

## **LIVED EXPERIENCE OF INVOLVEMENT WITH CAFCASS IN ENGLAND: RESULTS OF A SURVEY OF 511 PARTICIPANTS.**

### **ABSTRACT**

Cafcass is an executive non-departmental public body accountable to the Secretary of State in the Ministry of Justice. Cafcass's statutory responsibility in England is to safeguard and promote the welfare of children who are involved in family court proceedings. Cafcass's principal functions, as set out in the Criminal Justice and Court Services Act 2000 in respect of family proceedings where the welfare of children is or may be in question, are to safeguard and promote the welfare of children, give advice to the family courts, make provision for children to be represented, and to provide information, advice and support to children and their families.

This survey of people with lived experience of involvement with Cafcass in England adds to the findings of the Ministry of Justice Final Report (June 2020) on Assessing Risk of Harm to Children and Parents in Private Law Children Cases, which reported widespread concerns about how family courts address domestic abuse and child sexual abuse in private law children's proceedings.

A questionnaire was created on Google Forms with the link for completion shared on a dedicated Facebook page specifically targeted at males and females aged 18-65 living in England, with an interest in motherhood, fatherhood, parenting, health & wellness, marriage, healthcare, family, law, friendship, and well-being. The survey was open for responses from 7<sup>th</sup> July 2020 until 6<sup>th</sup> July 2023, and there were 511 responses (426 female, 80 male, and 5 who preferred not to state their gender). The results show high levels of overall dissatisfaction. The most dissatisfaction was with "looking thoroughly into the history and issues of your case", but the dissatisfaction rates for all the specific questions on fair treatment, openness and transparency, accurate representation of discussions, and maintaining a professional and objective standpoint is extremely high, with fewer than 10% of respondents giving a neutral or favourable rating.

82% of respondents believed that Cafcass had shown bias, and 63.8% of the 224 respondents who had made a formal complaint believed that making a complaint resulted in them being treated less fairly. Some respondents also reported being advised by their legal representatives not to make a complaint “as it will go against you”.

Three questions allowed respondents to input extended text responses to provide detail and to express their feelings. These have been subjected to a thematic analysis. Common themes are ignoring domestic abuse, not listening, false assumptions, ignoring safeguarding concerns, only speaking with one parent and taking their side, gender bias, and disability and LGBTQ+++ discrimination.

## **INTRODUCTION**

This study looks at how Cafcass is perceived by parents through an analysis of the survey responses of 511 people with lived experience of involvement with Cafcass in both public and private law proceedings.

The Children and Family Court Advisory and Support Service (Cafcass) was formed on 1st April 2001. It brought together the services previously provided by the Family Court Welfare Service, the Guardian ad Litem Services and the Children’s divisions of the Official Solicitor’s Office.

Cafcass is an executive non-departmental public body accountable to the Secretary of State in the Ministry of Justice. Cafcass’s statutory responsibility in England is to safeguard and promote the welfare of children who are involved in family court proceedings. Cafcass’s principal functions, as set out in the Criminal Justice and Court Services Act 2000 in respect of family proceedings where the welfare of children is or may be in question, are to safeguard and promote the welfare of children, give advice to the family courts, make provision for children to be represented, and to provide information, advice and support to children and their families.

Cafcass’s professionally qualified social work practitioners, called family court advisers (FCAs), work exclusively in the family courts. Cafcass provides the judiciary with advice, information, and recommendations about each child’s future. When children are subjects of an application for care or supervision orders by local authorities (public law), FCAs act as “children’s guardians”. The local authority can apply to the court for

various types of care and protection orders. The role of the children's guardian is to safeguard and promote the child's welfare and to scrutinise the local authority's plan and ensure that it is in the child's best interests. The majority of the children Cafcass works with are under 10 years old.

Cafcass has 33 offices across the country and is the largest single employer of social workers in England. It employs 1,687.7 full-time equivalent staff and engages 374 agency and flexible staff. Cafcass is represented on the national Family Justice Board and chairs or co-chairs 14 out of 42 local Family Justice Boards.

The following data is from the Cafcass Website - <https://www.cafcass.gov.uk/>

- Over the last five years the trend has been for an increase in the number of children and young people we work with each year from 122, 945 children in 2016/7 to 143,129 in 2020/21, an increase of 16.4%.
- The biggest increases have been in private law proceedings. We worked with 97,496 children in private law proceedings in 2020/1 compared with 79,180 in 2016/17, an increase of 23.1%. Around 2/3 of the children we work each year are involved in private law proceedings and 1/3 are involved public law proceedings. But the children involved in private law proceedings has been increasing from 64.4% in 2016/7 to 68.1% in 2020/1.
- The number of children's cases open to Cafcass at any point in time has also increased over time. At the end of the 2020/21 financial year (March 2021) there were 36,822 open active children's cases compared to 24,368 in March 2017, an increase of 51.1%. Most of this increase has been the result of the pandemic, due to the reduction in final hearings and disposals as the work in the family courts has slowed down.
- The considerable pressure on the family courts means children and families are in proceedings for longer, and this has become particularly acute since the Covid-19 pandemic. We produce quarterly data for the length of time we work with children and families in public law Section 31 proceedings. The average length of time we worked with families in public law s31 applications increased from 29 weeks (Q4 2016/7) to 44 weeks (Q4 2020/21) and currently stands at 45 weeks (Q3 2021/2).
- In March 2022 Cafcass received 5,410 new children's cases (7,954 children)

- The average daily demand level in March 2022 was 235 children's cases per day compared to 268 children's cases received per day during March 2021.
- The number of active open outstanding children's cases at the end of March remains at a high level (35,429 children's cases); this is an increase of 17.6% / 5,293 children's cases compared to March 2020 (at the start of the Covid-19 pandemic). There are currently 56,924 children in open active children's cases.

