

Cafcass' response to: Consultation on the standards required for expert witnesses: proposed Practice Direction changes

1. Are there any experts not accounted for in the current draft of the amendments who you feel should be considered? If yes, why do you think they should be considered?
No
2. Do you have any feedback on Rule 25.5A and the amendments to PD's relating to the standards of experts, as currently drafted? No
3. Are there any other comments you would wish to make regarding the instruction of unregulated experts? See below.

Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. Cafcass is the largest employer of child and family social workers as Family Court Advisers and Children's Guardians. Cafcass has a statutory duty to safeguard the welfare of children in family law proceedings in England. We make sure that their wishes and feelings are heard and advise the courts about what is in their best interests. We are independent of the courts, local authority children's services, education, and health authorities. The decision as to whether to instruct an expert within family proceedings is the decision of the court. Cafcass can however make recommendations for experts in the family court, where this is deemed necessary and in the child's best interests.

Cafcass agrees with the revised Family Procedure 25.5A, which outlines the requirement for an expert witness to be a 'regulated expert,' and acknowledges the need for an exception outlined in the Rules when such an expert is unavailable.

We support the learning from judgement *Re C* in which the President highlighted the 'need for due rigour' in the process of expert instruction. These measures will enable the quality, consistency and reliability of expert evidence in family law cases.

We recognise the importance of the proposed changes which aim to make sure that only experts with the relevant qualifications, experience, and oversight are instructed in family law children proceedings. This aligns with Cafcass' commitment to delivering exceptional and consistent experiences for children and families in the family court.

For further information, please contact policyteam@cafcass.gov.uk

5 June 2025