



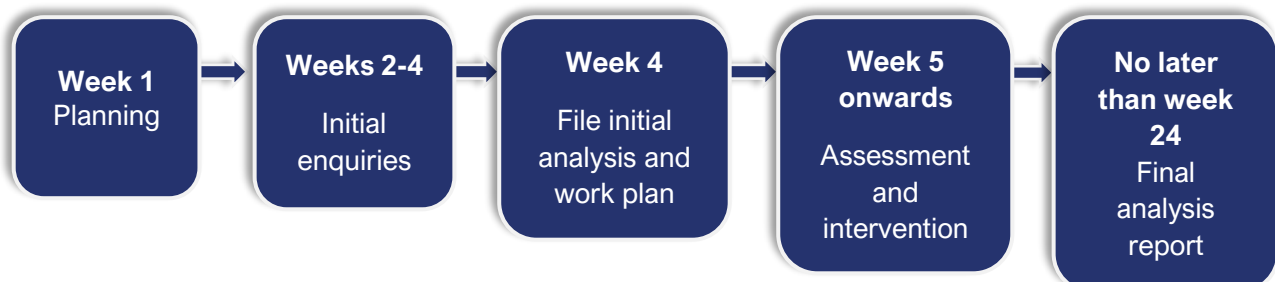
Cafcass Cymru Private Law Reform Cafcass Cymru Rule 16.4 Pilot Approach Factsheet June 2023

What is the Rule 16.4 pilot approach?

From 3rd July 2023 Cafcass Cymru is piloting a new approach to Rule 16.4 cases. We are introducing a structured approach that aims to:

- Identify all relevant issues and the steps needed to resolve them in an initial analysis report within the first few weeks of the appointment of the children's guardian.
- Ensure the focus of the case remains on the child's safety, best interests and wellbeing and that their voice is heard in the proceedings.
- Use an investigative approach in which we engage parents and carers in a problem-solving approach, working for a time limited period to enable the court to make timely decisions and avoid delay for the child.

How will Cafcass Cymru work with families in Rule 16.4 cases?



Our initial analysis will provide a risk analysis of the current situation for the children and advice regarding case management, including any expert evidence required, and the child's timetable. Where relevant, a Rule 16.4 workplan will be attached.

We will engage with children as early as possible in the case, ensure that they have information and are enabled to participate in decisions that affect them, in accordance with their UNCRC rights, and that they are informed of the outcome of proceedings.

We will adopt a problem-solving, trauma informed approach, and work with parents and carers to understand their perspectives while keeping the focus on their children's safety and stability.

We will work collaboratively with the Local Authority, if involved. Any recommendation for a section 37 report (Children Act 1989) from a Local Authority will be backed up a safeguarding referral, in line with Cafcass Cymru section 37 communication procedures.

Our final analysis report will provide an analysis of progress achieved, what needs to happen to meet the child's needs and will make recommendations focussed on safe outcomes for children, and victims of domestic abuse.

Why is the Rule 16.4 pilot approach needed?

Prolonged proceedings have a detrimental impact on children and young people and their families. Unlike public law, there is no statutory timeframe in private law and the data on Rule 16.4 cases is stark: in 2022 data showed Rule 16.4 cases taking an average of 96 weeks and 10 hearings to conclude. A recent Cafcass Cymru audit of Rule 16.4 cases found that for around half the children, the eventual outcome was no change in who they lived with or spent time with at the conclusion of lengthy proceedings.

Research indicates that children want to be better informed about and involved in decisions that affect them. Our audit found that their voices could be lost within protracted proceedings. Our pilot approach seeks to ensure that children's voices are central to proceedings.

How is the Rule 16.4 pilot approach being evaluated?

Cafcass Cymru will continually review the approach over the first few months of piloting the new approach and make any necessary changes to ensure it is effective.

Whilst we acknowledge that there will be exceptional cases in which timescales may need to be extended, we anticipate that by frontloading and adopting a problem solving, child centred approach in the majority of cases our work will be able to be concluded within six months of the appointment of a children's guardian.

We will formally evaluate the approach after twelve months.

Appointment of a Rule 16.4 Children's Guardian

Cafcass Cymru recognises that the decision to make the child a party will always be exclusively that of the court, made in the light of the facts and circumstances of the particular case.

When the court is considering the appointment of a Children's Guardian from Cafcass Cymru, it should first ensure that enquiries have been made of the

appropriate Cafcass Cymru manager in accordance with paragraph 7.4, Part 4 of [Practice Direction 16A](#).

This should either be in writing before the hearing or by way of case discussion with the relevant Cafcass Cymru manager via the telephone numbers provided below. The court should consult with Cafcass Cymru, to consider any advice in connection with the prospective appointment and the timescale involved.

Practice Direction 12B paragraph 18.4 stipulates that when considering making an appointment the court shall take account of the demands on the resources of Cafcass Cymru that such an appointment would make. The court should also make clear on the face of any order the purpose of the appointment and the timetable of any work to be undertaken.

The duty practice manager for each area of Cafcass Cymru is available for consultation, and can be contacted by the Court via the following telephone numbers and email addresses:

- Gwent: 0300 025 2800
CafcassCymru-GwentPracticeManagers@gov.wales
- South Wales: 0300 062 8877
CafcassCymru-SouthWalesPracticeManagers@gov.wales
- South West Wales: 0300 025 5600
CafcassCymruSouthWestWalesPracticeManagers@gov.wales
- Mid & West Wales: 0300 025 5016
CafcassCymru-MidandWestWalesPracticeManagers@gov.wales
- North Wales: 0300 062 5821
CafcassCymruNorthWalesPracticeManager@gov.wales