
STATUTORY INSTRUMENTS

2018 No. 67

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES**

The Children and Family Court Advisory and Support Service
(Reviewed Case Referral) (Amendment) Regulations 2018

<i>Made</i>	- - - -	<i>19th January 2018</i>
<i>Laid before Parliament</i>		<i>22nd January 2018</i>
<i>Coming into force</i>	- -	<i>12th February 2018</i>

The Lord Chancellor, in exercise of the powers conferred by 101(1) and 196(1) and (7) of the Social Services and Well-being (Wales) Act 2014(1), and with the consent of the Welsh Ministers pursuant to section 101(2) of that Act, makes the following Regulations.

Citation, commencement and interpretation

1. These Regulations may be cited as the Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2018 and they come into force on 12th February 2018.

Amendments to the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004

2.—(1) The Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004(2) are amended as follows.

(2) In regulation 3, in the heading, after “officers of the Service” insert “and Welsh family proceedings officers”.

(3) In regulation 3, after “The functions of the Service” insert “and of the Welsh Ministers”.

(4) In regulation 4, in the heading, after “officers of the Service” insert “and Welsh family proceedings officers”.

(5) In regulation 4, after “an officer of the service” insert “or a Welsh family proceedings officer”.

(1) 2014 anaw 4.

(2) [S.I. 2004/2187](#). Amendments were made by [S.I. 2005/605](#) as a consequence of the then National Assembly for Wales and Welsh family proceedings officers being allocated functions previously discharged by Cafcass across both England and Wales. Amendments were subsequently made [S.I. 2016/211](#), which unintentionally revoked the amendments made by [S.I. 2005/605](#). These Regulations restore the unintentionally revoked amendments.

(6) After regulation 5 insert the following—

“Appointment of a Welsh family proceedings officer

5A.—(1) Following receipt of a referral by an independent reviewing officer, the Welsh Ministers must appoint a Welsh family proceedings officer to assess the case.

(2) The Welsh family proceedings officer must decide on a course of action and submit a written report of the decision to—

- (a) the independent reviewing officer;
- (b) the Chief Executive of the local authority which appointed the independent reviewing officer;
- (c) any person specified by the independent reviewing officer in the referral; and
- (d) and any other person the Welsh family proceedings officer considers should be informed,

stating the reasons for the decision and the information taken into account, including where appropriate the ascertainable wishes and feelings of the child.

(3) The Welsh family proceedings officer must seek to submit the report referred to in paragraph (2) to the persons referred to in that paragraph within two weeks of the referral.

(4) If the Welsh family proceedings officer does not submit a written report within two weeks of the referral, he must—

- (a) send written notice within two weeks of the referral to the persons referred to in paragraph (2)(a) to (d) explaining that it has not been possible to send the report within that period; and
- (b) submit the report as soon as reasonably practicable thereafter and must include in the report an explanation for the delay.”.

(7) In regulation 6, after “appointed under regulation 5(1)” insert “or the Welsh family proceedings officer appointed under regulation 5A(1)”.

(8) In regulation 7, after “regulation 5(2)”, insert “or regulation 5A(2)” and after “the officer of the Service” insert “or the Welsh family proceedings officer” and after “the Service”, insert “or the Welsh Ministers”.

(9) In regulation 8, after “the officer of the Service” insert “or the Welsh family proceedings officer”.

(10) In regulation 9(1), after “the officer of the Service” insert “or the Welsh family proceedings officer”, and after “regulation 5(2)(a) to (d)” insert “or regulation 5A(2)(a) to (d)”.

(11) In regulation 9(2)(b) after “regulations 5(3)” insert “, 5A(3)”.

19th January 2018

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

The amendments in these Regulations are in the same terms as the amendments made to the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004 (“the 2004 Regulations”) by the Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2005 (“the 2005 Regulations”) as a consequence of the National Assembly for Wales and Welsh family proceedings officers having functions in Wales previously discharged by the Children and Family Court Advisory and Support Service (“Cafcass”). The amendments made by the 2005 Regulations were revoked as an unintended consequence of the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) (Secondary Legislations) Regulations 2016 ([S.I. 2016/211 \(W. 84\)](#)) but are now restored by the amendments made by these Regulations. References in the 2004 Regulations to Cafcass and officers of the Service are amended to cover the Welsh Ministers so far as they are exercising their functions under section 35 of the Children Act 2004 and Welsh family proceedings officers.