

GUIDANCE & TEMPLATES
- PROVIDING INFORMATION FOR THE COURT
RELATING TO S11 (CHILDREN ACT 1989) REQUIREMENTS
established by the Children & Adoption Act 2006.

This guidance sets out separate standard letters and relevant guidance for each provision. The actual templates will be on the intranet w/b 1.11.08.

1. Contact Activity Conditions or Contact Activity Directions
- assessment for suitability and availability. (Page 2)
2. Contact Activity Conditions or Contact Activity Directions
- information about compliance or non-compliance. (Page 4)
3. Contact Order
- monitoring compliance or non-compliance. (Page 6)
4. Enforcement
- assessment for suitability and availability. (Page 8)
5. Enforcement
- reporting non-compliance. (Page 10)

This document should be read alongside the guidance to Cafcass practitioners on their roles in supporting the courts in their use of the section 11 A - P provisions, Children Act 1989 (as inserted by the Children and Adoption Act 2006) (s11 Guidance) issued 01.12.08.

These templates have not been piloted since the provisions do not exist until full implementation of the Act. This means that they will require early review as we gain experience of the provisions working in practice. Any feedback should be addressed to Colette Beech – colette.beech@cafcass.gov.uk

These letters form part of a suite of standard templates for reporting to court. These will all be combined into a unified Reporting to Court policy, due January 2008. These letters are being released early, to be available in time for implementation of the s11 provisions from 8th December 2008.

In all cases, Cafcass is under a duty to safeguard and promote the welfare of the children involved, and to undertake risk assessment where this appears necessary.

In some of the situations outlined here, Cafcass may be reporting to the Court on the wider circumstances of the case using the standard Analysis & Reporting (A&R) templates for private law¹. If so, the information set out in the relevant template here, should be incorporated into the A&R document. There is no need for separate documents to be presented to the court. These templates are only necessary if a 'stand-alone' document is required.

If any one of the letters in this guidance is completed by a Family Support Worker, the letter must be countersigned by a Family Court Adviser or Service

¹ Due January 2008

Manager, since the FSW should not take lead responsibility for reporting to Court.

**1. Contact Activity Conditions or Contact Activity Directions
- assessment for suitability and availability**

(‘s11 Guidance’ section 2)

Contact activities will fall into 3 groups:

- Information / assessment meetings about mediation
- Parenting information programmes
- Domestic violence (DV) prevention programmes.

In all cases, Cafcass is required to assess:

- Local availability
- Accessibility for the party/ies
- Suitability of the party/ies
- The likely effect – i.e. what is the potential benefit

The information can be provided:

- orally at court. This may arise when the activity being considered is mediation or parenting information. When a DV programme is being considered, a written report should always be provided.
- as part of a Cafcass Analysis & Recommendations document
- in a separate letter

TEMPLATE

Cafcass address
Date

Cafcass Letter to the Court (Contact Activity Conditions or Contact Activity Directions [~~Delete as appropriate~~]- assessment for suitability and availability)

Court:
Court Case Number:
Date of Next Hearing:

Child/ren subject of the application

Name	Gender	Date of birth	Age
First Names SURNAME	M/F		

Adult parties to the proceedings

Name	Gender	Relationship to child/ren	Date of birth
First Names SURNAME	M/F		
First Names SURNAME	M/F		

The Court has requested advice from Cafcass about the appropriateness of making a contact activity condition / contact activity direction [~~Delete as appropriate~~]. In response to the Court's request, Cafcass provides the following information.

1. Nature of the activity being considered [*– insert one of the following*
 - *Information / assessment meetings about mediation*
 - *Parenting information programmes*
 - *Domestic violence prevention programmes*

Provide information about name of provider; availability of vacancies; when the programme will start; and confirm (in all cases) that the provider is approved by either the Legal Services Commission (in the case of mediation information) or the DCSF (in the case of parenting information and DV prevention programmes.).
2. Local availability
insert relevant information
3. Accessibility to the party/ies
insert relevant information
4. Suitability of the party/ies
insert relevant information
In all DV cases, insert 'I attach the suitability assessment from the proposed provider for the Domestic Violence programme, which addresses this point'.
5. The likely effect – i.e. what is the potential benefit
insert relevant information including information about the children if relevant.
In all DV cases, insert 'I attach the suitability assessment from the proposed provider for the Domestic Violence programme, which addresses this point'

Either

A copy of this letter has been sent to both adult parties named above

Or

A copy of this letter has not been sent to the adult parties named above. The court is asked to consider disclosure to both parties / the relevant party (*in the case of a DV suitability assessment*).

