



NAGALRO PRESS RELEASE

NAGALRO RAISES CONCERN ABOUT CAFCASS UNDERMINING THE ROLE OF THE CHILDREN'S GUARDIAN

For immediate release at 09.00 am on 4 September 2019

Nagalro is concerned that Cafcass public statements have disseminated inaccurate information on its website, which appear to dilute the role of the Children's Guardian and minimise their legal obligations. A number of recent judgments have reinforced our view that children's interests are being compromised. For example, in *Leicestershire County Council v AB & Ors* [2018] EWFC 58 (31 August 2018), the Judge was not able to rely on the evidence of the Children's Guardian. In another case, the Children Guardian's appointment was terminated for an abdication of her responsibility as the Children's Guardian and acting contrary to the interests of the child in *R v A Local Authority & Others* [2019] EWFC 49 (Fam).

The full reports can be found at:

<https://www.bailii.org/ew/cases/EWFC/H CJ/2018/58.html>;

<https://www.bailii.org/ew/cases/EWFC/H CJ/2019/49.html>

In June 2019, Nagalro became aware of inaccurate details on the Cafcass website, specifically the page that explains to parents the role of the Children's Guardian in care proceedings. (<https://www.cafcass.gov.uk/grown-ups/parents-and-carers/care-proceedings/cafcass-role-care-proceedings/>)

Nagalro wrote to Julie Brown, interim Chief Executive of Cafcass, explaining its concerns; particularly that the information does not accurately reflect the legal powers and duties of the guardian and that it may impede guardians in carrying out a thorough investigation on behalf of the children whose rights and interests they represent.

Further, Nagalro drew Cafcass' attention to the Gov.uk website, which explains the Children's Guardian's role accurately and in plain English and suggested that this should replace the Cafcass publication. <https://www.gov.uk/if-your-child-is-taken-into-care/going-to-court>

We are disappointed that we have now received a reply from Cafcass declining to change their website content.

Nagalro urges Cafcass to review their policies in the light of the evidence of the service failings revealed by recent court judgements and to provide accurate information to the public and practitioners. The powers and duties of the Children's Guardian are clearly set out in the Children Act 1989 and the associated Family Proceedings Court rules and are designed to ensure that Children's Guardians are

able to exercise the full extent of the legal powers available to them in order to safeguard each child's welfare.

-ENDS-

For further please information contact: Karen Harris, Principal Administrator, nagalro@nagalro.com and telephone 01372 818504

Notes to Editors:

1. Nagalro is the professional association for Family Court Advisers, Children's Guardians and Independent Social Workers. Its members represent the interests of children in a range of public and private law proceedings. Nagalro members are senior, highly experienced children and family social workers who work in a variety of roles. Many work as independent social workers and risk assessors providing expert witness reports in a wide range of complex cases coming before the family courts; in fostering and adoption agencies; in independent practice providing therapeutic services; as academics; as supervisors, mentors and consultants. Members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles.
2. The Nagalro website is at www.nagalro.com

4 September 2019