Despite these numbers there have been no studies similar in scope to the present one of how people view their experiences of Cafcass. Buchanan's "Perspectives of Children and Parents on the Family Court Welfare Service" (2001) predates the existence of Cafcass. This study therefore aims to add to the findings of the Ministry of Justice Final Report (June 2020) on Assessing Risk of Harm to Children and Parents in Private Law Children Cases, which reported widespread concerns about how family courts address domestic abuse and child sexual abuse in private law children's proceedings. The Executive Summary states that "Submissions highlighted a feeling that abuse is systematically minimised, ranging from children's voices not being heard, allegations being ignored, dismissed or disbelieved, to inadequate assessment of risk, traumatic court processes, perceived unsafe child arrangements, and abusers exercising continued control through repeat litigation and the threat of repeat litigation. The evidence from submissions demonstrated that in general, victims faced a number of barriers to raising domestic abuse, many of which overlap with the above challenges and include:

- The pro-contact culture of the courts and professionals involved in child arrangement cases; submissions highlighted a resulting lack of understanding of the different forms that domestic abuse takes, and of the ongoing impacts of abuse on children and victim parents, the systematic minimisation or disbelief of abuse, and the acceptance of counter-allegations without robust scrutiny.
- Evidencing abuse; victims reported difficulties evidencing abuse, particularly where there was a focus on single incidents or recent physical abuse, and where they encountered stereotypical views of how an 'ideal victim' should behave.
- Silo working can result in evidence of abuse accepted in one system, for example the criminal courts, not being acknowledged or effectively engaged with in the family court. There are particular barriers for victims

of BAME backgrounds in raising domestic abuse; victims and the professionals supporting them perceived these barriers as involving racism, in addition to sexism and class prejudice. Male victims also face particular barriers, with some respondents highlighting that stereotypes about 'real' victims present an obstacle to being believed".

The report, whilst describing the statutory functions of Cafcass, and some of its shortcomings, does not give appropriate weight to the crucial role that Cafcass reports play in Family Court proceedings, where they are heavily relied on by Judges and are difficult to challenge, despite the fact that Cafcass reports are routinely submitted to Court without prior disclosure to the parents about whom the reports have been written, and who are then left with the almost impossible task of trying to correct errors retrospectively.

The most recent National Inspection of Cafcass by Ofsted was carried out on 2<sup>nd</sup> February 2018. The overall judgement was "outstanding", with the following areas for improvement:

- Further improve the quality of recording in case plans and contact logs to ensure that management direction is explicit and prioritised.
- Strengthen the consistency of management recording in performance and learning reviews (PLRs) to ensure that areas for development are clearly articulated and evaluated.
- Fully implement the system to monitor the quality of work when practitioners step down from self-regulating their own work.
- Ensure that reports to court consistently explain when issues of diversity is not relevant to the application.

There was an additional focused visit on 21<sup>st</sup> April 2021 which noted that improvement was needed to provide consistent, unified systems for recording and evaluating management oversight, direction and supervision of family court advisers' practice and case plans. A further full inspection is currently in progress (as of 8<sup>th</sup> February 2024).

## **METHOD**

### **Participants**

511 people with lived experience of Cafcass took part in the study, comprising 426 female and 80 male participants and five who preferred not to state their gender. The majority (309 - 60.5%) were in the 30-44 age group, with 150 (29.4%) in the 45-59 bracket, 42 (8.2%) in the 18-29 bracket, and 9 (1.8%) over the age of 60.

## **Procedures**

On 30<sup>th</sup> June 2020 “Cafcass Experiences Survey - a page for people who wish to share their experiences of Cafcass in England” was created on Facebook with the intention of posting surveys and questionnaires on a regular basis to try to understand and analyse people’s experiences of Cafcass with a view to creating a large data set which would become a useful resource, free for anyone to use and refer to. The results of any surveys and questionnaires are posted on the page, as are the results of any statistical analysis. All surveys and questionnaires are anonymized, and all data is held securely in accordance with GDPR. The tone and approach of the page is neutral.

The questionnaire was created on Google Forms and was live for responses from 7<sup>th</sup> July 2020 until 6<sup>th</sup> July 2023. The results are attached at Appendix A (511 responses). The survey was specifically targeted at males and females aged 18-65 living in England, with an interest in motherhood, fatherhood, parenting, health & wellness, marriage, healthcare, family, law, friendship, and well-being.

Informed consent was obtained before participation and participants received no payment.

## **Measures**

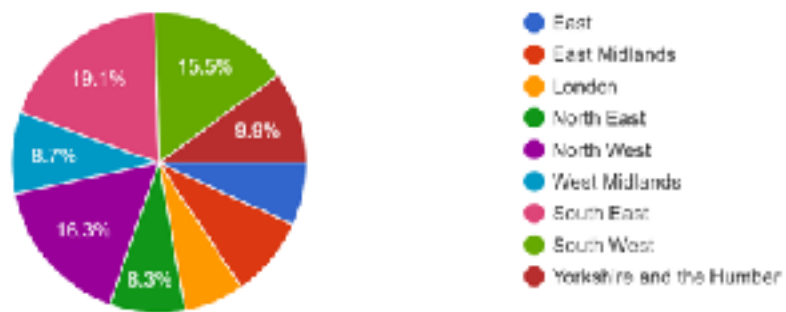
The questionnaire contained 24 questions (see Appendix A). Q1 asked how long participants had been involved with Cafcass and Q2 asked about the gender of the Cafcass Officer. In addition to questions asking about the age, gender, and ethnicity of participants, whether they were living with a disability, what region they lived in, what form of legal representation (if any) they had, and whether their involvement with Cafcass was part of Public or Private legal proceedings, there were a series of questions asking participants to rate their satisfaction with the outcome of their case, and to rate the performance of Cafcass on a scale of one to ten in a number of areas, such as treating you fairly, being open and transparent, accurately representing your discussions with them in their reports, looking thoroughly into the history and issues

of your case, and starting from and maintaining an objective and professional standpoint. Additionally, participants were asked if they felt that they had experienced bias or discrimination from Cafcass, and if they felt that any Cafcass officer had lied to them, or about them. Three questions asked for long text responses: these have been subjected to a thematic analysis (see below). There were further questions asking participants if they had made a formal complaint, and what had happened if they had.

