to discuss issues arising from practice, to promote improved practice and develop joint strategies to reduce delay in family proceedings;
  - d) Both agencies should, on request, share with one another their practice policies, guidance and working procedures;
  - e) Both agencies fulfil their legislative duties and responsibilities for appropriate retrieval, access, management and storage arrangements of both electronic and paper information required/acquired from each other; and
  - f) Both agencies should be aware of the legislative duties that will impact on respective services and be alert to potential changes.
- 4.2. To strengthen the relationship between Cafcass and Children's Services, arrangements should be in place to refer issues to local service management

level, if they cannot be resolved at practitioner level, for example, issues such as:

- a) Resolving professional differences of views;
- b) Learning from case experience;
- c) Jointly implementing policy and procedures in family law statutory guidance.

## **5. Joint Professional Practice Between Social Worker and Children's Guardian**

5.1. To strengthen this working relationship, Children's Services and Cafcass should:

- a) Monitor and review the effective implementation of the Public Law Outline.
- b) Provide opportunities for both agencies to come together to promote effective communication.
- c) Reach agreement on the circumstances in which Children's Services should provide a service to children and families in private law proceedings.

## **6. To Inform Public Policy to Promote the Common Aims of Both Organisations**

6.1. ADCS and Cafcass will work together continually to identify policy and strategy initiatives of mutual interest, develop joint thinking and promote good practice. The organisations will also review trends and share information and relevant data in the field of family law.

Anthony Douglas  
Chief Executive  
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## 7. Appendix 1: Work Programme Considerations for 2010-11

- Implications for Children's Services of changes in private law practice and impact on "children in need" e.g. implementation of Children and Adoption Act 2006.
- Good practice guidance on the process of discharge of care orders.
- Review of the roles and responsibilities of social workers and Cafcass practitioners following Volume 1 Guidance<sup>3</sup> and the Public Law Outline.
- Learning from Serious Case Reviews - shared and joint approaches considered for practice.
- Joint promotion of workforce development initiatives including practice learning:
  - A joint approach in developing the role of the newly qualified social worker.
- Reviewing the implementation of the Public Law Outline.
- Methods of dealing with cases where there has been recent Cafcass or Children's Services involvement with a related child.

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<sup>3</sup> The Children Act 1989 Guidance and Regulations: Volume 1 – Court Orders, DCSF (2008)