



SECTOR-WIDE GUIDANCE ON WRITING A SECTION 7 REPORT

LEGAL FRAMEWORK

1. Section 7 reports are those reports ordered by the court further to Section 7 (s7) of the Children Act 1989, which says that a court considering any question with respect to a child under this act may:
 - (a) ask an officer of Cafcass or Cafcass Cymru, or
 - (b) ask a local authority to arrange for (i) an officer of the authority or (ii) such other person as the authority considers appropriate e.g., an independent social worker, to report to the court on such matters relating to the welfare of that child as are required to be dealt with in the report .

2. The report can be oral, or in writing depending on what the court orders. The court may also write clear instructions/directions into the court order about the specific issues they want to hear about and this is preferred judicial practice set out in the Child Arrangement Programme (2014). In cases of domestic abuse and violence particular regard should be given to the requirements of the Family Procedure Rules PD 12J.

3. The matters which need to be addressed and how the welfare officer carries out their duties is contained within the Family Procedure Rules 2012 (PD16A Part 6), which sets out the following duties:
 - Contact or seek to interview such persons as appropriate or as directed
 - Obtain such professional assistance available if considered appropriate or ordered
 - Notify the child of the contents of the report (as considered appropriate in accordance with the child's age and understanding and in a manner appropriate to the child's age and understanding)
 - Attend hearings as directed
 - Advise court of the child's wishes and feelings where these are ascertainable
 - Advise court if a child should be joined as a party to the proceedings
 - File the report and serve copies on the parties in accordance with the court timetable

4. The Social Worker/Family Court Adviser who is preparing a s7 report is obliged by rule 16.33 of the FPR to have regard to the principle that delay is prejudicial to the child's welfare and she/he also has to have regard to the welfare checklist.
5. As with court reports in care proceedings, s7 reports should be cross-referenced to other relevant reports, such as carer assessments, reports from professionals who know the child and/or family.

SAFEGUARDING/CHILD PROTECTION – CHECKS

6. The Child Arrangements Programme includes mandatory police and local authority checks on applicants and respondents in those family court cases likely to be subject of a s7 report. This is an essential safeguard.

DISPUTE RESOLUTION

7. Many reports ordered by the court are ordered because of a high level of conflict between the child's parents and/or carers. A core skill in court welfare work is dispute resolution. This is an umbrella term for related disciplines including the various models of mediation, such as therapeutic mediation and child-inclusive mediation; family meetings and family group conferences; and negotiations. Care should be taken to assess for suitability and viability first. Some family situations, particularly those involving serious violence or the potential for serious violence, are unsuitable for dispute resolution until such time as the risk reduces to a safe enough level for the vulnerable child/children/adults concerned.

PRACTICE ISSUES

8. Practice needs to be authoritative, for two main reasons. Firstly, time to complete your report may well be short and each interview matters. Social Workers and Family Court Advisors need to be clear with parties to the case and with others they talk to, what the purpose of their contact and interview is and how the process will go e.g. an adult attachment interview, a restorative justice focus etc. Interviews with parents are likely more often than not to take the form of 'courageous conversations' in which established views are challenged so that either conflict can be reduced, domestic abuse is assessed and that the parents and/ or carers have a greater understanding of their child's daily lived experience and wishes for the future. A strong focus on the child

is crucial whilst still listening to parents and carers about their concerns and to show empathy with them.

9. Secondly in the situations practitioners face, parents and carers can show high levels of anger and distrust, as well as a lack of emotional readiness to focus on what is best for the child. Techniques such as motivational interviewing and mentalisation aim to reduce the temperature and level of conflict so that more responsible communication can take place. In short, you are trying to build relational capability.
10. A major safeguarding issue in private law cases is the importance of protecting the child from emotional harm that can accompany relationship breakdown, where there are high levels of conflict, domestic abuse and continuous post-separation conflict which makes safe dispute resolution hard to achieve. This can include protracted litigation and also correlates with higher than usual rates of non-payment of child support (Kelly, 2000). In extreme cases, children are 'weaponised' and are recruited by one or both parents as 'child soldiers' (a term used by Mrs Justice Parker). You should routinely consider which of any linked suite of assessment tools might support your work on this case as the tools help you to establish the level and impact of behaviour such as parental conflict and parental alienating, as well as helping you to assess whether contact is safe to go ahead and on what basis.
11. Building on existing practice approaches within private law, Cafcass has developed a Child Impact Assessment Framework¹. The framework sets out guidance and tools for private law assessment to help practitioners navigate a range of complex case factors and includes guides on domestic abuse (DA Practice Pathway), harmful conflict, child refusal or resistance to spend time with one of their parents, including guidance on parental alienation, other forms of harmful; parenting, such as substance misuse or mental health difficulties.
12. Whilst every child is unique, children can be classified into vulnerable groups for the purpose of considering most section 7 applications, with the emphasis being put on reducing the child's vulnerability and exposure to conflict and harm:
 - Children who experience domestic violence and/or abuse, where the impact on them will be painful and frightening.

¹ <https://www.cafcass.gov.uk/grown-ups/professionals/ciaf/?highlight=child%20impact%20assessment%20framework>

- Children whose mental health is at risk because they are living in a situation of high conflict for some time
 - Children who resist contact, either because that is their choice for reasons they are clear about or because they have been 'alienated' by one parent against the other
 - Children where there are allegations of sexual abuse
 - Children who need safe permanent care with an authorised carer within a legal framework
- 13.** Social workers and family court advisors have a responsibility to assist courts with case management, especially in protracted cases or cases that risk becoming protracted. Your responsibility is to be clear about the child's timescale for when decisions need to be made and when the actions you recommend should be taken.
- 14.** Courts now use very few experts so you will be expected to demonstrate advanced social work expertise and to answer many of the questions that would in previous times be put to experts. Social Workers and Family Court Advisors are the voices of the child in court and experts about the child. That does not mean you should give a professional opinion on a matter you are neither qualified nor experienced enough to comment on. Care should be taken to give your professional view about how important 'facts' are both to the child or the determination of the case by a judge or magistrate, to assist the court in determining whether in exceptional circumstances a fact finding hearing or further evidence is necessary.

DOMESTIC ABUSE AND VIOLENCE

- 15.** In cases where domestic abuse is a feature in the history of the case the court has particular requirements which are set out in accompanying supplemental guidance 'S 7 REPORTS AND DOMESTIC ABUSE: ADDITIONAL CONSIDERATIONS'. You must ensure that any evaluation contained in a report where domestic abuse has been a feature of the parental relationship adheres to the principles set out in Practice Direction 12J.²
- 16.** Before you write your report ensure you are familiar with any current national or local guidance in respect of factors to be taken into account when determining whether to make child arrangements orders in such cases where there has been domestic abuse. To assist social workers and family court advisers in the risk assessment of domestic

²https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

abuse in private law proceedings CAFCASS have published a [Practice Pathway: a structured approach to risk assessment in Domestic Abuse](#). In addition, local authorities will have professional support and additional guidance available to social workers.