



Judicial Protocol
for
Referrals of Children and Families to Child Contact Centres
in Family Proceedings

November 2023



Introduction

As the needs of families change, child contact centres and services are becoming increasingly flexible in meeting these needs. In this they provide an invaluable service to children, families, and the family justice service.

There are agreed National Standards for both Supported and Supervised child contact centres and services to ensure consistently high standards for safeguarding, Data Protection Act - GDPR, volunteer and staff checks and training. These are published by the National Association of Child Contact Centres (NACCC), and I have written the Foreword to both these documents.

Child contact centres and services, which achieve the national standards are awarded accreditation status. Re-accreditation is required every three years. There is currently no legal requirement for child contact centres and services operating in private or public law settings, to have accreditation status. This means there are no minimum standards operating for unaccredited child contact centres and services (for example including oversight of the requirement even for DBS – police checks).

I urge Magistrates and Judges to ensure they refer families only to accredited centres so that every child whose circumstances necessitate the use of child contact centres or services, will benefit from the same high level of care and safeguarding.

There is a register of all Accredited Child contact centres and services on the NACCC's [website](#), using the '[find a centre](#)' tool.

I would ask that colleagues read and follow this revised protocol carefully,

Sir Andrew McFarlane, President of the Family Division

November 2023

1. Types of Child Contact Centres and Services:

- a) Supervised contact centres
- b) Supported contact centres
- c) Supervised contact services
- d) Virtual (online) contact providing both supervised and supported contact

1.1 Supervised child contact centres

Supervised contact centres provide one-to-one contact which is observed by professionally qualified workers who always remain within sight and sound of the children to ensure their safety. A supervised contact centre will work with families where there is a higher level of risk.

If required, supervised contact centres can be directed to provide contact notes to the court and the parties. Many supervised centres also provide a range of other services such as parenting assessments and parenting education.

If the parties have a preferred child contact centre, the court should require the parties to get in touch with the centre before the hearing, to ensure (in principle) that a referral would be appropriate and that the centre has the availability and resources to meet the family's needs.

A supervised child contact centre will usually expect that their service is used as a short-term stepping-stone. Contact may progress to a supported contact centre or community contact via a supported handover.

In some cases, supervised contact may be required for a longer period in which case families, legal representatives and the court should ensure that their contact centre is willing and able to meet the timescale that the court considers will be necessary.

Supervised contact centres are used in a wide range of circumstances that include:

- a. where there is risk of harm,
- b. where there are issues such as drug and alcohol addiction,
- c. if there is a history of domestic abuse,
- d. where there are concerns about parenting ability,
- e. where a child is refusing contact,
- f. to introduce a child and parent or resume a parent and child relationship after a long gap in contact.

1.2 Supported child contact centres

Supported contact centres provide safe, pleasant, impartial surroundings for children to spend time with their parent, family members and other important people. Most supported centres are run by trained volunteers with a paid co-ordinator. They usually operate on a not-for-profit base. Volunteers and staff can give practical assistance (for example calming a tearful child) and keep a watchful eye. They do not monitor or evaluate contact or conversations between parent and child. The centre can confirm attendance dates and times, but will not provide reports to the parties, legal representatives, social workers, mediator, or the court.

Supported contact centres are suitable for families where there is either no risk, or very little risk of harm to the child. Several families are usually together in one or more rooms in the same space. Centres undertake risk assessments as part of the referral process and are free to accept or decline referrals based on their assessments and the facilities they can provide.

Contact at a supported child contact centre is a temporary arrangement, usually for about three to six months. Families are encouraged to use the time to build up trust in each other's abilities and commitment to contact, so they can move on from the centre and begin making their own arrangements.

A supported child contact centre may be able provide longer term contact solutions for families in some circumstances. If a long-term solution (i.e., more than 6 months) is needed, the court and the parties should make sure that this is discussed with the contact centre before making a referral.

1.3 Supervised Child Contact Services

Supervised Child Contact Services offer supervised contact which takes place somewhere other than a contact centre. Child contact services might be offered;

- a. at a parent's home;
- b. at the child's home;
- c. at another residential premises, like a residential unit for children or an adult care home;
- d. in a community building, like a library or children's centre;
- e. in an outdoor community setting, like a park;
- f. in a community attraction, like a cinema, bowling alley, restaurant, or soft play centre.

The level of service is the same as that provided by supervised centres (see paragraph 1.2 above).

