



Your ref: CAF 16-50
Our ref: Gov/CAF 16-50

Cafcass National Office
3rd Floor
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London
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Tel 0300 456 4000

12 April 2016

Re: Freedom of Information Request

Thank you for your email of 31 March 2016. You made the following requests for information highlighted in blue; please see our responses below in black:

Can you send me detailed info on a guardian pursuant to Rule 16.4. Specially, I wish to know the following:

1. under what circumstances a Guardian is appointed

A Guardian is appointed under the [rule 16.4 of the Family Procedure Rules 2010](#) (FPR) when a child is joined as a separate party to proceedings. The decisions to make a child a party is that of the court. Part 4 of Practice Direction 16A of the FPR sets out examples of where this might be appropriate.

2. What role does a Guardian fulfil

Please see our [factsheet about Rule 16.4 cases](#) which is available on our website. This sets out the role of the Cafcass worker in a Rule 16.4 case.

More information can also be seen in the Cafcass [Operating Framework](#) (sections 4.26 – 4.32).

3. How long a Guardian is appointed for

The guardian is appointed until discharged by the court or until the child is deemed competent and wishes to instruct their own solicitor.

4. How often does a Guardian make contact with the child

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Anthony Douglas CBE Chief Executive





The guardian makes such investigations as are necessary to carry out their duties and as such it will depend on the circumstances of the case how often they make contact with the child. The factsheet on Rule 16.4 sets out what the guardian will do although this will depend on the child's age and understanding. The Cafcass worker will usually talk to the child alone and discuss with them what they think and how they feel. In the absence of a specific direction from the court, practitioners will determine the number of interactions and extent of the enquiries, which will be based on the needs and circumstances of each individual case depending on how each practitioner has planned to carry out their work of safeguarding and promoting the welfare of the child.

5. How are issues raised or taken forward

The Guardian will write a report for the court to help it make a decision about safeguarding the welfare of the child, making recommendations of what the Guardian considers is in the child's best interests which will be specific to that case. The report will be sent to the court and parties, and any issues can be raised at court.

We hope that you feel your question has been answered effectively. If you are unhappy with the decisions made in relation to your request, you may ask for an internal review to be undertaken. If you are dissatisfied with the way the internal review is handled or with the final decision made at that review about the information released, you are free to contact the Information Commissioner's office (www.informationcommissioner.gov.uk):

Post

Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow,
Cheshire
SK9 5AF

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01625 524 510

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0303 123 1113

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casework@ico.org.uk

Yours sincerely,

Governance Team

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Anthony Douglas CBE Chief Executive