Letter completed and signed by

[*Insert name / role / date*] [*Note: if completed by a Family Support Worker this form must be countersigned by a family court adviser or service manager*]

2. Contact Activity Conditions or Contact Activity Directions - information about compliance or non-compliance

('s11 Guidance' section 2.6)

It is envisaged that this information will normally be contained within an Analysis & Recommendations document. This template is provided for the unusual circumstances in which a stand-alone letter is required.

TEMPLATE

Cafcass address
Date

Cafcass Letter to the Court (Contact Activity Conditions or Contact Activity Directions [*Delete as appropriate*]- information about compliance or non-compliance

Court:
Court Case Number:

Child/ren subject of the application

Name	Gender	Date of birth	Age
First Names SURNAME	M/F		

Adult parties to the proceedings

Name	Gender	Relationship to child/ren	Date of birth
First Names SURNAME	M/F		
First Names SURNAME	M/F		

At the Court hearing [*insert date*] a contact activity condition / contact activity direction [*Delete as appropriate*] was made. A copy of the Order is attached. The purpose of this letter is to inform the Court of attendance and an assessment of the effect of the activity.

1. Nature/timing/duration of contact activity, as ordered by the court
insert relevant information
2. Level of compliance (to include attendance)
insert relevant information

3. Assessed effect of participation in the contact activity *[If available, insert 'please see attached report from the provider']*
insert relevant information, including information about the effect on the child, if available

4. Any further relevant information about the welfare of the child or risk assessment *[only include if necessary]*
insert relevant information

The Court is invited to consider this information. The direction of the Court is requested about Cafcass' future involvement.

Add the following recommendation/s if relevant:

In particular, the Court may wish to consider

Either

A copy of this letter has been sent to both adult parties named above

Or

A copy of this letter has not been sent to the adult parties named above. The court is asked to consider disclosure to both parties

Letter completed and signed by

[Insert name / role / date] [Note: if completed by a Family Support Worker this form must be countersigned by a family court adviser or service manager]

3. Contact Order - monitoring compliance or non-compliance

('s11 Guidance' section 3)

A contact monitoring order will usually be attached to a final Contact Order i.e. an intervention for Cafcass post-determination of the matters before the court. The Court will direct in what circumstances Cafcass should report for example, (if compliance) at the end of the period only or at an interim stage, or only if there is non-compliance.

Cafcass envisages 3 separate reasons for using this reporting template:

- an acute failure of compliance with the Contact Order, for example a refusal to return the child after an overnight stay or a failure to make the child available for any contact;
- a chronic failure of compliance – for example, 2 or 3 occasions of late arrival for contact, or repeated (but non-evidenced) claims that the child's illness has prevented contact; or
- a report at the end of the monitoring, to report on compliance throughout the relevant time period.

The report should focus on the following, but in brief. It is not envisaged that this will be a lengthy document.

1. Cafcass contacts with parties and child/ren
2. Level of compliance with the contact order
3. Any further relevant information about the welfare of the child or risk assessment. You should only include this 3rd section if it is necessary, within the individual circumstances of the case.

No 'recommendations' section is provided since it is not the function of Cafcass to advise the court in these cases. In exceptional cases, particularly where Cafcass' risk assessment duty is engaged, recommendations could be made.

Note on management of monitoring: it is envisaged that Cafcass monitoring will be pro-active by Cafcass i.e. contacting the parties regularly after contact to ascertain compliance. Where contact is working well, there should be a phased relaxation of the pattern of checking, so that (for example) where the pattern was originally once per fortnight, this would relax to once per month, or even longer, where it is working well. In planning this relaxation, particular note should be given to potentially stressful periods e.g. school holidays, birthdays and festivals.

TEMPLATE

Cafcass address
Date

Cafcass Letter to the Court Contact Order - monitoring compliance or non-compliance

Court:
Court Case Number:

Child/ren subject of the application

Name	Gender	Date of birth	Age
First Names SURNAME	M/F		

Adult parties to the proceedings

Name	Gender	Relationship to child/ren	Date of birth
First Names SURNAME	M/F		
First Names SURNAME	M/F		

At the court hearing on *[insert date]* contact was ordered. A copy of the Order is attached. The Court imposed a contact monitoring requirement.

This letter is to notify the court of the following information:

insert brief report of what has happened, based on:

1. Cafcass contacts with parties and child/ren
2. Level of compliance with the contact order
3. Any further relevant information about the welfare of the child or risk assessment (only include if necessary)

The Court is asked to consider this information. The direction of the Court is requested about Cafcass' future involvement.