## RESULTS

### 1. Demographic

9. What region do you live in?  
503 responses



This is a good spread of responses across the whole of England.

10. What is your Race/Ethnicity?  
503 responses

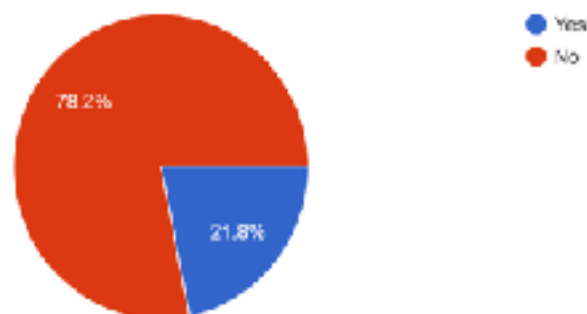


The 2021 Census data shows that:

- the total population of England and Wales was 59.6 million
- 48.7 million people (81.7%) were from white ethnic groups – 44.4 million of those identified with the white British group (74.4% of the population) and 3.7 million with the white 'other' ethnic group (6.2%)
- 5.5 million people (9.3%) were from Asian ethnic groups – 1.9 million of those identified with the Indian ethnic group (3.1%), and 1.6 million with the Pakistani ethnic group (2.7%)
- 2.4 million people (4.0%) were from black ethnic groups – 1.5 million of those identified with the black African ethnic group (2.5%), and 0.6 million with the black Caribbean ethnic group (1.0%)
- 1.7 million people (2.9%) had mixed ethnicity – 0.5 million of those identified with the mixed white and black Caribbean ethnic group (0.9%), and 0.5 million with the mixed white and Asian ethnic group (0.8%)
- 1.3 million people (2.1%) belonged to other ethnic groups – 0.9 million of those identified with the 'any other' ethnic group (1.6%), and 0.3 million with the Arab ethnic group (0.6%)
- White/Caucasian respondents are therefore overrepresented (91.5%) and Asian/Asian British (3.35) and Black/Black British/ African/Caribbean (1%) are underrepresented.

11. Are you a person living with a disability?

504 responses



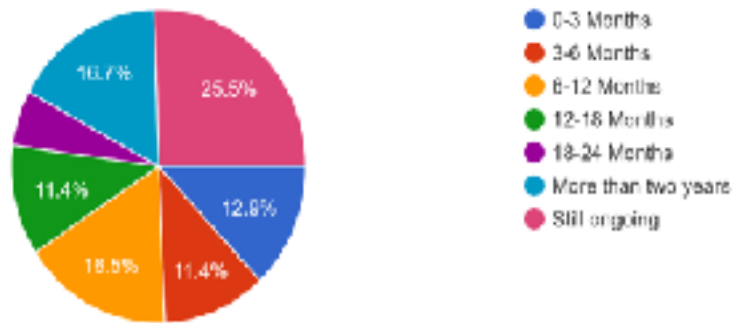
In 2021, across both England and Wales, the proportion of disabled people was 17.8%. (ONS 2021)



## 2. Involvement Duration

1. How long did your involvement with Cafcass last?

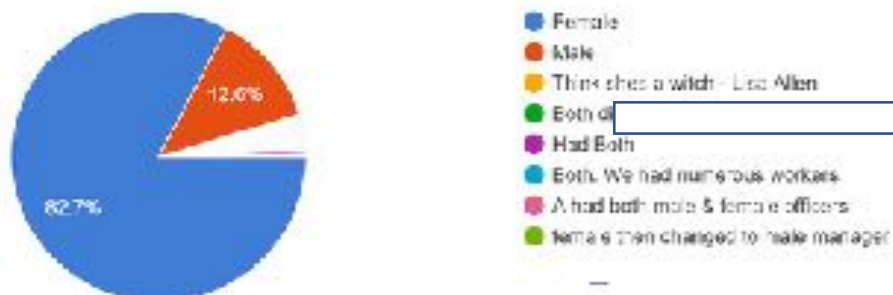
510 responses



## 3. Gender of Cafcass Officer

2. What gender was your Cafcass officer?

503 responses

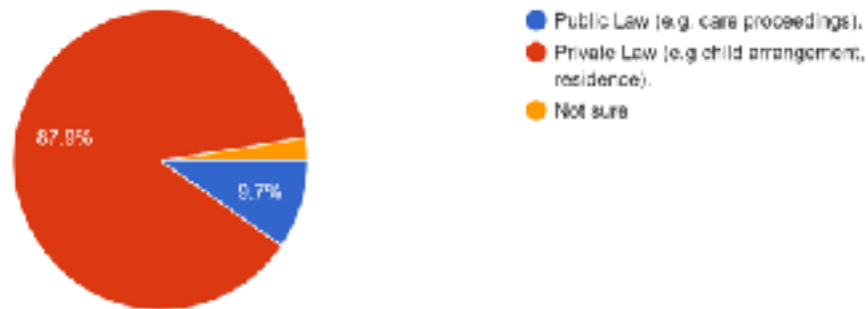


This reflects the predominantly female Cafcass workforce.

## 4. Public or Private Law, Representation

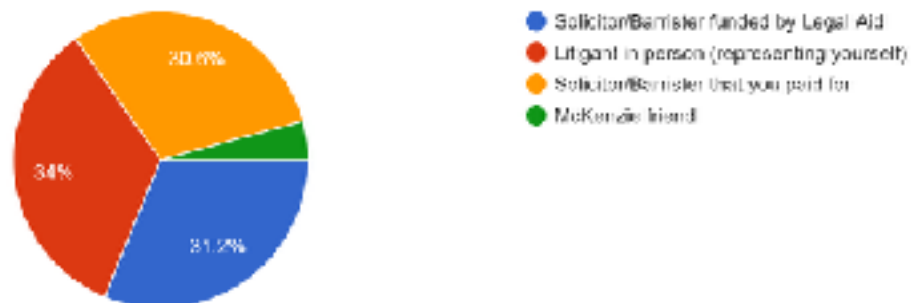
22. Was your involvement with Cafcass as part of Public or Private legal proceedings?

