

Interview plan for the telephone call to both parties in preparing safeguarding letters

This outline provides structured questions for risk screening telephone calls in private law work to first hearing (WTFH) cases.

1.0 Introduction

- 1.1 Introductory telephone calls are necessary for the giving and gathering of information as part of active risk screening, which is a key part of Cafcass' pre-first hearing work in private law cases.
- 1.2 It is the duty of the Family Court Adviser (FCA) to establish during the screening process if parties require reasonable adjustments to undertake the interview such as telephone interpreters via the Big Word, [Typetalk](#), TextDirect, or in exceptional cases a face-to-face interview.

2.0 Purpose: risk assessment and analysis

- 2.1 The purpose of the telephone call is to ascertain and gather information in relation to the risks to children who are subject of the court application. Other children (of the family or household(s)) who are not subject to the application may need to be considered should risk information become apparent through the WTFH process, in line with the Child Protection Policy.
- 2.2 The FCA should remain focused on collecting information about any possible safeguarding concerns for the child and safety issues affecting vulnerable adults.
- 2.3 While the wider issues in the case need to be reserved for the attention of the court at the first hearing, the Child Arrangements Programme does make provision for the FCA to explore the outcome of the Mediation Information and Assessment Meeting (MIAM) and the narrowing of issues within the parenting plan.
- 2.4 The order in which relevant issues are covered during the course of each phone call may vary in accordance with the individual situation. The FCA should ensure that all the issues are covered. Supplementary discussion may well arise from these questions, but the discussion should remain focused on the exchange of information about safeguarding issues.
- 2.5 FCAs completing the interview should have excellent knowledge and understanding of the tools for evidence informed practice, which can be [accessed via the intranet](#). The purpose of these tools is to evidence work completed to support the case analysis.

3.0 Safeguarding

- 3.1 If the interview identifies risk of (or actual) significant harm to a child, a child protection referral to local authority children's services should be made in accordance with the Child Protection Policy.
- 3.2 If local authority children's services are actively involved with the family, the interview should still take place. The safeguarding letter should make clear to the court that the local authority is actively involved and that any request for a s7 report should be

directed to the local authority, in accordance with the Cafcass/ADCS good practice guidance.

- 3.3 Children will not be contacted by the FCA prior to the FHDRA.
- 3.4 Face-to-face interviews prior to the FHDRA will only take place if the FCA assesses that reasonable adjustments are necessary.
- 3.5 The telephone call will have been arranged by the FCA, or through a letter sent out by business services, to ensure that it takes place at a time that is convenient and private for the person being called. In addition to this measure, try to be aware of who may be hearing the phone conversation and what impact this might have on the person's ability to speak freely.
- 3.6 Please ensure that discrepancies in the information given by the parties regarding risk issues are identified clearly in the safeguarding letter.

Applicant	Respondent
<p>Introduction</p> <p>Identifying details:</p> <ul style="list-style-type: none"> • Check names, DOB, address, ethnicity • Check if parties are legally represented, and the details of the solicitor • Check parental responsibility • Check who holds the birth certificate/death certificates, particularly where the applicant is not the birth parent of the child. • Immigration status of the applicant, respondent and child. <p>Ability to take interview:</p> <ul style="list-style-type: none"> • Have you received the appointment letter? • Are you somewhere private? Are you driving? <p>Capacity: (needs to be considered at every stage of the interview)</p> <ul style="list-style-type: none"> • Do you have any special requirements to undertake the interview? i.e. learning needs, Typetalk or TextDirect. <p>Boundaries of work to first hearing:</p> <ul style="list-style-type: none"> • Have you received the welcome letter? • Have you accessed websites i.e. sorting out separation? http://www.sortingoutseparation.org.uk • What is your understanding of Cafcass' work to first hearing and the welcome letter? (test the applicant's understanding) • Explain that Cafcass offer one telephone appointment to assess the children's safety. 	<p>As for applicant.</p>

