



New 16.4 model - Factsheet for Courts

A new approach to working with disputes identified as requiring rule 16.4 appointments in private law has been agreed between Cafcass and courts in England.

Context:

The development of this new model was prompted by the need to avoid delay for children and to provide a clear focus for assessments and intervention and consistently purposeful use of experts. This was initially piloted in 5 operational areas, including West Yorkshire, East Sussex, London, and Devon between 2021 and 2023.

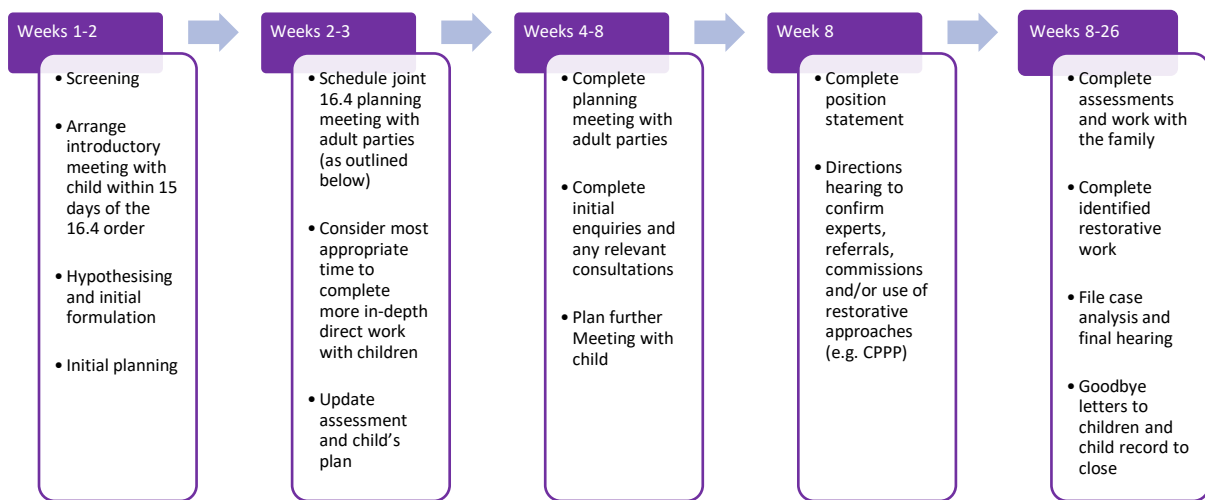
The key changes relate to Cafcass practice, aiming for the parents to hear directly from their children about how the dispute is impacting on them so that Cafcass are as helpful as possible to children and their families in resolving their dispute, avoiding delay, and supporting the court in case management.

The aim of the new approach is to:

- Provide a structured and outcome focused approach including clarity over the purpose of the 16.4 appointment, focus of assessment and identification of relevant interventions.
- Complete work within a clear timetable agreed with local courts.
- Ensure any recommendation for use of experts has a clear rationale with clarity over the specific assessment aspects.
- Engagement of families in early planning so that they are clear about what they need to do, how their child will be involved and Cafcass role in helping them listen to their child and what they need.
- Improve outcomes for children and families and reducing delay.
- Use a relationship-based restorative approach to working with children and families, identifying constructive solutions where possible.

Process outline:

- Effective communication between courts and Cafcass prior to the 16.4 appointment to assist in clarifying the purpose of the appointment and focus of work to be completed.
- Agreed timetable to be set by the court to include final hearing within 6 months (where possible).
- Cafcass will allocate a family court advisor as a guardian who instructs a solicitor on behalf of the child - as is the current practice.
- Cafcass to provide interim feedback to the court, providing an update and advising on any directions that may be required.
- Cafcass to follow the timetable as set out below:



The purpose of the initial planning will be to:

- Work collaboratively with the adults in the proceedings to clarify each person's position and goals for their children.
- Narrow the issues and identify what specific information is still needed / gaps in assessments.
- Plan all enquiries.
- Consider how the child will be involved directly and how their views will be fed back to the parents, for example by way of a letter they will write supported by the Children's Guardian.
- Identify relevant referrals, interventions and signposting to provide resources and support.
- Agree final goals which are most likely to meet both the children and family needs.

Note: The aim is for all adult parties to be involved in early planning and work to be completed; however, in some circumstances, it may not be appropriate to meet jointly in which case alternative options will be explored such as meeting separately.

Between initial meeting and 8 weeks

Cafcass to:

- Complete assessments and any referrals to commissioned services or support services.
- Meetings with adult parties and any other relevant adults.
- Meetings with children and feedback to the parents the children's wishes and feelings.

Court directions hearing – week 8

- Cafcass to file a position statement to feedback on the initial planning and advise on what further assessments are needed.
- The purpose of this will be to agree any further directions required including relevant expert assessments. This could also include confirming timetabling to accommodate any agreed intervention e.g. Improving child and family arrangements (ICFA) – add link to Cafcass website for further information.

Final hearing – within 26 weeks

- Cafcass to provide final case analysis.
- Final hearing.
- Case closure and Cafcass communication with adults and children involved regarding the final outcome.

Cafcass August 2024