496 responses



23. In which of the following ways were you legally represented?

497 responses



Legal Aid for Family Court is only granted if you have evidence that you or your children have been victims of domestic abuse or violence, and you cannot afford to pay legal costs. Ironically, however, the fact that your evidence is sufficient to satisfy the Legal Aid criteria in no way guarantees that it will be accepted by Cafcass or not dismissed as “historical”.

## 5. Cafcass Performance

### 3. How did Defbase perform in each of the following categories?

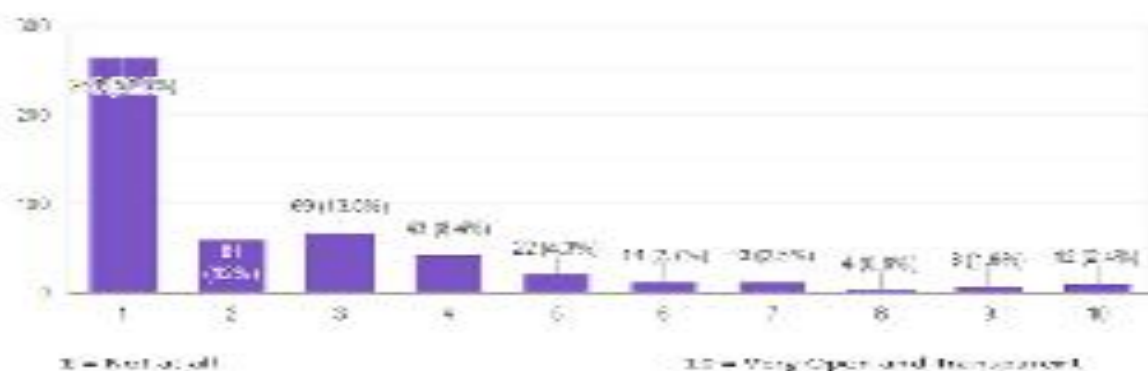
#### 3.1 Treating you fairly

507 responses



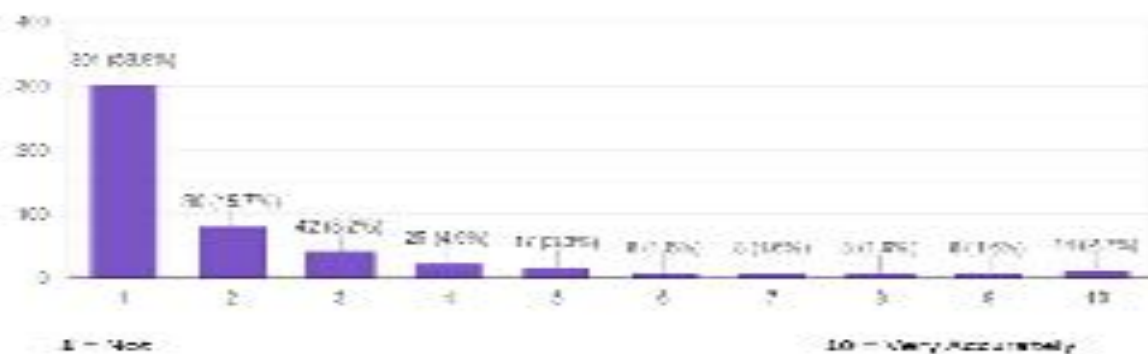
#### 3.2 Being open and transparent

513 responses



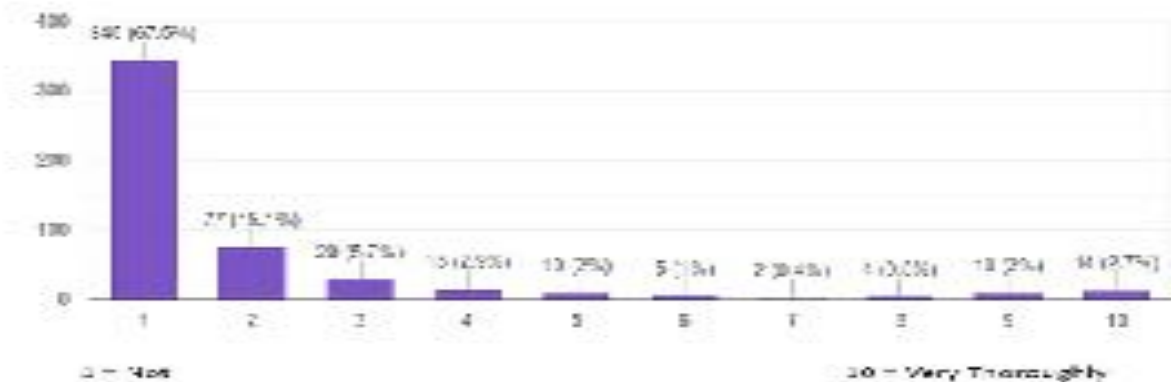
#### 3.3 Accurately Representing your discussions with them in their reports?