Either

A copy of this letter has been sent to both adult parties named above

Or

A copy of this letter has not been sent to the adult parties named above. The court is asked to consider disclosure to both parties

Letter completed and signed by

[Insert name / role / date] [Note: if completed by a Family Support Worker this form must be countersigned by a family court adviser or service manager]

4. Enforcement - assessment for suitability and availability.

('s11 Guidance' section 4)

Enforcement orders are one of the suite of new provisions contained in the Children & Adoption Act 2006. Enforcement is unusual, since its focus is on the compliance of adults, unlike other Children Act 1989 proceedings, which are focused on children. Cafcass can be required:

- i) to provide information on whether there is unpaid work provision in the local justice area where the person in breach resides.
- ii) to provide information about the effect an enforcement order is likely to have on the person who has breached the contact order, in particular any conflict with his/her religious beliefs and any interference that may be caused to his/her times of work or attendance at an educational establishment.
- iii) to monitor the person's compliance with the enforcement order, and report to court.

At the same time, Cafcass will continue to:

- a) have the function of safeguarding and promoting the welfare of the children within these family court proceedings, (section 12 Criminal Justice and Court Services Act 2000). The welfare of the child is not *paramount* in enforcement proceedings but it remains important. and
- b) have a duty to assess risk if it is present (section 16A, Children Act 1989, *as amended*).

TEMPLATE

Cafcass address
Date

Cafcass Letter to the Court Enforcement - assessment for suitability and availability.

Court:
Court Case Number:
Date of Next Hearing:

Child/ren subject of the contact order

Name	Gender	Date of birth	Age
First Names SURNAME	M/F		

Adult parties to the proceedings

Name	Gender	Relationship to child/ren	Date of birth
First Names SURNAME	M/F		
First Names SURNAME	M/F		

The Court has requested advice from Cafcass about the availability of unpaid work and its likely effect on *[insert the name of the person being considered for unpaid work]*. This letter is to notify the court of the following information:

1. Local availability

insert relevant information from the National Probation service in your area

2. Accessibility to the party

insert relevant information

3. Suitability of the party

insert relevant information

4. The likely effect

insert relevant information

5. Any further relevant information about the welfare of the child or risk assessment (*only include if necessary*)

The Court is requested to specify the manner in which Cafcass should monitor compliance with any unpaid work requirement that it decides to impose.

Either

A copy of this letter has been sent to both adult parties named above

Or

A copy of this letter has not been sent to the adult parties named above. The court is asked to consider disclosure to both parties

Letter completed and signed by

[Insert name / role / date] [Note: if completed by a Family Support Worker this form must be countersigned by a family court adviser or service manager]

5. Enforcement - reporting non-compliance.

('s11 Guidance' section 4)

This letter should focus on the particular issue of non-compliance with an unpaid work requirement, which will have been made linked to an enforcement order. If, separate from this issue, concerns arise about welfare, risk, or any other matter, then these should be considered by Cafcass and appropriate steps should be taken in accordance with the Cafcass Safeguarding Framework, in addition to any reporting to the court about non-compliance with an unpaid work requirement.

TEMPLATE

Cafcass address

Date

Cafcass Letter to the Court Enforcement - reporting non-compliance

Court:
Court Case Number:

Child/ren subject of the contact order

Name	Gender	Date of birth	Age
First Names SURNAME	M/F		

Adult parties to the proceedings

Name	Gender	Relationship to child/ren	Date of birth
First Names SURNAME	M/F		
First Names SURNAME	M/F		

At the Court hearing on *[insert date]* an enforcement order, together with an unpaid work requirement, was imposed on *[insert name]*. A copy of that Order is attached. In response to the direction for Cafcass to monitor compliance, this letter provides the following information:

Either

The National Probation Service has determined that in its view there has been non-compliance, without reasonable excuse, with the unpaid work

requirement. The National Probation Service report is attached.

Or

The National Probation Service has determined that in its view *[insert name]* has become unsuitable to perform unpaid work. The National Probation Service report is attached.

The direction of the Court is requested about Cafcass' further involvement.

Either

A copy of this letter has been sent to both adult parties named above

Or

A copy of this letter has not been sent to the adult parties named above. The court is asked to consider disclosure to both parties

Letter completed and signed by

[Insert name / role / date] [Note: if completed by a Family Support Worker this form must be countersigned by a family court adviser or service manager]