1.4 Virtual Child Contact

Virtual Child Contact, also referred to as 'remote' or 'online' contact. Virtual contact facilities are now offered by many child contact centres and can be supervised or supported. Child contact centres providing virtual contact can be found on the [NACCC Website](#). Where virtual child contact is provided on a supervised contact basis, written reports will be produced if required by the court.

Virtual contact uses video technology (for example Skype, Zoom, Teams). It is set up by the contact centre following a referral from the parties or the court. The centre will assess the suitability of contact in the same way as they would for face-to-face contact. In all cases the child contact centre remains the host for the contact. As the host, the centre operator remains in control of the virtual contact session and can end the contact session immediately if there are concerns. In the case of a supervised contact session, a qualified social worker remains in sight and sound of the child throughout.

The process for acceptance of families and reserving places for virtual contact sessions is the same as used for face-to-face contact (including the pre-meeting and assessment of suitability of the case). Assessment of suitability is particularly important in cases where there has been domestic abuse, to ensure the parent does not feel that virtual contact will bring the abuser into their home.

Parents, carers, and guardians are supported to make the most of the technology. NACCC has guides which explain how the sessions work and provide tools to help make contact engaging, for example, tools for [virtual play](#) with children.

Virtual contact is not an alternative to face-to-face contact. It provides a valuable mechanism for keeping in touch where face to face contact is not possible due to distance or physical restrictions (such as in the pandemic). Virtual contact can be helpful to prepare children or their parents, carers, and guardians for face-to-face contact where it has been a long time since contact took place or there has been little or no previous contact.

2 Procedure for Referrals:

2.1 **General Procedural Information for supervised and supported child contact**

Courts must inform parties that:

- Their case will only be referred to an Accredited Child Contact Centre or Service and that details of Accredited centres and services are available on the [NACCC website](#).
- All accredited Child Contact centres and services (whether providing supported or supervised contact) require parents and children to attend a pre-visit assessment before contact can proceed. Ideally this meeting is face-to-face but can be undertaken by video conference or, if necessary, by telephone. Parents are seen separately to enable appropriate risk assessment. This applies whether parties are litigants in person, or they are legally represented.
- Child contact centres and services are independent third parties and cannot be directed by the court to accept a referral or to provide services to any family. The decision whether to proceed with a referral rests with the centre or service.
- A Child contact centre, in line with its Safeguarding Policy, can refuse to accept families if the circumstances and conditions of the referral appear to them to be inappropriate for their Centre or Service and/or they do not have the necessary facilities.
- In situations where a final order is made but a clearly defined timetable for contact is not possible, the court should ensure that the parties know that the centre is usually intended to be a temporary solution. The parties are expected to consult with the contact centre co-ordinator to review whether contact can move out of the Centre. The review should take place after contact has been taking place at the Centre for three months. Only in exceptional circumstances will contact continue to take place at a Contact Centre after a six-monthly review has taken place.
- Where a referral is made to the contact centre by a Local Authority children's services department, the individual social worker and team manager will be expected to provide their details to the contact centre coordinator.

3. Court Orders:

When referring families to child contact centres and services whether the centre is supported, or supervised, courts should ensure that the following matters are included in the order where necessary:

- 3.1** Directions that specific safeguarding information about the family is sent to the child contact centre. Specific safeguarding information should include copies of any injunctive or other relevant orders made within the preceding two years, as well as a section 7 report and any other record where particular concerns may not have been raised with Cafcass prior to preparation of the Cafcass safeguarding letter (a copy of the safeguarding letter is required in every case).
- 3.2** A direction that, if copies of a referral order and safeguarding information are not provided by the parties themselves, then the child contact centre coordinator shall be permitted to obtain a copy from the court without payment of a fee or obtaining a further court order.
- 3.3** Details of the preparation that the child will receive prior to contact beginning at a child contact centre, and which party or agency, will be responsible for providing this.
- 3.4** Provision for an independent interpreter and for the costs therein, where there are communication issues related to language, including British Sign Language.
- 3.5** Directions as to parties' next steps in the event their referral to an identified contact centre is not accepted by that centre.
- 3.6** Whether any other family members and significant adults are to be included in the contact visit and if so, when, and for what part of the visit.
- 3.6** Whether photographs and video can be shown to the children and/or taken of the children; and if so and where those photographs/video can be posted/exchanged using social media.
- 3.7** Whether or not the child may be taken outside the Contact Centre and if so for how long; and whether this will take place at the first or subsequent contact visits.

