**INVESTIGATIONS AND REPORTS PREPARED AT THE REQUEST OF THE COURT UNDER SECTION 37 CHILDREN ACT 1989:**

**“Section 37 Reports”**

**Preliminary Points**

Section 37 Children Act 1989 gives the Court power, in private law proceedings, “where it appears to the Court that it may be appropriate for a Care or Supervision Order to be made”, to direct the Local Authority to undertake an investigation into the child’s circumstances.

When the Court makes a direction under Section 37, the Local Authority undertaking the investigation must consider whether it should:-

(a) apply for a Care or Supervision Order with respect to the child;

(b) provide services or assistance for the child or his family; or

(c) take any other action with respect to the child.

The Local Authority undertaking the investigation must then decide whether or not to apply for a Care or Supervision Order with respect to the child and report back to the Court informing the Court of:-

(a) its reasons for so doing;

(b) any service or assistance which it has provided or intends to provide for the child and his family;

(c) any other action which it has taken or proposes to take with respect to the child.

The information must be given to the Court before the end of eight weeks from the date of the direction, unless the Court directs otherwise.

The Local Authority undertaking the Section 37 investigation must be either:-

(a) the Local Authority in whose area the child is ordinarily resident; or

(b) where the child is not ordinarily resident in the area of a Local Authority, the authority within whose area any circumstances arose in consequence of which the direction is being made.

 If the Local Authority decides not to apply for a Care or Supervision Order at the conclusion of the investigation it must:-

(a) consider whether it is appropriate to review the case at a later date and fix a date for that review if it would be so appropriate; and

(b) if they decide that it would be appropriate, they shall determine the date on which the review is to begin.

 The Court has the power to make an interim care or supervision order at the same time as directing the Section 37 investigation. If the Court does make an interim order or if the Court is considering making such an order, then a Guardian should be appointed.

When a direction is made under Section 37, the Section 37 Reporter should be sent copies of all the documents which have been filed in the private law proceedings and copies of documents subsequently filed should be forwarded on by the Court. If you are not sure whether you have received all the Court documents, telephone the relevant Court or contact the Legal Team.

When you prepare a Section 37 report at the request of the Court, the Local Authority is NOT A PARTY TO THE PROCEEDINGS and you do not therefore have legal representation. Legal advice may be sought during the preparation of Section 37 reports but you must discuss this in the first instance with your Team Manager.

When your report has been completed, you should send a signed and dated copy to the relevant Court. It is the Court’s responsibility to ensure that copies are sent out to all the parties.

**GUIDELINES FOR THE PREPARATION OF A SECTION 37 REPORT**

**Case Number:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Author of Report:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Dated:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Filed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**IN THE NORTH SOMERSET FAMILY PROCEEDINGS COURT**

**(IN THE WESTON-SUPER-MARE/BRISTOL COUNTY COURT)**

**IN THE MATTER OF (NAME OF CHILD) (D.O.B. )**

**REPORT TO THE COURT PURSUANT TO SECTION 37 OF THE CHILDREN ACT 1989**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**REPORT OF (YOUR NAME)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

My name is . I am a Social Worker employed by North Somerset District Council. My professional address is

This report is being prepared for the Court and should be treated as confidential. It must not be shown nor its contents revealed to any person other than a party or a legal adviser to such a party. Such legal adviser may make use of the report in connection with an application for public funding.

Signed:…………………………………….

Dated:……………………………………

1. **Qualifications and Experience**

Set out your full Social Work qualifications, including where you obtained your Diploma or Certificate and when. Set out all relevant post qualifications and your employment both by North Somerset Council and any other Local Authority. Pre-qualification experience can also be included if relevant.

State how long you have been the allocated Social Worker for this particular family and also any previous involvement you may have had with them.

2. **Enquiries Undertaken**

In this section you need to set out fully the details of the interviews and enquiries you have undertaken prior to completing the report. This should include the following:-

(i) Information obtained from Social Care Departments and other records.

(ii) Telephone conversations/meetings with the child.

(iii) Telephone conversations/meetings with the parties to the proceedings.

(iv) Telephone conversations/meetings with the members of the extended family.

(v) Telephone conversations/meetings with the professionals involved with the family.

Whilst undertaking the investigation, you must consider whether or not any emergency action is needed to protect the child or whether the Local Authority needs to exercise any of its other powers under the Act, for example the provision of accommodation under Section 20.

The guidance “Reporting to Court” states that when you are conducting a Section 37 enquiry, there is a strong presumption that you should see the child. If you do not do so, give your reasons in the report.

If one of the parties to the proceedings has refused to meet with you, you should set out the attempts you have made to arrange a meeting.

3. **Parties to the Proceedings**

In this section you need to set out the names of the parties to the proceedings and their legal representatives. For example:-

 Jennifer Redstone – represented by ………… of ……………. Solicitors.

 Graham Taylor – represented by ……………. of …………….Solicitors.

4. **Family Composition**

This should include the child, the parties to the proceedings and any other adults or children whose existence is relevant to the issues on which you are to report. State:

Name Identity Date of Birth Address

for each member of the family.

5. **Recent History**

Summarise in this section the circumstances which, so far as you understand it, gave rise to the direction for a Section 37 investigation.

In this section you must set out the details of the Social Care Department’s involvement in the circumstances which gave rise to the investigation, as well as any other investigation which may already have been undertaken, or is being undertaken. You need to set out the involvement of other agencies, for example, the Police.

If the Police are still involved in the investigation they will need to be informed that you have been required to investigate and provide a written report for the Court.

6. **The Child’s Current Circumstances**

In this section you will need to provide a synopsis of any assessment you have undertaken, usually a core assessment. Please summarise your conclusions here.

7. **The Local Authority’s Intentions with Regard to an Application for a Care or Supervision Order**

In this section you need to set out whether or not you consider it is necessary to apply for a Care or Supervision Order. If you do consider that a Care or Supervision Order is necessary, you should consult with a member of the Legal Team, before the report is filed.

If you do not consider it is necessary to apply for a Care or Supervision Order, you should explain the reasons for this decision,

8. **The Local Authority’ Intentions with regard to Services for the Child and His/Her Family**

In this section you need to set out any services or assistance which the Local Authority has provided or intends to provide for the child and his/her family. If no services or assistance are to be provided, explain the reasons for this decision.

9. **Any Other Action which the Local Authority has taken or proposes to take in Relation to the Child**

In this section, you need to set out any other action which the Local Authority proposes to take, for example, convening a Child Protection Conference, liaison with other family members, etc.

You also need to set out whether it would be appropriate to review the case at a later date and if so, the date on which the Review is to take place.

10. **Conclusions**

In this section you need to summarise the points set out in the three preceeding sections – (7), (8) and (9) and set out the conclusions of your investigations, ie. is the Local Authority seeking a Care/Supervision Order.

Signed:……………………………………..

Dated:………………………………………