<ul style="list-style-type: none"> • Short introduction to reasons for early intervention and the need to complete telephone interviews. • Explain this stage of the process, purpose of the telephone call (risk assessment and analysis). • Explain the limits on confidentiality i.e. information will be shared with court and probably with the other party. It may also be shared with another relevant agency if necessary to safeguard children. • The telephone call is to ascertain any issues that either party may have that relate to the safety of the child. • As far as possible, remain focused on collecting information about any possible safeguarding concerns for the child. • Explain there is an emphasis to re-assess suitability to attend mediation at every phase of work. <p>Other proceedings</p> <ul style="list-style-type: none"> • Are you involved with any other proceedings, either in the criminal courts or family court? • Are there currently any orders in relation to you, your child or the respondent? • Ask whether there are any other proceedings (including criminal proceedings) involving anyone in the case and are there court orders that are currently in force affecting any person in the case, such as injunctions, restraining, domestic abuse protection orders or non-molestation orders? • Are there any current bail conditions? 	
<p>MIAM/mediation/parenting plan</p> <p>Briefly refer to the requirements for MIAM in the CAP - both parents should be involved in children's lives, providing it is safe.</p> <ul style="list-style-type: none"> • Does the respondent know about the application? • Have you attended the MIAM? • If not why, not? • If yes, do you know if the respondent attended the MIAM? • If yes, what was the outcome of the meeting? • Will you be attending mediation? • If not, why not? • If yes, do you still need to go to court? • Have you completed the parenting plan? • Have you filed a copy of the parenting plan with court? • What are the issues you need assistance with in relation to the arrangements for your child? 	<p>As for applicant.</p>

<p>(Background to the application tool)</p>	
<p>The child and their family</p> <ul style="list-style-type: none"> • Tell me about your child, describe the child, health, education, special requirements, activities, friendship. • Any other people that the child comes in contact with that you may be concerned about? • Are there any individuals who have regular or unsupervised contact with the child about whom you have concerns? If so ask for their names, ages (including DOB) and relationship status. • Who do you live with? • Are any children living in the household where the applicant resides? If so, ask for their names, ages (DOB) and relationship status. • Background information re relationship? • Where do you work, current employment status (LADO considerations)? • What are your child's religion/beliefs? • Does the child know about the application? • Does the child have concerns in respect of their circumstances? • If this is not obvious from the C100, does the child know of the applicant's existence? 	<p>As for applicant (in relation to respondent's household).</p>
<p>Identifying risk: agency checks</p> <ul style="list-style-type: none"> • Explore the relevance, for the child's safety, of all information contained in police/LA responses. • Ask whether the other party is aware of the information in returned checks. • Where screening information from police or LA is not yet available the parties should be made aware of the process and further discussion at court will be required. • The wider issues in the case need to be reserved for the attention of the court at the first hearing. • What if any are the concerns re the child or children (tool for parental concerns about their child) • Agency information police, children's services, probation (tool for criminal history) 	<p>As for applicant.</p> <p>Also: will the respondent be saying anything about safeguarding issues in any formal response (C7/C1A) that they might be making?</p> <p>Are there safety concerns? Address any from the C100 as detailed by the applicant.</p> <p>Did the respondent know, before receiving it, that an application was going to be made?</p>

<p>Identifying risk: domestic abuse</p> <ul style="list-style-type: none"> • Have you been exposed to domestic abuse/perpetrated domestic abuse? The FCA should have good knowledge of the CAADA/DASH tool, the ‘What we need to know about domestic violence’ tool and the Barnardo’s tool to inform questions. • Questions should include: describe the worst incident of violence; when was the last incident, when was the first incident, was there any financial abuse, sexual abuse, animal abuse, child abuse, use of weapons? What was the frequency of abuse? Were alcohol or other substances linked with the abuse? Did you suffer any injuries? Did you seek medical assistance? Did you report to the police or children’s services? • If the police attended the property, who called the police? • Where was the child? Did the child try to intervene? • How frightened are you? • How frightened is the child? 	<p>As for applicant.</p>
<p>Identifying risk: mental ill health</p> <ul style="list-style-type: none"> • Do you have any concerns about your own or the respondent’s mental or emotional well-being? If so, what are they? • Would the respondent be concerned about your mental or emotional wellbeing? • How do you think this impacts on the child i.e. who takes them to school, bath them, feeds them, etc. • How long have you been worried about this? • When and how did it have the most significant impact i.e. hospitalisation, suicidal thoughts, harm to self and others? • Are they taking medication? Is this prescribed? • What do they do when they are feeling unwell i.e. where are the children? • How does the child respond to the affected party? 	<p>As for applicant</p>
<p>Identifying risk: alcohol and other substance misuse</p> <p>The FCA should have good knowledge of the alcohol and drug tools in the toolkit to inform professional judgement and questions.</p> <ul style="list-style-type: none"> • Are you concerned about your own/the respondent’s use of alcohol or other substances? If so, what are they? • Would the respondent be concerned about your alcohol or other substance misuse? • What is the drug of choice? How is this being used i.e. smoked, injected? If injected, where on the body? 	<p>As for applicant.</p>

