

Section 37 notification

The court may become concerned about a child's welfare during the course of family proceedings in private law. When ordering a Section 37 report, the court is asking the local authority to consider whether it should be taking further steps to protect the child. The local authority has a duty to make these enquiries under Section 37(2). The timescale and should report its findings to the court within 8 weeks.

The Local Authority is asked to consider whether:

- a) They should apply for a Care or Supervision Order
- b) Provide services or assistance to the child / family;
- c) Take any other action in respect of the child.

A strategy discussion will be convened following receipt of the S37 notification. By week 6 a legal planning meeting will be needed to consider the finding of the investigation. If the outcome of the legal planning meeting is to issue care proceedings agreement needs to be sought from the Strategic manager. The purpose of a s37 report is to advise the court as to why the Local Authority are NOT issuing public law proceedings in relation to a child. There will be no requirement to complete the s37 report, however the court should need to be notified of the intention to issue care proceedings.

If the outcome of the legal planning meeting is not to issue care proceedings the s37 report will need to be completed. The report will be informed by a comprehensive assessment and must cover the key areas on which the court seeks guidance. The work undertaken for the investigation and completion of the assessment will include:

- Details of enquires.
 - Who have you spoken to?
 - What checks have you undertaken
 - court documents read
- Summary of action taken
 - Brief summary of action taken, ie was there a s47 investigation?
 - Was the family already known to children's services.
- Conclusion
 - a) Durham County Councils reasons for the decision.
 - b) Details any service or assistance which Durham County Council have provided, or intend to provide, for the child and his family.
 - c) Details any other action which they have taken, or propose to take, with respect to the child.
 - d) Whether Durham County Council consider it would be appropriate to review the case at a later date.