

When a local authority makes an application to court for a care or supervision order, a children's guardian from Cafcass Cymru is appointed by the court to be the voice of the child in the proceedings and is responsible for making recommendations to the court about the child's welfare.

### **What do children's guardians do?**

- See the child, analyse the issues and provide clear and focused advice to the court about the best way forward for the child.
- Gather the child's wishes and feelings through a range of methods.
- Depending on the child's age and understanding consider how best to keep the child informed of key decisions and consider how the child can best participate.
- Consider the most appropriate place and method to meet and speak to parties.
- Usually, the children's guardian will produce a maximum of two reports/position statements – one for the first hearing called a Case Management Hearing (CMH) and one for the Issues Resolution Hearing (IRH) towards the end of the case.
- The children's guardian should only attend a hearing if it is absolutely necessary such as to give or hear evidence that is crucial to their recommendations.
- The children's guardian should actively invite the court to excuse them where attendance of the children's solicitor will suffice. In these circumstances the children's guardian will have given instructions to the solicitor and will remain contactable as agreed (for example phone or e-mail).

### **What will the children's guardian do before the CMH?**

- Consider the key issues from the child's perspective.
- Appoint a solicitor who is a member of the Law Society's Children Law Accreditation scheme to represent the child throughout the proceedings.
- Analyse local authority evidence in relation to the risks and impact of harm on the child, provide a view on the child's situation and identify any gaps in the information or actions of the local authority and provide advice as to how those gaps can be met.
- Make every effort to speak to the allocated social worker to discuss the evidence before the hearing.
- Ensure the local authority's plan for the child is safe and meets the child's needs, including consideration of relevant legal tests and case law.
- In addition to the child, consider which people are necessary to speak to such as family members and professionals depending on the needs of the case. This may include persons identified by the child as significant in their life.
- Where an Independent Reviewing Officer (IRO) is involved in a child's life, the children's guardian should make every effort to establish communication with them at the earliest opportunity.

- Prepare a report or a position statement (if the Court has ordered it) and attend the Case Management Hearing, if required to do so.

### **What will the children's guardian do before the IRH?**

- Analyse the local authority's final evidence and engage with them around any observations.
- Discuss and consider the child's view of this plan and ensure consideration has been given to the parents' views of the plan and any alternative proposals.
- Prepare a written analysis / position statement and attend the IRH / Final Hearing if it is likely to be contested and evidence is to be heard. Consideration should be given to excusing the children's guardian once evidence has been given.

### **What else might the children's guardian do?**

- Observe contact between the child and key family members.
- Request disclosure from other agencies with the court's approval.
- Attend (and observe) key local authority meetings (if necessary and proportionate to the needs of the case).
- Visit family members who have been assessed to care for the child or are key members of the child's network.

### **What will the children's guardian do at the end of the case?**

- Once the court has made a Final Order the involvement of the children's guardian ends. It is good practice (where appropriate to do so) for the children's guardian to meet with the child to explain the Court's final decision.
- The children's guardian will also be expected to speak with the IRO to ensure they understand the agreed care plan for the child and to share information. This discussion should be clearly recorded on the child's electronic case file.

### **Important information to be noted:**

- We would normally expect a full analysis to be produced for the hearing where decisions are being made about the permanency and contact arrangements.
- Cafcass Cymru provides an operational service Monday to Friday and the children's guardian will not be available outside of normal working hours.
- The children's guardian does not assist in arranging or facilitating the supervision of contact or provide help with transporting children.
- The children's guardian is not responsible for day-to-day decision making. However significant changes which are relevant to the child's welfare, should be communicated to the children's guardian without delay.

### **What happens if the case is listed urgently?**

- In the event of an emergency application, Cafcass Cymru will endeavour to identify a children's guardian to attend the court hearing. A written report will not be available.