513 responses



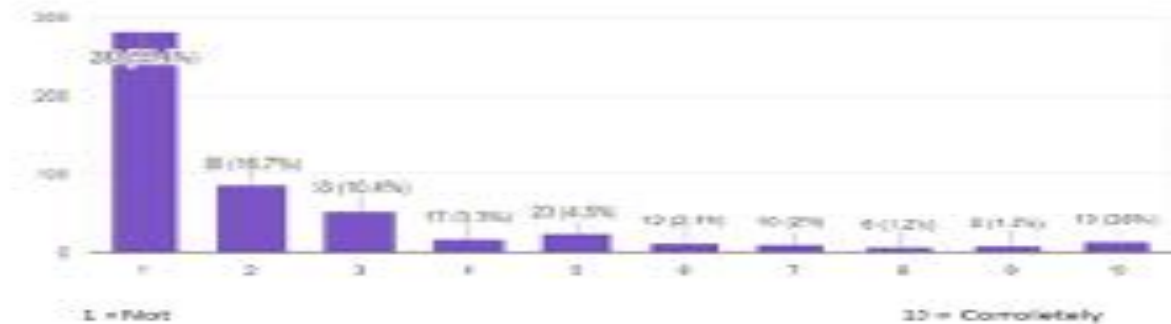
### 3.4 Looking thoroughly into the history and issues of your case?

811 responses



### 3.5 Starting from and maintaining an objective and professional standpoint?

800 responses

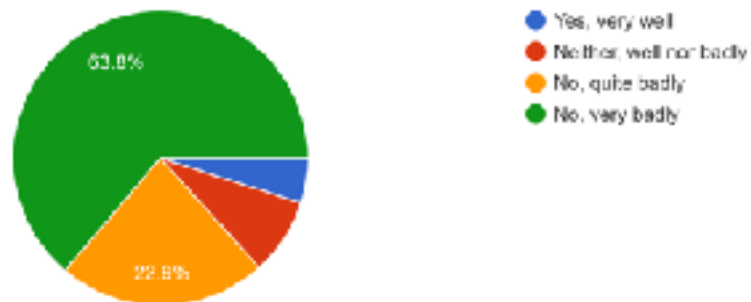


The most dissatisfaction was with “looking thoroughly into the history and issues of your case”, but the dissatisfaction rates for all these questions is extremely high, with fewer than 10% of respondents giving a neutral or favourable rating.

## 6. Personal judgement on treatment by Cafcass

#### 4. Do you personally feel Cafcass has treated you well?

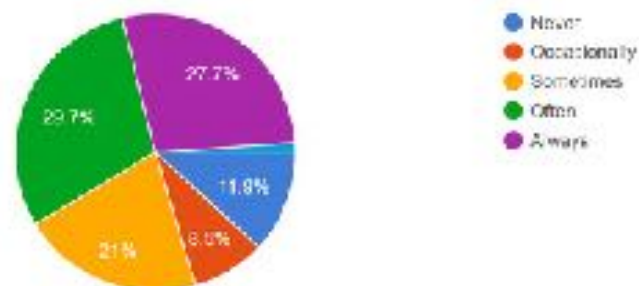
511 responses



### 7. Personal judgement on being lied to or about.

#### 12. Do you personally feel that any Cafcass officer lied to you, or about you, and your situation?

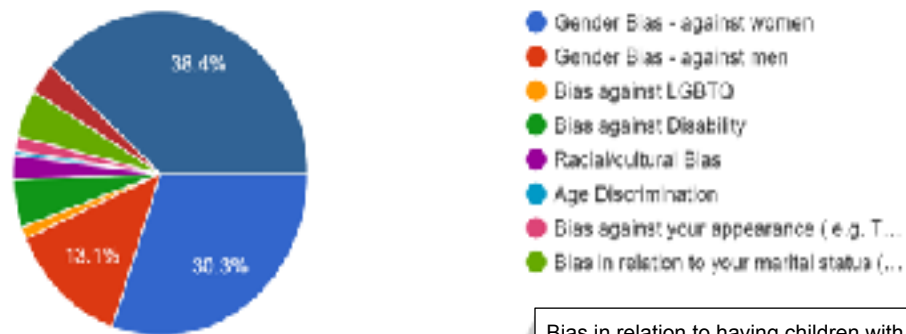
505 responses



### 8. Personal Judgement on Cafcass Bias.

5. Do you think that Cafcass showed Bias in any of the following ways? (Tick all that apply)

419 responses



Bias in relation to having children with more than one father/mother 13 (3.1%)

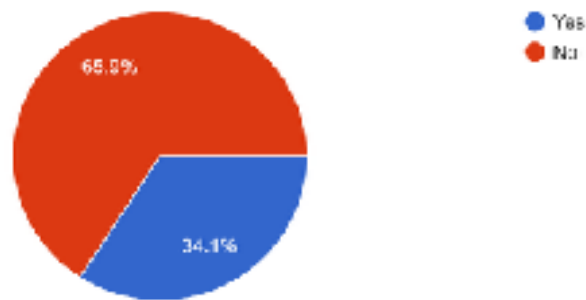
More than one of the above – 161 (38.4%)

82% of all respondents thought that Cafcass had shown bias. 38.4% of respondents said that Cafcass had shown bias in more than one way. Further analysis showed that gender was cited in 86% of these responses. Added to those who cited gender bias alone, a total of 95% of male respondents and 48% of female respondents who reported bias cited gender bias.

## 9. Complaints

14. Have you ever made a formal complaint to Cafcass?

507 responses



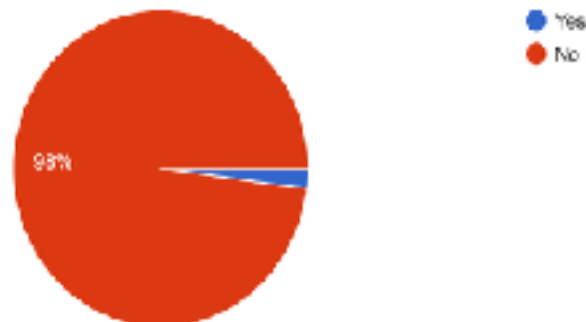
16. How easy did you find the complaints procedure?

213 responses



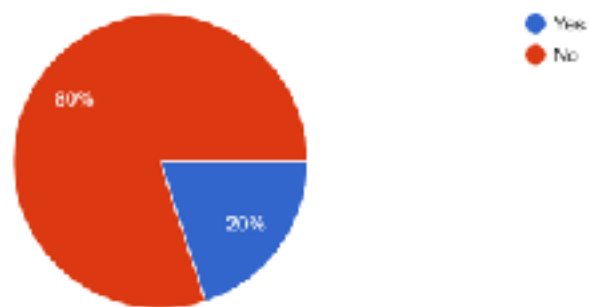
17. Did Cafcass resolve your complaint to your satisfaction?

