

Guidance issued on social worker-guardian disagreements over children's best interests

Cafcass and ADCS say practitioners should hold meeting before filing final evidence in order to provide shared explanation to court of points of difference over children's care plans

by **Mithran Samuel** on August 11, 2025 in **Children, Social work leaders**



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Guidance has been issued on managing disagreements between council social workers and Cafcass guardians over children's best interests in care proceedings or deprivation of liberty cases.

The advice, from Cafcass and the Association of Directors of Children's Services (ADCS), is not designed to help practitioners reach a common view, but to enable them to explain to the court why their views on the final care plan, or interim arrangements for the child, are fundamentally different.

Under the approach, the two practitioners should hold a meeting, chaired by a third party, before filing their final evidence, to develop a written rationale for their disagreements that should then be submitted to the court.

Learning from review of child's death

Cafcass and ADCS said the guidance was based on learning from a 2021 case, involving the death of a two-year-old involved in public law proceedings, where the guardian and council social worker disagreed over whether he should have been adopted or returned to his family.

The resulting local child safeguarding practice review called for more discussion between practitioners when there was disagreement over fundamental issues and recommended a formal process to enable them to explain these differences of view to the court, so their respective rationales were understood.

Cafcass and ADCS said the guidance related to differences over where the child should live and with whom, whether they were being removed from, or returned to, their parents, and the timetable for making these decisions.

Social worker-guardian meetings

The organisations said it was good practice for guardians and local authority social workers to discuss their assessments during proceedings, while Cafcass practitioners are required to seek the views of the independent reviewing officer (IRO) where appointed.

If these conversations reveal that there is likely to be a fundamental difference of view over the child's care plan, the practitioners should first seek supervision from their organisations to reflect on their respective rationales, and then convene a meeting, the guidance says.

As well as the two practitioners, the relevant local authority service manager and the IRO, where appointed, should attend, with the meeting hosted by the council, who would provide the chair.

Their role would be to facilitate the meeting so neither practitioner feels criticised and to ensure outcomes are clear, understood and recorded.

Submission to court

The ADCS and Cafcass guidance includes a template for submitting an explanation of practitioners' disagreements to the court, which should be included in both the council and the guardian's final evidence.

Under this, the practitioners would set out their areas of agreement and of fundamental difference, and the rationale for the latter, with the IRO's perspective included if applicable.