



Policy and guidance on engaging with partners, grandparents, wider family members and professionals when undertaking Section 7 enquiries

Overview

This policy arises from and is informed by:

- Feedback from families
- Feedback from practitioners
- Findings from Case Record and Practice Learning Reviews.

The feedback and learning relate to seeking the perspectives of adults who are important to a child and may provide deeper insights about what life is like for them (welfare checklist) and what is in their best interests.

This will include knowledge about the child's needs and experiences, any harm they have suffered and potential risks, and the likely impact of a significant change in their life. Family members and/or carers may also have the potential to provide a solution to the disputed issue affecting the child's life and future welfare.

This policy and guidance 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 the Early Intervention 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.

Additional sections of the policy and guidance specifically for public law practice are being produced and will be added to this document by January 2023.

1.0 Principles

- 1.1 A key principle underpinning the [Department of Health Framework for Assessment of Children in Need and their Families \(2000\)](#) is that "understanding of a child must be located within the context of the child's family (parents or caregivers, maternal and paternal grandparents and the wider family) and of the community and culture in which he or she is growing up".
- 1.2 This framework for practice highlights the importance of an inter-disciplinary approach to assessment, that the knowledge professionals have about a child and the child's wider family is an essential component of any assessment of their needs and risks.
- 1.3 Gathering information about a child from relevant sources and people who know them well is a requirement to be considered in the welfare checklist set out in Section 1 of the Children Act 1989.
- 1.4 The Cafcass expectations on when consideration should be given to seeking the perspectives of partners, maternal and paternal grandparents, wider family members and professionals are set out below.

- 1.5 **It will not always be relevant to involve all grandparents or wider family members, or all professionals who know a child.** There are many factors to consider in balancing of evidence as to why and whether to involve wider family members. **The professional judgement of the FCA must be clear** about why and why not these people are significant in the child's life based on asking the child who is important in their lives and whether they think your assessment could benefit from including that person. Within these considerations, **the need to safeguard the child should be the primary focus.**
- 1.6 Decisions on who, how, where, and when to include in your enquiries, will be informed by factors such as the 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.
- 1.7 The cultural context of the family and community is an important consideration, reflecting our commitment to understanding the impact of the child's uniqueness on their life and future.
- 1.8 A consistent finding from Serious Case Reviews is the need to support practitioners to develop an 'ecological' perspective in relation to families, that is, understanding the context in which families live, the issues and tensions they negotiate daily, including prejudice and discrimination, respective roles and relationships within families, and their interaction with other services.
- 1.9 Both planning within the Child's Plan and reflective supervision is critical in supporting practitioners to examine their own values, biases and preconceptions and how these influence their interpretation and analysis of events and presenting issues for the child.
- 1.10 In line with the **Supervision policy, guidance and standards** for FCAs, reflective case discussion will support consideration about which family members should be invited to contribute to the assessment of the child's welfare.
- 1.11 The **Private Law Practice Quality Standards** set out 'what good looks like' and underpin the policy and guidance and should be used as a source of guided self-supervision and self-evaluation.

2.0 Legal parameters

- 2.1 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.
- 2.2 Therefore, it is not necessary to obtain the consent of parents or carers to speak to wider family members or other professionals, although **FCAs are advised** to inform the parents or carers who we are going to contact and why.
- 2.3 If the parent or carer does not agree with the FCA's plan to contact a family member or professional who knows the child, it might be prudent to ask the court to direct that the FCA can speak with a family member or professional without the consent of the parent or carer. Such a direction should only be sought when there is a clear rationale that information obtained from the third party will be relevant.

2.4 **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 third parties** (unless to a relevant professional in protecting a child from harm). If the FCA believes it is necessary to share details with third parties, 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.

2.5 Third parties 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 the third party aware that the information they provide may be shared with the courts and other parties.

3.0 Policy on including partners, grandparents, and wider family members in enquiries

3.1 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.

3.2 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.

3.3 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 should always be included in the enquiries.

3.4 **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.

4.0 Policy on including professionals in enquiries

4.1 Checks with the local authorities and the police are undertaken on all C100 Child Arrangements Order applications for applicants and respondents at the outset of proceedings.

4.2 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.

4.3 For younger children, the child's Health Visitor, their nursery or preschool provide should be contacted. A template to request information is available in ChildFirst.

4.4 It may be relevant to contact a child's General Practitioner if information about the child's health is relevant to the enquiry.

4.5 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.

5.0 Guidance

This guidance supports the application in practice, of the policy, principles and legal parameters set out above.