203 responses



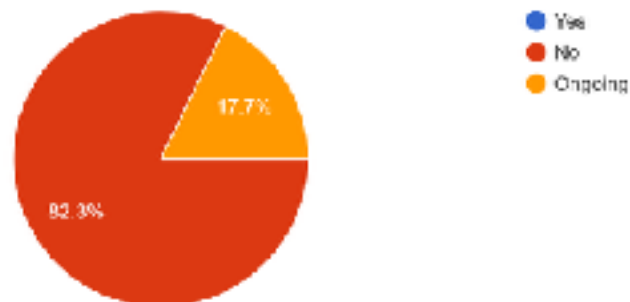
18. Did you take your complaint to The Ombudsman?

265 responses



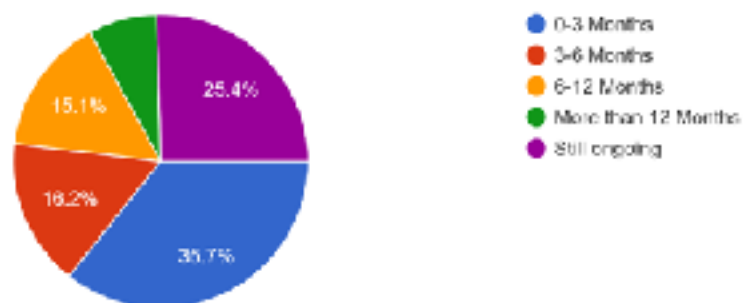
19. Did the Ombudsman resolve your complaint to your satisfaction?

186 responses



20. How long did the complaints procedure take, from start to finish?

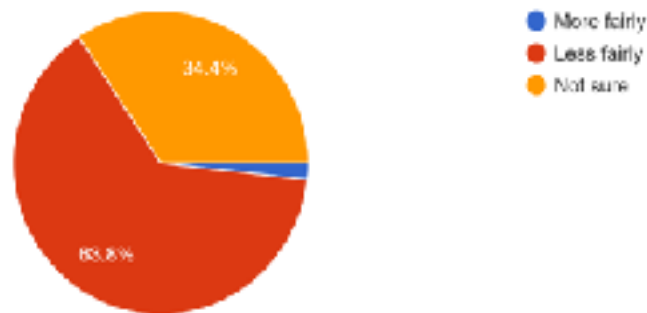
186 responses





21. Do you personally believe that making a complaint has caused Cafcass to treat you more or less fairly?

224 responses



63.8% of 224 respondents believing that making a complaint resulted in them being treated less fairly. Many respondents also reported being advised by their legal representatives not to make a complaint “as it will go against you”.

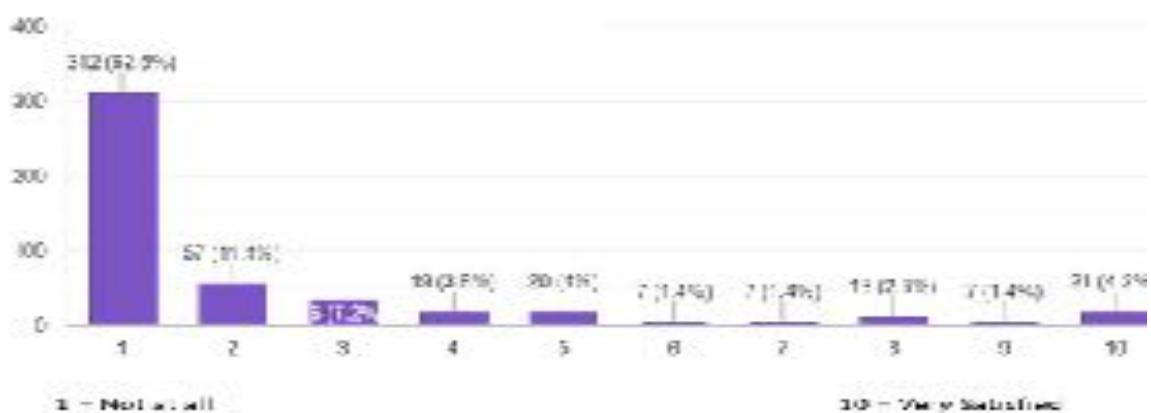
70% of those who made a formal complaint found the complaints procedure very difficult.

98% of the 253 who made a formal complaint to Cafcass, and 82.3% of the 186 who took their complaint to the Ombudsman did not have their complaints resolved to their satisfaction (with the remainder still ongoing).

## 10. Overall Satisfaction

24. How satisfied are you with the outcome of your case?

499 responses



## THEMATIC ANALYSIS OF LONGHAND RESPONSES

419 respondents thought that Cafcass had showed bias against them (Q5). Q6 asked "If you experienced any form of bias or discrimination, how did it manifest itself? If you experienced more than one form of bias or discrimination, please describe". There were 322 longhand responses.

