

The background features large, dark green, organic shapes that frame the text. One shape is a thick, curved line on the left side. Another is a large, rounded shape on the right side. A third is a large, rounded shape at the bottom right.

Children's Services Surrey Good Practice Guidance: Section 7 and 37 reports

Version FINAL v 1

Approved by **Fiona**

Wraith

Date: 25/10/2024

About this document

Title	Surrey Good Practice Guidance: Section 7 and Section 37 reports
Purpose	
Updated by	
Approved by	Fiona Wraith
Date	
Version number	V1
Status	Final/Draft
Review frequency	24 months
Next review date	October 2026

Version Control

Document Location: The [Surrey County Council Children's Services Procedures](#)

[Manual](#). This document is only valid on the day it is printed

Date Issued:	Version	Summary of Changes	Created by
25/10/2024	Final v 1	First Issued	Andrea Holtham

Intended Audience

This document has been issued to the following people for Review (R) Information (I) and Review and Sign off (S). The Child in Need procedure is mandatory and must be shared with all staff and partners working with Children in Need and their families.

Name	Position	S/R/I
Tina Benjamin / Matt Antsell	Directors	S/R
Jo Moses / Juliette Blake / Sam Bushby/ Siobhan Walsh / Clive Seall / Nicole Miller / Jenny Bricknell /Jo Rabbitte	Assistant Directors	R
Service Managers		I
All staff		I

Surrey Good Practice Guidance: Section 7 and 37 reports

Allocation of Section 7/ Section 37 Reports

Section 7 reports can be allocated to social workers in the Assessment or Family Safeguarding Teams (dependent on the nature of any previous involvement).

The Court will send the request for Section 7 straight to the Assessment Service via the CSPA inbox. CAFCASS may also send the request. If there are safeguarding concerns the team manager will escalate to CIN/CP.

Section 37 reports are allocated to social workers in the Family Safeguarding Teams. The Court sends the Order to CSPA. Legal Services may also be sent the by the Court, or by solicitors acting for parents, but not always. Legal Services must be informed as soon as the Order comes in as once we are notified they will open the matter and allocate a paralegal with a lawyer to co-work. The allocated social worker will be informed of who is dealing with the matter in the legal team. The paralegal will then liaise with the Court and other parties as needed throughout the matter, for e.g. seeking all the relevant documents filed in the proceedings if they have not already been provided by the Court, seeking an extension of time if necessary etc.

Allocation to a social worker Once the request for Section 7 and Section 37 reports is received, the work should be allocated to either the social worker most recently involved or an experienced social worker who has experience of completing Court documents. Consideration should be given if the social worker has established capability in analysis and report writing.

Legal framework

Section 7 applies when a Court is considering a question with respect to a child under the Children Act. The Court may:

- ask an officer of Cafcass or Cafcass Cymru, or
- 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.

Section 37 applies in any family proceedings in which a question arises with respect to the welfare of a child. If it appears to the Court that it may be appropriate to make a

Care Order or Supervision Order it may direct the Local Authority to investigate the child's circumstances.

Section 7 (welfare) reports

Section 7 reports will generally only be ordered in cases where there is a dispute as to with whom the child should live, spend time, or otherwise have contact with. A report can also be ordered:

- if there is an issue concerning the child's wishes, and/or
- if there is an alleged risk to the child, and/or
- where information and advice is needed which the Court considers to be necessary before a decision can be reached in the case.

Legal Services do not check Section 7 reports. Orders are not sent to legal first or at all when the Court directs a Section 7 report.

Cafcass (Children and Family Court Advisory Service) is involved in all circumstances where a Child Arrangements Order is applied for, as Cafcass complete safeguarding checks (Police and Local Authority) which are set out in a 'Safeguarding Letter' filed in time for the First Hearing Dispute Resolution Hearing (FHDRA). The court should direct disclosure of this document to the Local Authority when a Section 7 is directed. If the document is not disclosed, the Local Authority should seek a direction from court to disclose it as early as possible. Cafcass can share the document where the child concerned is subject to a Child Protection Plan or a child protection investigation (S47). This document is important to view as it can hold safeguarding information that is new to the social worker and must be considered in the report.

Reviewing the order

Ensure that the Order and all statements and reports from the Court have been received. Also seek a copy of the Cafcass Safeguarding Letter and any other documents the Court directs the Section 7 reporter to review.

In the case of Section 7 reports, ensure the Court order has specifically directed Children's Services to consider the specific issue(s) for consideration within the report.

The timescale to complete a Section 7 report is usually 12 weeks from the date of the order (although sometimes up to 16 weeks depending on the issues).

Ensure the timetabling for the report is realistic, if not a representation needs to be made to the Court for additional time, but the reason for delay should only be because:

- There is a need for additional enquiries, either because of a late change in circumstances or because late information becomes available.