Why this is important for children

- 5.1 Children tell us that they want to be confident that we are considering all relevant aspects of their lives, including the views of people who know them well and whose opinions are important as part of assessing their welfare and their best interests.
- 5.2 Wider family members or other significant adults closely connected to the child, especially those who are making a significant contribution to the child's welfare and development and those who have lived with or are living with the child, will have an important and intimate perspective of the issues relevant to the child's circumstances and the application before the court.
- 5.3 Gathering information from important adults in the child's life may help to resolve the disputed issues and can offer a protective factor to the child, or conversely, they may represent a risk about which the FCA should be aware.
- 5.4 Messages from research, significant incidents, local and national reviews of child death and injury consistently find that the sharing of information among professionals about children with whom they work was deficient. This guidance and policy is important in making clear that FCAs must take account of the information known by other professionals who know the child when this will improve the quality of assessment.

Why is this important for family members?

- 5.5 At the outset of the enquiries, the family can expect advice about how they can contribute to safeguarding the welfare and best interests of the child in the circumstances and understand what is expected of them.
- 5.6 The significance of wider family members should be seen in the context of the family, their uniqueness, including their culture, faith, ethnicity, and history. This is relevant in making decisions in respect of who to involve in the assessment.
- 5.7 The assessment process must be open and transparent with the child and parents and other people in the family of significance to the child.
- 5.8 Unless it is unsafe to do so, FCAs should always work collaboratively with the family and help them to reach their own negotiated solution for child arrangements following family breakdown. This accords with the principles of the Positive Co-parenting Programme, which should be considered as early as possible in proceedings. This commitment to transparent relationship-based practice is aligned to the values and a required element of the principles of working with families set out in the Together practice framework.
- 5.9 It is good practice for the FCA to introduce themselves and explain the purpose of their enquiry whenever requesting information from a family member or other professional. An introductory letter should be sent beforehand, explaining the purpose of the enquiry. The rationale for the contact and likely areas for discussion should be included. It

should also be made clear that nothing that they say will necessarily remain confidential and if relevant will be shared with the court and with the parties and included in any report to the court.

Planning to include significant or relevant family members or carers and professionals

- 5.10 When planning the enquiry using the Child's Plan consider the 'significance' or 'relevance' to the child, of grandparents, wider family members and carers. This helps to inform decisions about who to interview or contact as part of the assessment.
- 5.11 A tooltip (pop up reminder) has been added to Child First prompting consideration in the section: What is happening for this child?
- 5.12 Consider whether there are people in the child's network who could offer a valuable or unique perspective, who could contribute to resolving the issues or supporting the recommendations, or who conversely may present a risk to the child. Risks may include high conflict between maternal and paternal families, or where Forced Marriage Protection Orders (FMPO) are being considered or in place. Where children are named in a FMPO this will detail who within the family poses a risk to the child/ren.

6.0 Learning from Significant Incidents, Case Record and Practice Reviews

- 6.1 Key points and associated learning material from two recent reviews which include learning relevant to the involvement of wider family members in assessment, and which are representative of learning in other reviews.

7.0 Guidance Summary

- 7.1 Consider the following:
 - a. The scope of enquiries with family members and professionals should be agreed at the earliest possible point in the proceedings and incorporated into the Child's Plan.
 - b. Involving wider family members can give greater depth to understanding the child's life and potential solutions to the current dispute between the parents/carers.
 - c. Grandparents or other family members may play an important role in any supervision arrangements for a child to spend time with a parent.
 - d. Involving wider family members in enquiries without a clear rationale can be interpreted as 'fishing' for information to confirm a conclusion already reached.
 - e. It could also cause delay, which is not in the child's interests. The potential for delay should be factored into decision making about who to involve.
 - f. Consider the risk that by engaging immediate and /or extended family members in the assessment, this could escalate the conflict to which the child is exposed and could also potentially prolong proceedings. These potentially adverse consequences should be balanced against the benefits of involving wider family members.
 - g. There are circumstances where the involvement of extended family members may be a source of risk to the child, for example where there is high conflict between maternal and paternal families, or when a Forced Marriage Protection Order is in place.
 - h. Consider using a genogram/ecomap or a family network map to understand the child's immediate and extended network in their family and community.

- i. There may be indicators that wider family members or professionals, such as the school have only heard one side of the child’s life and as such their information may need to be seen in this context. For example, they only deal with one parent, have a stepparent or other adult replacing one of the biological parents on the emergency contact list or have the child enrolled under a name not matching that on their birth certificate.
- j. If it is relevant to the understanding of harm or risk of harm to the child, and grandparents or other extended family members have significant contact with the child, request Police National Computer and local authority checks. Obtaining consent for these checks from those concerned will be required.

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