The most common theme was:

**Ignoring domestic abuse:**

*"Seemed to blame me for domestic abuse I suffered whilst clearly favouring the abuser" (Respondent 224, female).*

*"Victim blaming, dismissive of domestic abuse". (Respondent 360, female).*

*"Asking me why I hadn't left earlier if he was abusive when domestic violence was brought up". (Respondent 4, female).*

*"Rude, ignored all signs of domestic abuse" (Respondent 40, female).*

*"Ignored domestic abuse. Placed the children with the perpetrator. Did nothing to repair relationships between children and healthy parent". (Respondent 66, female).*

*"I was accused of not understanding my children's cultural background. Their knowledge was outdated. No understanding of the affects of domestic abuse on children. No understanding of trauma. Never prepared. Never looked at previous files. Told my traumatised child that he should get over the abuse as it's in the past". Respondent 73, female).*

*"No idea about domestic abuse and trauma to both myself and children". (Respondent 203, female).*

*"First meeting, i was asked 'if he was so abusive why did you stay with him for so long'". (Respondent 82, female).*

*"I was told that I can't have been a victim of abuse because we had 3 children and if it was real abuse I would have left before having another child". (Respondent 199, female).*

*"The officer was adamant that I was lying about domestic abuse as "I would have left the first time he hit me" if it were true". (Respondent 247, female).*

*“Disregarded all domestic violence even though ex had breached non mol order twice and been found guilty and got 2-year sentence. (Respondent 340, female)”.*

Other common themes were:

### **Ignoring safeguarding concerns**

*“The Cafcass officer did not take into account the dv history of the father and was pushing for contact to start immediately even though the father was removed from the home by social services for assaulting his son”. (Respondent 123, female).*

*“My children’s Cafcass guardian as never met me or the children due to covid. She had accused me of parent alientation and refuses to accept the children have suffered abuse. She told me ‘a bit of physical abuse is better than no relationship with their dad’”. (Respondent 178, female).*

### **Only speaking with one parent and taking their side**

*“The officer met with my ex-partner and her husband and my daughter on several occasions but never with me and my case is ongoing and its been 2 years now”. (Respondent 21, female).*

*“No communication for 12 months, regularly communicated with Father”. (Respondent 34, female)*

*“Cafcass spoke to dad first then called me to have a go at me and threaten me with foster care. First phone call. Never spoke to me nor met me or my child”. (Respondent 14, female).*

*“Would not engage with me or meet me and refused to let me have there report”. (Respondent 155, male).*

*“Only read the position statement of the mother and said she didn’t need mine”. (Respondent 168, male)*

### **Naivety, lack of training & ignorance**

*“Refused to acknowledge she didn't have the training or experience to assess parental alienation. Took the mother's account to be true without question. Accepted the mother's lies as truth even when provided with proof she was lying”. (Respondent 36, male)*

*“I raised concerns about my ex’s drug use. When I said I’d found white powder on the toilet lid I was told people don’t do drugs in toilets. Toilets*

*are yucky. The woman was clueless and naïve". (Respondent 327, Female)*

*"My mum was told that she shouldn't be allowed near her grandchildren because she has bipolar". (Respondent 61, female).*

*"My mental health – PND. The officer said I had psychosis. Also made comments regarding having more than one father to my children". (Respondent 55, female).*

### **LGBTQ+++ and Disability Bias**

*"The Cafcass officer was unable to understand LGBT families - she told me that I wasn't important in my child's life and could not understand why I was making a court application". (Respondent 81, female)*

*"Imposed heterosexual norms onto a gay family, imposing language onto us and criticising me that we did not use it". (Respondent 349, female).*

*"We were both assumed to be "mothers" rather than me being the mother and her being the second parent". (Respondent 114, female)*

*"When explaining how a disability affected day to day life, the response was "it's not my problem"". (Respondent 17, female).*

### **False assumptions/Gender Bias**

*"Stereotyping, false assumptions, inability to see past their preconceptions, refusal to believe I had been assaulted and abused by my wife". (Respondent 36, male).*

*"The Cafcass worker was adamant I was abusive towards my Wife and Son, despite no evidence and she was also unwilling to agree to me having supervised contact or any direct contact with my Son unless I took responsibility for actions I have never committed". (Respondent 40, male).*

*"Made decisions based on false allegations made by the mother, even though they had been proved as false" (Respondent 329, male).*

*"Told me she knew my type!!!". (Respondent 333, female).*

*“Ignored abuse towards the child by the mother and only believe that men are abusive and not women and that my son was scared of his mother because I was alienating him from her”. (Respondent 267, male),*

*“Implied a man can't care for his daughter”. (Respondent 474, male).*

*“Made clear fathers are unable to bring up daughters”. (Respondent 141, male).*

### **Not listening**

*“Not listening already made mind up”. (Respondent 245, f)*

*“The FCA had predetermined views” (Respondent 36, male)*

*“She was prejudiced she knew nothing I had not made my statement I had not told her my side of the story”. (Respondent 63, male)*

*“Didn't listen to my opinions or concerns”. (Respondent 182, female).*

*“I was treated immediately as untrustworthy. I was disbelieved from the start. (Respondent 327, female)”.*

Other recurring, but less common themes, are of bias in relation to having children with more than one partner, and towards single parents.

In response to Question 12 “Do you personally feel that any Cafcass officer lied to you, or about you, and your situation?” 29.7% of 505 respondents said “often”, 27.7% “always”, and 21% “sometimes”. This aggregates to a total of 78.4% (396 respondents) who felt that their Cafcass officer lied to them, or about them and their situation.

Question 13 asked respondents how this made them feel. The most common (200+) responses were:

Hopeless, Worthless, Let down, Betrayed, Depressed, Like a criminal, Powerless, Disgusted, Devastated, Helpless, Angry, Frustrated, Humiliated, Abused, Ignored, Not listened to.

*“I felt like I was in some kind of strange nightmare, where facts, proof and fairness do not exist. It has affected me greatly.”*

*“Like being emotionally and financially gang raped.”*

Question 14 asked "Have you ever made a formal complaint to Cafcass?" 334 (65.9%) had done so. Question 15 asked "What was your complaint? please summarise briefly."

The responses to this question have been aggregated as follows: some respondents cited more than one.