- 3.8** Whether a social worker, Cafcass officer or children’s guardian will be attending any of the contact sessions and, if so, the details of that professional, and their role in the contact.
- 3.9** Where the order is for contact at a supervised child contact centre, whether a report is to be prepared based on contact observations and how the costs of the reports are to be met. **NB:** Courts should not make orders requiring supported child contact centres to provide reports or attend court in any capacity. Nor should such contact centres be required to become involved in resolving any disputes between the parties.
- 3.10** Directions as to how the referral will be made, including who will make the referral, and the timescales in which the other party should respond.
- 3.11** If possible, an exit plan setting out a timetable for contact to move from the child contact centre into different level of contact or the community. This may include a plan for how the child will be told that contact is moving from the child contact centre and how contact will then take place. One party should be made responsible for informing the child contact centre when the place is no longer required.

4. Suggested Amended Text of Pro Forma Orders:

Contact centre

4.1 Such contact is to be [supervised] / [supported] at [[name] Contact Centre]/ [an accredited centre] and the following conditions shall apply:

- a. The [the parents have agreed, and the court has approved] / [the court has determined] that the contact shall take place at the [name of contact centre] / [an accredited centre to be agreed by the parents], subject to that centre accepting the referral.
- b. [name] / [the court] must provide a copy of this order, the safeguarding letter or information filed by [Cafcass] / [CAFCASS Cymru], [and the following relevant safeguarding information i.e., section 7 report, findings of the court etc.] and any injunction order involving the parties to the centre manager as soon as possible and in any event within 2 days of the date of this order.
- c. [name] must [complete and submit a referral form to the contact centre] / [use the online referral service] by [date];
- d. The contact centre/Service must confirm with the parties and the court within seven days of receipt of the referral whether it will accept the referral and, if the referral is accepted, when contact at the contact centre/service will come to an end.
- e. If the centre does not accept the referral [the parties shall endeavour to agree an alternative centre and make a referral] OR [either party may restore the matter for a further direction hearing on the first available date after 21 days] OR [If the centre does not accept the referral the matter shall be listed for a further directions hearing on the first available date after 21 days]
- f. If the Centre/Service accepts the referral the contact directions and conditions set out below shall apply.
- g. The parties must comply with any rules of the contact centre.
- h. any costs charged by the contact centre must be paid by [name];
- i. [records/reports of supervised contact sessions shall be paid for by [name/the parties jointly].

- j. The parties shall attend any review meetings held by the contact centre;
- k. contact will continue at the contact centre until [date]; thereafter contact shall take place in accordance with the following order [insert date].
- l. both parties are responsible for telling the centre manager when the place is no longer required.

Contact centre directions and conditions for direct contact

4.2 The following conditions apply to contact:

- a. the child[ren] must be taken by [name] to the contact centre promptly for the start of each session and collected at the end of each session by [name];
- b. [person attending for contact] must attend the contact centre promptly;
- c. [name] must not enter the contact centre before the contact session is due to start;
- d. [name] must not remain in the same room as the child[ren] during the contact session;
- e. [no other person is to be present during contact] OR [[names] may attend contact];
- f. [the parties shall confirm to the contact centre that it has been directed that the Cafcass officer shall attend the centre to observe contact];
- g. [an interpreter fluent in [insert language (and dialect if necessary)] shall attend the contact centre to facilitate contact and the costs shall be met by [name/the parties jointly] or [(name) may attend the contact centre for the purpose of interpreting between the child and (name)];
- h. [name is [not] permitted to take photographs/video of the child during contact sessions. [subject to the rules of the contact centre]; And/or [name is [not] permitted to show, post or otherwise share photographs/video of the child during contact sessions. [subject to the rules of the contact centre];
- i. the parties must ensure that they are not accompanied to the contact centre by [any other adult]/[name];

- j. any party delayed for a handover must let the other and the contact centre know immediately;
- k. contact will only take place if *[name]* provides a negative breathalyser sample at the start of any contact session when requested to do so. The testing kit is to be provided by *[name]*.

Contact service directions and conditions for virtual contact

4.3 The following conditions apply to contact:

- a. *[name]* must ensure that the device to be used is charged and connected ready for contact.
- b. *[name]* must ensure that the child is at home or in another suitable space for contact.
- c. *[no other person is to be present during contact]* OR *[[names] may attend contact]*.
- d. *[the parties shall confirm to the contact centre that it has been directed that the Cafcass officer shall observe contact]*.
- e. neither party shall record the contact.