



Protocol on returning to in-person work with children and families during the COVID-19 pandemic

Effective from 22 June to 1 September 2020

Review date 15 July 2020

This document outlines Cafcass' position on a return to seeing children and families in-person as the restrictions of the national COVID-19 imposed lockdown begins to ease. Our first duty to children involved in family proceedings is to safeguard and promote their welfare and to give advice to the family courts about their experiences, their feelings and their wishes for their futures. We see all children involved in proceedings if their case progresses beyond the first hearing, and in order to understand what life is like for them, we will often see them directly in person for example in a Cafcass office, at home or in school. There is no prescription on the means through which we see children, and in some cases it is easier, more timely and preferred by the children that we see them remotely.

Since 23 March 2020, and in line with Government guidance to protect our staff and the children and families with whom we work, all our contact has been remote. There have been many successful examples of casework carried out in this way, with significant feedback from some children indicating that video-enabled work is their preferred way of speaking with us. We are keen to continue to use all our learning and best practice in respect of 'seeing' children and their families at a distance as we recover from the COVID-19 pandemic.

For some children, however, it is not possible or in their best interests to 'see' them remotely. They may want to see their family court adviser (FCA) in person; they need to be seen alone and this is not always possible to establish through remote means, or it may be safer to see them directly somewhere that is not where they are living. It is a matter of professional judgement, and negotiation with children and their families which will inform how children are 'seen' and, by association, how best to understand their experiences, needs, wishes and feelings in a timescale which is in their best interests.

Cafcass is not a safeguarding agency and we do not have the same responsibilities as a local authority to act to provide immediate protection from the risk of or actual harm to a child. We are however required to ensure that we can provide the court with an accurate assessment of the needs of the child and are able to reflect the wishes and feelings of the children who are the subject of family proceedings.

As an organisation, we have been successful in transforming in order to fulfil our functions remotely, and the courts have conducted a very considerable number of hearings remotely. Some high-quality interventions with children and young people have taken place and some excellent feedback has been received about this work from children. The Family Justice Young Peoples Board have asked us to consider the benefits and disadvantages of undertaking direct work with children and young people remotely rather than seeing them face to face. Their view is:

“whilst face to face meetings are very important, remote direct work does provide an extra positive option to children and young people. For some young people this could feel a more comfortable and usual setting, it could be less intimidating, and it might allow a young person to be a bit more open as they are in their own space. It could also feel less intrusive than a worker going into school and could also be less inconvenient for the child or young person who might be busy!” (FJYP Board June 20).

Staff consultations were held on this protocol in draft with over 180 staff. Staff recognised the need for choice and balance in how we connect with children and their families but there was strong support to the necessary return to visiting children and families in-person in a manner that was safe for the practitioner and the families.

It has not been possible to progress all of our work and court hearings remotely. There is inevitably a significant backlog of work building up and it is now urgent that we progress decision-making for children and families, in both public and private law cases. Continued delay is not in their best interests and for some it will increase the risk of harm to them. **We will now need to make safe arrangements to see the children and families in person, where it is not appropriate to do so remotely.**

A core Cafcass principle is to ensure our involvement **starts with the child and stays with the child**. We strengthen their world by seeing each case through their eyes and experiences. We work with them to understand what worries and upsets them as well as what they enjoy and would like to happen in the future. We find out what is happening in a family and try to take steps to make the situation better for the child.

As an organisation we are clear that we will **avoid visiting children and their families without clear purpose and reason during this initial period of recovery**, and we will use our professional judgement to ensure work is proportionate, focused and purposeful. This requires us to reflect and consider before making arrangements to visit as to whether it is necessary, and to set out our rationale clearly for the decision we make. It is not possible to provide prescriptive guidance for every situation in respect of every child. We are confident however that FCAs are able to use their professional judgement well, to weigh and balance the information they have, and to record their rationale and decisions. This was the case pre-COVID-19 and our skill to judge the best intervention required to complete our assessments, and to be confident that we can support and defend these, remains as strong as it always has been.

All colleagues are asked to note that in a re-issue of this protocol, expected in July 2020, we will be setting out arrangements to help prepare children for contact with FCAs, whether remote or face to face. A leaflet is in development with the Family Justice Young People's Board (FJYPB) which is specifically being designed to enable children to prepare for our engagement and to feel comfortable about our work together.

Circumstances where in-person contact with children and/or parents may be necessary

FCAs in discussion with their manager will need to **exercise professional judgement in each intervention** about whether and how to have essential in-person contact with children. The FCA will need to satisfy themselves that they are able to understand the child's situation, that they have been able to ascertain as far as possible the child's wishes and feelings, and that they have been able to engage with the adults around the child in such a way as to promote change if that is what is required. It is for the FCA to determine whether they are able to fulfil

those responsibilities remotely or whether they will need to see the child and or the adults in person.

It is clear from our experience of remote working that there is no single factor that will define whether contact is direct or remote. It is the **individual circumstances and needs of the child, family and the judgement of the appointed FCA** which are the influencing factors.

Seeking to engage with children and families should **not be seen as a singular activity nor a binary choice between remote or in person**. Each activity should supplement or complement the other; and we must take care to understand and report to the courts the limitations of each interaction.

In making the decision to engage with the child and with the other parties remotely rather than in person, the FCA must be confident that they are able to make a recommendation to the court that is reasoned, defensible and will stand up to cross-examination.