**Bias:** 134

**Misrepresentation/Lies:** 122

**Ignoring Domestic Abuse:** 86

**Factual Errors:** 68

**Unprofessional Conduct:** 63

**Lack of Objectivity:** 41

**No Point Making a Complaint:** 76

*"I have not complained as when I tried to ask them about their complaints procedure they were not forthcoming or helpful".  
(Respondent 66, female)*

*"I didn't complain as was told it would impact my case by my solicitor".  
(Respondent 94, female).*

*"They refused to acknowledge it, I then hand delivered it and it's been ignored". (Respondent 134, male)*

*"I was told not to complain by solicitor, support groups say not to complain because they will close ranks and it will go against you".  
Respondent 167, female).*

*"There is no point in making complaints. Nobody takes you seriously, you are always just a 'disgruntled parent'". (Respondent 171, female).*

*"tried to but told i wasn't allowed to". (Respondent 177, female).*

*"I would love to but I was advise against it by my solicitor as the courts don't like it. (Respondent 180, female).*

*"I tried but my solicitor asked me to not". (Respondent 186, female).*

*"Treatment by the first Cafcass officer. Complaint made the situation worse so I never complained about the second". (Respondent 240, female).*

*"I was advised NOT to complain as they may make things worse for me!"  
(Respondent 6, male).*

*"Too scared it would go against me if I complained". (Respondent 320,  
female).*

*"I tried to complain to her manager but she simply put me down on the  
phone and said she agreed with her assessment and said my  
experiences of abuse did not have any impact upon child's contact with  
father". (Respondent 387, female).*

*"I did not make a complaint because I was afraid to do so". (Respondent  
403, female).*

*"Was never given the complaint procedure". (Respondent 453, female).*

*"Too scared as I know will use against me. There is no compliant  
handling externally". (Respondent 488, female).*

*"In fact complaining made them treat me even worse". (Respondent  
146, female).*

*"I was advised not to make a complaint as it would turn CAFCASS  
further against me". (Respondent 166, female).*

*"they kept threatening me with heavy sanctions if I made any  
complaints". (Respondent 230, female)*

*"I haven't complained as I think this would make my position worse".  
(Respondent 489, male).*

*"I was too scared it would go against me in court". (Respondent 55,  
female).*

*"I didn't know I could complain. The lady made it very clear that I had to  
do what she told me to". (Respondent 297, female)."*

*"I was advised not to complain, due to being in Court proceedings".  
(Respondent 369, female).*

*"I was advised NOT to complain as they may make things worse for me!"  
(Respondent 6, Male).*

*"I was told I didn't have deep enough pockets to challenge it".  
(Respondent 325, female).*

*“Asked for complaints procedure by email received a phone call from the officer I was complaining about to say they would not accept complaint”. (Respondent 32, Male).*

*“I wanted to but many people advised me this could hinder or negatively affect my case. I.e. they would go against me even more”. (Respondent 56, male).*

## **DISCUSSION**

These results not only show quite staggering levels of dissatisfaction with Cafcass, but raise serious concerns in a number of areas. Firstly, they support the findings of the MOJ Report (June 2020), particularly that “abuse is systematically minimised, ranging from children’s voices not being heard, allegations being ignored, dismissed or disbelieved”.

Secondly, the ratings on the performance of Cafcass on treating you fairly, being open and transparent, accurately representing your discussions with them in their reports, looking thoroughly into the history and issues of your case, and starting from and maintaining an objective and professional standpoint are quite damning, as is the number of respondents who felt that they had experienced bias or discrimination from Cafcass, and who felt that any Cafcass officer had lied to them, or about them.

Social Work England Professional Standards (SWE 2019) set out what a social worker in England must know, understand and be able to do. There are six separate headings: Promote the rights, strengths and wellbeing of people, families and communities: Establish and maintain the trust and confidence of people: Be accountable for the quality of my practice and the decisions I make: Maintain my continuing professional development: Act safely, respectfully and with professional integrity: Promote ethical practice and report concerns.

The long text responses reveal some appalling attitudes, particularly towards domestic abuse, with a number of shocking statements dismissing abuse because the victim had not left the perpetrator sooner. These show a complete lack of understanding of domestic abuse and coercive control. There are also some glaring examples of ignorant and discriminatory attitudes towards LGBTQ+++ respondents, disabled respondents, and men.



Similarly, a Freedom of Information request in February 2020 revealed that almost 4 in 10 (39%) of Family Court Advisers had failed to complete the mandatory training on parental alienation (although this was up from 2% in 2018). Parental alienation is often dismissed or not recognised, with practitioners frequently either unaware or downplaying its significance. Adult children of divorced parents reveal that the tactics employed by alienating parents amount to extreme psychological maltreatment. (Bernet et al, 2010).

The fact that 63.8% of 224 respondents believed that making a complaint resulted in them being treated less fairly is also extremely concerning, as is the number of respondents who reported being advised by their legal representatives not to make a complaint “as it will go against you”.

The fact that only 2% of respondents had their complaint resolved to their satisfaction by Cafcass (and none of those who took their complaint to the Ombudsman), coupled with how difficult and lengthy respondents found the process - and the number of respondents who say they were not told how to complain – shows that the complaints procedure is both unacceptably hard to navigate and is hamstrung (as acknowledged by the Ombudsman) by the fact that, by law, the Ombudsman cannot challenge the “professional judgement” of a Social Worker, and that there is no legal definition of “professional judgement”. Even when complainants list the areas in which Cafcass officers have failed to comply with Social Work England professional standards, these failings are not seen to impair their “professional judgement”, making them virtually immune to challenge and correction.

## **CONCLUSION**

These results should be a wakeup call to Cafcass, to Social Work England, and to the Ministry of Justice. The findings of this survey clearly show that enhanced training for Cafcass officers is urgently needed, particularly on domestic abuse, especially in light of the Domestic Abuse Act (2021) and its recognition of controlling and coercive behaviour. Too many children and parents are being failed by a Family Court system which places undue weight on unbalanced and poorly evidenced reports from Cafcass officers, and which makes these reports difficult to challenge, even for those who can afford to pay for legal representation. There is also much anecdotal evidence from

female and male victims of both opposite and same-sex domestic abuse that representation under legal aid is too often put in the hands of very inexperienced solicitors and paralegals who are ill equipped to fight their corner. The human cost of the failings of the system is bitterly apparent in the long text survey responses.

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