<ul style="list-style-type: none"> • Where are drugs being stored? • When do they use (alcohol and drugs)? • Where do they use (alcohol and drugs)? • How does it impact on behaviour? • Where are the children when they use? • What is the child’s understanding of use? • How does it impact on parenting? i.e. who takes the child to school, bath them, feed them, etc. 	
<p>Identifying risk: other, including learning needs</p> <ul style="list-style-type: none"> • Are there additional safety concerns? • Do you or the respondent have a diagnosed/undiagnosed learning need? • Do you or the respondent have any diagnosed or undiagnosed physical health needs that would impact on your ability to care for a child? • Any other relevant diversity issues that could affect the level of risk of harm to the child – and clarify those set out in C100 or C1A. 	As for applicant.
<p>Identifying risk: questions if there is a concern regarding trafficking (see Appendix 2)</p> <ul style="list-style-type: none"> • Do you have a genetic link to the child? • Can you bring appropriate documentation to court? • Can you clarify your immigration status and that of the child? • Who is the child living with, why and for how long? • Is your private fostering arrangement registered with the LA? 	As for applicant.
<p>Identifying risk: child sexual exploitation</p> <ul style="list-style-type: none"> • Use CSE screening tool 	As for applicant.
<p>Acting on risk: safeguarding</p> <ul style="list-style-type: none"> • If information about risk of harm is emerging, and if the applicant has parental responsibility, seek details of school or health visitor. • If the risks identified require a child protection referral, this should be made at once. • If a child protection referral is not required, seek consent to contact school/HV. If this is not given, make this clear in the safeguarding letter, indicate that Cafcass’ S16A risk assessment duty is engaged in line with the 16A guidance re risk. 	
<p>Court attendance:</p> <ul style="list-style-type: none"> • Do you have any special needs in relation to your attendance at the court hearing? (need for interpreter, physical access to premises, separate waiting areas) 	As for applicant.

<ul style="list-style-type: none"> • Signposting to relevant resources i.e. family rights group http://www.frg.org.uk/ family mediation council http://www.familymediationcouncil.org.uk/ 	
<p>Closing: what happens next/safety planning</p> <ul style="list-style-type: none"> • Explain process from here and timescales: you will send a letter to the court, which will be copied to the parties, unless to do so creates risk. • If the letter is only sent to the court, explain that the court will decide about disclosure. Explain that a Cafcass duty officer is likely to attend the court hearing. • Explain that the letter may feel negative. Help the service user plan for receiving the letter and consider how they may feel about allegations raised by the respondent. What it will feel like to get the letter? • Consider safety planning with the service user, who may be there to support you? • How is the respondent likely to respond to receiving the letter? Discuss what to do if matters escalate? 	As for applicant.

Owned by	Sandie Hayes, Assistant Director
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Amended	July 2016: updated to reflect changes to domestic violence terminology to domestic abuse 16 February 2018: reviewed by Neville Hall July 2018: added “and the details of the solicitor” to the list of identifying details to check.
Next Review	July 2019

Appendix 1: A2 EIT telephone call recording tool (pilot)

Telephone interview with

Check all dates of birth are correct – request any missing information

- Do they have a solicitor?
- Any other children/partner
- Confirm current application/any previous proceeding
- Current residence/contact arrangements
- Who has PR
- Ethnicity and that of child and mother
- Race/nationality/language/religion
- Physical disability/learning disability/difficulty
- Mental health – e.g. diagnosed with depression or anything similar?
- Child emotional/behavioural difficulties
- Child developmental difficulties

Safeguarding

- Has the child suffered any form of harm? What are your concerns about the care of the child with the other party?
- Any concerns around basic care?
- Stability?
- Any domestic violence/parental disputes (was child witness)
- Drug/alcohol misuse
- Criminal behaviour? Time in prison?
- Any risk posed by environment?
- Any risk from others?
- Any social work involvement?

Appendix 2

Trafficking

Children can be trafficked into the UK or within the UK. Traffickers are adept at using systems to further their ends. Trafficked children are frequently used for financial gain and can, amongst other activity, be used for:

- Sexual exploitation
- Enforced criminality
- Domestic servitude
- Labour exploitation
- To obtain benefits including social housing

In Cafcass we may receive Child Arrangement applications or Specific Issue Applications e.g. leave to dispense with parental permission, from people who are not genetically related to children. These applications may state that children have lived with the applicant for years; that parents are dead; that parents are abroad and unable to give permission etc.

What you must do if you believe a child has been trafficked:

- Discuss your concerns with your line manager and make a referral to the local authority in line with section 3 of the Child Protection Policy
- Ask the local authority, in accordance with its first responder status, to refer the child to the National Referral Mechanism (NRM). The NRM is part of the UK Human Trafficking Centre. Referrals to the NRM can only be made by first responders which include local authorities and the police. Cafcass is not a first responder.
- Refer any cases where a private fostering arrangement is not registered with the local authority as set out in s66 Children Act 1989.