To reduce the delay for children in reaching final decisions about their futures **we must make the most of remote connection**, the resources and possibilities that they offer without compromising our evidence. We must:

- Place greater emphasis on information from other trusted sources and professionals.
- Analyse all historical case information that is available
- Consider observation of families at an open space (e.g. parkland)
- Use virtual platform calls at critical times of the day (e.g. breakfast time, tea time, etc.)
- Use purposeful activities during calls to create movement around the home and keep individuals engaged
- Clearly record the sources of information
- Note the consistency of information over time and from differing sources
- Be specific in our analysis as to the weight given to remote discussions and observations
- Be clear as to the purpose of a potential visit
- Use remote connections to prepare children for visits including speaking about social distance and face coverings where necessary.

Examples of circumstances where face to face visits should be considered. This is intended as a guide and is neither an exhaustive list nor specific examples of when visits must take place but is intended only as an aid to a professional judgement.

- Where coercion or parental alienation is suspected to be taking place or where the FCA feels that remote contact would not provide the children with a safe and confidential environment in which to be interviewed.
- Where a child or family has requested it or will not/are unable to engage remotely.
- Where a parent refuses the FCA remote contact with a child, if it is in the child's best interest and is safe for face to face contact to take place.
- In cases of serious domestic abuse, where the parent has justified concerns about the impact on the child of speaking about such traumatic events via video. This would also apply when interviewing parents as victims or suspected perpetrators.

- For a young person or parents with significant complex and additional needs including significant mental health issues where remote direct work is not appropriate for the individual.
- Where there has been a change of placement for a looked after child.
- Where there is a need to see the child in a proposed placement such as preparation for the making of a Special Guardianship Order (SGO).
- If the court is being asked to make an Interim Care Order, Supervision or Final order and the case could not progress without a face to face intervention.
- In applications for adoption/placement orders where a placement would be compromised by a delay caused by the inability to visit.

Staffing considerations

Before the decision is made that an in-person visit is necessary, the FCA should discuss with their manager the arrangements that would need to be put place to make such a visit safe. The following are matters to consider and to record on the rationale:

- Travel should be by car, walking or cycling as a first option.
If the FCA must travel on public transport, and they are not prohibited from doing so because of a clinically recognised health vulnerability, face coverings will be made available in order to abide by the government guidelines and current legislation. It is also recommended that the FCA avoids travelling at peak times for any appointments.
- The venue for in-person visits or interviews is a significant consideration particularly where it is assessed as unachievable to visit children and families in their home or the FCA concludes that there may be a more appropriate alternative. Consideration should be given when undertaking the risk assessment to local venues such as schools, civic buildings and children centres where these are available. This consideration should also be linked to the Cafcass Estates recovery document detailing where and when there may be Cafcass Estate buildings available for the purpose of engaging with young people and interviewing parents.
- If a home visit is assessed as being the best option in the circumstances for the child/ren, then a discussion should take place between the FCA and the child's parents, to agree how best to enable this to happen with as much social distancing during the contact as is reasonably and practically possible. We recommend that the advantages and disadvantages of using a face covering when seeing children are also discussed and agreed so that the child/ren are prepared for either scenario. Central to the decision and plan must be the needs of the child/ren and their comfort and security during the visit.
- Where the FCA has a dependent for whom they are caring and/or they continue to have pre-school or young children at home without alternative child care or schooling and they are unable to work outside the home, **and** professionally it is judged to be in the child's best interest to make an in-person visit to undertake the assessment, then urgent discussions will need to take place with line managers to agree whether the case should be reallocated, or visits undertaken by another FCA.

- Any FCA (or any member of their household) in a clinically extreme category as defined by the Department of Health and with a shielding letter will not be able to undertake visits or interviews in person until the government guidelines change in respect of shielding.
- A staff member who has been told to self-isolate by test and trace or who has made the decision to self-isolate because they have early symptoms may still be able to work remotely, but they will not be able to carry out any face to face work as this would place others at risk.
- Home visits are not to be undertaken in any circumstances of a confirmed case or symptomatic COVID-19 household.

In accordance with the [‘Attending Court Protocol’](#), if the FCA is unable to attend court in person because they are clinically shielded or with dependents and no alternative childcare, and their attendance at court has been ordered, discussion needs to take place with their line manager, and possibly with the court, while being careful not to disclose personal information about the FCA to the court without their consent.

If the FCA has been directed to undertake direct work with a child and/or family in person, the court will need to be informed that this is not possible where the individual is clinically shielded or has dependents and no alternative childcare. If the direct in-person work is assessed as necessary, in these circumstances, Cafcass would need to consider an alternative staff member for that piece of work or reallocate the case. In such circumstances, a full rationale would be made on the case file and the child, family, court and local authority (where one is involved) notified accordingly.

A risk assessment will need to be completed in each circumstance when a physical visit is considered as necessary.

The Use of Personal Protective Equipment (PPE)

The government advises that for the purposes of normal visiting in the course of our duties. PPE has limited advantage and that workplaces should not encourage the precautionary use of extra PPE to protect against COVID-19 outside clinical settings.

Cafcass considers that our role in visiting children and seeing children is vital although physical contact should not occur during a visit and social distancing should be observed. For this reason, Cafcass will make face coverings and hand sanitisers available to all staff.