

6 February 2025

Dear ,

### **Complaint in respect of Request for Information – reference ATISN 23178**

I refer to your email of 8 January complaining about the response to your recent information request.

I have considered your complaint in accordance with the procedure outlined in the [Welsh Government's Practical Guide for Making Requests for Information](#) which is available by post on request or via the internet.

I have reviewed all the correspondence in relation to this matter and respond to each of the points you raise in turn. I note in your complaint you refer on several occasions that you do not agree, or are unhappy, that information does not exist and that in your opinion it should. Making a request under the FOIA entitles the requestor to receive, subject to any exemptions, information already held by the organisation: it does not require creating new information. This is confirmed by the Information Commissioner's guidance 'The Guide to Freedom of Information':

*"The Act does not cover information that is in someone's head. If a member of the public asks for information, you only have to provide information you already have in recorded form. You do not have to create new information or find the answer to a question from staff who may happen to know it."*

What is the FOI Act and are we covered? | ICO

### **Procedural Guidance for Interviews (Point 1)**

In your original information request you asked for *a copy of Cafcass's policy and procedural guidance for conducting interviews with parents and children, including protocols for balancing engagement between both parties*. Our response was that we do not hold information matching the description of your request, and I can confirm this is the case.

In your complaint, you ask about the existence of, along with their scope and application, internal policies or procedural safeguards to ensure consistency, impartiality, and fairness in CC officers' approach to conducting interviews. We consider this to be materially the same question as that in your previous request but for the avoidance of doubt, I can confirm we do not hold information matching the description of this request and refer you to our original response.

I am therefore satisfied the information provided in response to your original request is correct and I am unable to uphold your complaint.

### **Complaint Data (Point 2)**

In your original information request you asked for *Statistical data on complaints made against Cafcass officers regarding perceived bias or procedural unfairness in the last three years*. Our response was that we do not hold information matching the description of your request and I can confirm this is the case. We don't collect this data because bias and procedural unfairness are not considered under our complaints process: these are issues for the court and are to be raised in the court arena.

I am therefore satisfied the information provided in response to your original request is correct and I am unable to uphold your complaint.

### **Policies on Coercive Control and Alienation (Point 3)**

In your original information request you asked for *Cafcass's policy on how officers handle allegations of coercive control or alienation in child arrangement cases*. In our response we provided you with documents which advise our practitioners on victims of domestic abuse, and in relation to features of coercive and controlling behaviour, along with harmful conflict.

In your complaint you request *a more comprehensive response detailing any specific procedures followed in these cases*. I can confirm we hold no additional materials / procedures to those provided in our initial response. However, Cafcass Cymru FCAs now have access to the recently published Family Justice Council detailed guidance for the family court [Alienating Behaviours - Courts and Tribunals Judiciary](#), and whilst this document is not captured under the terms of your FoIA request, you may wish to be aware of it.

I am therefore satisfied the information provided in response to your original request is correct and I am unable to uphold your complaint.

### **Evidence Handling (Point 4)**

In your original information request you asked for *Guidelines for the use of evidence submitted by parents in child arrangement cases, including timeframes for reviewing documents and ensuring their inclusion in reports*. Our response was that we do not hold information matching the description of your request and I can confirm this is the case.

I am therefore satisfied the information provided in response to your original request is correct and I am unable to uphold your complaint.

In your complaint you request '*detailed information on how evidence is handled, including timeframes and review processes*' which we consider to be materially the same question as that in your previous request. However, for the avoidance of doubt, I can confirm we do not hold information matching the description of this request.



### **Training on Re H-N [2021] Guidance (Point 5)**

In your original information request you asked for *Any training materials provided to Cafcass officers regarding compliance with Re H-N and Others (Children) [2021] EWCA Civ 448 and its guidance on domestic abuse allegations*. Our response was that we do not hold information exactly matching the description of your request, but that Cafcass Cymru officers have received training on Practice Direction 12J (to which *Re H-N and Others* refers extensively) - and I can confirm this is the case.

I am therefore satisfied the information provided in response to your request is correct and I am unable to uphold your complaint.

In your complaint you now ask '*whether officers receive specific training on implementing the guidance set out in Re H-N....please clarify whether such training exists and, if so, provide further detail on its content and application.*' We consider this to be materially the same question as that in your previous request but for the avoidance of doubt, I can confirm we do not hold information matching the description of this request, and I refer you to our original response. However, you may find it useful to know that Cafcass Cymru has been, and continues to be, involved in developing and implementing the private law initiatives outlined in paragraphs 19-20 of *Re: H-N*, for example membership of the Private Law Working Group and developing and implementing Integrated Domestic Abuse (IDAC) courts in Wales.

If you remain dissatisfied with this response you have the right to 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](http://www.ico.org.uk)

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely

**Matthew Pinnell**  
**Deputy Chief Executive**  
**Cafcass Cymru**

Rydym yn croesawu gohebiaeth Gymraeg. Cewch ateb Cymraeg i bob gohebiaeth Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome correspondence in Welsh. Correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not involve any delay.

