

# Expectations Statement

## Role of the Children's Guardian in care proceedings

### The Children's Guardian in a nutshell

When a Local Authority makes an application to the 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 to set a direction for the case which is consistent with the child's needs and within the child's timescales.

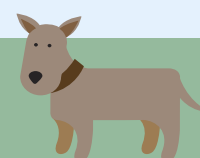
### What Children's Guardians do

- The guardian will visit the child, analyse the issues and provide clear and focused advice to the court about the best way forward for the child.
- Throughout involvement the Children's Guardian will capture the child's wishes and feelings via a range of methods/tools and depending on the child's age and understanding and consider how best to keep children informed of key decisions.
- The advice to the court should be via a written case analysis but a flexible approach should be adopted and if the case is not complex the use of position statements should be considered. Usually the Children's Guardian will produce a maximum of two reports – 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. Relevant research findings should be used to inform the report and recommendations.

- Children's Guardians should only attend a Court hearing if absolutely necessary such as to give evidence or hear evidence that is critical to their decision making. Time and resources are precious; Guardians should actively invite the court to excuse their attendance where attendance of the children's solicitor will suffice. In these circumstances the guardian will have given instructions to the solicitor and will remain accessible by phone.
- Children's Guardians will consider the most appropriate place to meet parties; this may be at service users home, in the Cafcass Cymru office or at the solicitor's office.

### Before the Case Management Hearing the Children's Guardian will:

- Consider from the child's perspective the key issues in the case and the level of involvement required from the Children's Guardian. Some cases where the evidence is agreed will require a 'lighter touch' whilst other cases where evidence is contested may need greater involvement.
- Appoint a solicitor who is a member of the Law Society's Children Law Accreditation scheme (and is therefore an accredited expert in this type of law), to represent the child throughout the proceedings.
- Scrutinise Local Authority assessments and evidence in relation to the child, identify any gaps in the information or actions of the Local Authority and advise how those gaps can be met.
- Ensure the child is safe and the Local Authority's current care plan meets the child's needs.



- 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 every effort should be made for the Children's Guardian to make contact with the IRO at the earliest opportunity. IROs become involved when a child comes into care and make sure the agreed plans for the child happen. Contact with the IRO is therefore important and should be maintained through the life of the court case.
- Prepare a written analysis/position statement and attend the CMH if appropriate.

**Before the Issues Resolution Hearing (a Court hearing later in the case) and Final Hearing, the Children's Guardian will:**

- Scrutinise the Local Authority's final evidence and care plan for the child, and where possible engage with the Local Authority about any counter opinions.
- Discuss and consider the child's views of this plan.
- 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 Final Hearing if it is to be contested and evidence is to be heard. Consideration should be given to excusing the Guardian once evidence has been given.

**In addition the Children's Guardian may:**

- Observe contact between the child and key family members.
- Review Local Authority case files if there are gaps in the Local Authority's evidence.
- Attend (and observe) key Local Authority meetings (if necessary and proportionate to the needs of the case).

## Following the Final Hearing

Once the Court has made a final Order the involvement of the Children's Guardian comes to an end. S/he may see the child (depending on age and understanding) to explain the Court's final decision.

The Children's Guardian is expected to meet with or otherwise make contact with the IRO to ensure the agreed care plan for the child is understood and driven forward.

## Urgent care cases and Emergency Protection cases

If a Local Authority makes an emergency application to the Court Cafcass Cymru will receive short notice of these cases and will endeavour to identify a Children's Guardian to attend the Court hearing; a written report will not be available.

**When a Children's Guardian is involved in a case the following should be noted:**

- We would normally expect a full analysis to be produced for the hearing which is making the decisions about the child's permanent placement 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 provide assistance in arranging or facilitating the supervision of contact.
- The Children's Guardian is not able to provide assistance with transporting children.
- Day to day decision making in a case does not rest with the Children's Guardian. However significant changes which are relevant to the child's welfare, for example, in relation to health, living circumstance and contact should be communicated to the Children's Guardian without delay.

