

21 July 2023

Dear

Request for Information - ATISN 18651

Thank you for your information request received on 25 June. You asked for:

- All policies that advise Cafcass Cymru FCAs on Male Victims of Domestic Abuse.
- All policies that advise Cafcass Cymru FCAs on Female Victims of Domestic Abuse.
- The Cafcass Cymru communications policy relating to how FCAs should manage communications with service users and a copy of the internal policy for handling cases where an FCA breaks policy.
- The criteria and/or policy that an FCA must use to identify and determine that a service user presents as "Controlling & Coercive".
- All policies relating to the requirements of Cafcass Cymru Family Court Advisors to undertake Continued Professional Development.
- The percentage of FCAs that have failed to achieve the minimum requirements of CPD.
- The number of complaints made during 2020, 2021, 2022 and 2023 by service users against Cafcass Cymru employees and contractors, the number of these complaints that have been upheld by Cafcass Cymru, and the number that were taken to the Ombudsman.
- The percentage of Cafcass recommendations made by FCAs that support custody of children to Mothers.

Our response

*All policies that advise Cafcass Cymru FCAs on Male Victims of Domestic Abuse.
All policies that advise Cafcass Cymru FCAs on Female Victims of Domestic Abuse.
The criteria and/or policy that an FCA must use to identify and determine that a service user presents as "Controlling & Coercive".*

Cafcass Cymru practice guidance is written in a gender-neutral manner to reflect that whilst women and girls are disproportionately affected by domestic abuse which is enshrined in Welsh law through the Violence Against Women Domestic Abuse and Sexual Violence Act, it is also recognised by Cafcass Cymru and Welsh Government that domestic abuse can occur within the LGBTQ+ community and by female perpetrators against male victims. The documents listed below advise our practitioners on male and female victims of domestic abuse, and in relation to features of 'coercive and controlling behaviour'.

In respect of the criteria that an FCA must use to identify and determine that a service user presents as "Controlling & Coercive", these are defined in law via the Domestic Abuse Act 2021 and Practice Direction 12j.

[Domestic abuse information sheet | GOV.WALES](#)

[Finding of fact hearings: practice guidance for Cafcass Cymru practitioners | GOV.WALES](#)

[Guidance for Cafcass Cymru practitioners about children experiencing domestic abuse | GOV.WALES](#)

[Children's resistance or refusal to spend time with a parent: Cafcass Cymru practice guidance | GOV.WALES](#)

The following documents have been provided as attachments to the covering email with this letter:

- *Cafcass Cymru Best Practice Guide: The Private Law Reform Investigative Approach 'Pathfinder' Pilot Operational Protocol.*
- *Cafcass Cymru Domestic Abuse Practice Guidance* (this document has been temporarily removed from our website to be updated to ensure it reflects the Domestic Abuse Act 2021 and recommendations of the Harm Panel Report).
- *Cafcass Cymru Harmful conflict practice guidance.*
- *Cafcass Cymru Harmful Conflict: Additional Research And Resources For Working With Cases Featuring Harmful Conflict.*

The Cafcass Cymru communications policy relating to how FCAs should manage communications with service users and a copy of the internal policy for handling cases where an FCA breaks policy.

We do not hold information matching the description of this part of your request. However, I attach to the covering email a copy of our Communications Expectation statement which explains how we communicate with service users (this document has been temporarily removed from our website to be updated). We would address any issues in regard to communications between service users and the FCA when brought to our attention, including via our complaints process, a copy of which is published on our website.

All policies relating to the requirements of Cafcass Cymru Family Court Advisors to undertake Continued Professional Development.

The percentage of FCAs that have failed to achieve the minimum requirements of CPD.

We do not hold information matching the description of this part of your request. However, you may wish to know that Continued Professional Development is a requirement of Cafcass Cymru Family Court Advisors' registration with Social Care Wales.

The number of complaints made during 2020, 2021, 2022 and 2023 by service users against Cafcass Cymru employees and contractors, the number of these complaints that have been upheld by Cafcass Cymru, and the number that were taken to the Ombudsman.

1 April 2020 – 31 March 2021 - 68 complaints – 3 issues upheld.

1 April 2021 – 31 March 2022 - 46 complaints – 3 issues upheld.

1 April 2022 – 31 March 2023 – 66 complaints – 1 issue upheld.

1 April 2023 – 30 June 2023 - 14 complaints – 0 issues upheld.

In respect of 'the number that were taken to the Ombudsman', we do not hold information matching the description of this part of your request. I can however confirm that for the period 1 April 2020 – 30 June 2023, the Public Services Ombudsman for Wales contacted us in relation to 21 complaints made to them in respect of Cafcass Cymru.

The percentage of Cafcass recommendations made by FCAs that support custody of children to Mothers.

Whilst Cafcass Cymru may hold information that falls within the description of this part of your request, we can only retrieve this information by examining individual case files. In order to identify and locate the information, we estimate it will cost more than the appropriate limit set out in the Freedom of Information and Data Protection (Appropriate limit and Fees) Regulations 2004 to answer your request. The appropriate limit specified for central government is £600. This represents the estimated cost of it taking over 24 hours of time to determine whether we hold the information and to thereafter locate, retrieve and extract it.

Normally, I would undertake a sample check of cases to evidence the time it would take to locate, retrieve and extract the information. However, I have undertaken similar sample checks in the past and these have averaged 4 minutes per case. The information you have requested is less accessible and I am therefore satisfied retrieving this would take longer than 4 minutes.

Based on the number of relevant cases in which we are involved in any given year, and at a nominal 4 minutes per file (in reality the average time is likely to be more than this) to locate, retrieve and extract the information would take substantially more than 24 hours.

If you are dissatisfied with our handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to:

Nigel Brown
Chief Executive
Cafcass Cymru
cafcasscymru@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. Normally, however, you should pursue the matter through our internal procedure before you complain to the Information Commissioner.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow

Cheshire
SK9 5AF

Telephone: 0303 123 1113
Website: www.ico.org.uk

Yours sincerely