- Last minute unavoidable factors.

Remember that the timetable directed by the Court must be adhered to unless and until an Order is received which varies the timetable. **The Court “shall have regard to the general principle that any delay in determining the question is likely to prejudice the welfare of the child”**. The Court will take a dim view of a local authority that delays resolution of proceedings by late production of a section 7 report. The Courts appreciate that, sometimes, reports can take longer to produce than anticipated but they do expect a local authority to apply for an extension of time *before* a deadline expires.

If there is a need to clarify the scope or nature of the report or ask for further directions, you should liaise with your manager regarding making contact with the Court directly, unless it is ‘complex’ and then you should seek advice from Legal Services.

As with Court reports in care proceedings, Section 7 reports should be cross-referenced to other relevant reports, such as carer assessments, reports from professionals who know the child and/or family etc.

Section 37 Reports

The template is almost the same format as that for section 7 reports. As such, the guidance for completion is similar. The emphasis of the section 37 is also on professional analysis and clear recommendations based on evidence.

Ensure that the Order and all statements and reports from the Court have been received. Also seek a copy of the Cafcass Safeguarding letter and any other documents the Court directs the Section 37 reporter to review.

The Court should be satisfied that there are reasonable grounds for believing that the circumstances with respect to the child/ren meet the threshold criteria under section 31 (that they are suffering or likely to suffer significant harm). The judge is expected to provide the Local Authority with a clear understanding for the reasons in making the Section 37 order.

A Section 37 direction requires a local authority to investigate a child’s circumstances (section 37(1) CA 1989). The local authority, under Section 37(2) must consider whether it should take any of the following actions:

- Apply to the Court for a care or supervision order under section 31 of the Children Act 1989.
- Provide services or assistance for the child or the child’s family.
- “Take any other action with respect to the child”.
- The relevant Local Authority for Section 37 purposes is the authority in which a child is ordinarily resident. If the child does not have an ordinary residence, it is

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the Local Authority area where the circumstances giving rise to the direction arose.

- Where the authority decides not to apply for a care or supervision order

The Court cannot require an authority to apply for a Care or Supervision Order. But if an authority decides **not** to apply for an order, section 37(3) requires the local authority to inform the Court of:

- The reasons for deciding not to apply for an order.
- The details of any services or assistance provided, or which is intended to provide, for the child or the child's family.
- Any other action it has taken or proposes to take.
- Whether it would be appropriate to review the child's case and if so, fix a review date.

Timescales, Templates and Filing

The Court should allow 12 weeks for completing a Section 7 report and 8 weeks for completing a Section 37 report, from the point when the Local Authority is issued a copy of the order. Where the timescale is not in line and cannot be met, the Local Authority should liaise with Legal Services to request an extension to the filing date and ensure the Court and parties are notified.

The agreed Surrey templates should be utilised when completing these reports to ensure consistency with quality and practice standards. [Documents Library \(All Children/Legal Proceedings\)](#).

There is no prescribed length for the report, but it should be concise, with the balance of weight placed on the professional analysis of the evidence, not on long lists of facts or historical information.

The report should be written using plain language, so that it can be easily understood by all parties to the proceedings; and paragraphs should be numbered for ease of reference.

The report should avoid lengthy narrative from the parties/ parents and focus on child impact analysis and professional judgement.

Quality Assurance and oversight:

- **The Team Manager should quality assure all S7/37 reports.**
- **Section 37 reports must be overseen by the Service Manager.**
- **If the decision is to go into PLO or issue proceedings, then a Legal Gateway Meeting should be held within 5 days of the decision being made by the Service Manager.**

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- **For those Section 37 reports where we are not recommending PLO or Legal procedures, the Service Manager will share their analysis with the allocated Legal Advisor before the report is filed.**
- **All Section 37 reports should be submitted to Legal Services at least 5 days before the filing date for review.**

Please note that additional time for QA and reviewing reports needs to be factored in to planning time to ensure sufficient time is given to file the report on time.

Legal Services will file the finalised Section 37 report with the Court and will serve on parties only if they are represented. If parties are not represented (Litigants in person), then the team must ensure both parties are served with a copy of the report on the filing date (consider if email and hard paper copy are needed).

If there are agreed factual errors in the report highlighted by either party, then the report should be amended, and an updated version filed. If parties disagree with the professional opinion, then this can be challenged at Court.

Courts now use fewer experts, so the author of the section 7 report 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 are the voice of the child in Court and experts about the child. That does not mean a professional opinion should be offered on a matter about which the author of the report is neither qualified nor experienced enough to comment on. Care should be taken to give a professional view about how important 'facts' are both to the child or the determination of the case, to assist the Court in determining whether in exceptional circumstances a fact finding hearing or further evidence is necessary.

If a report (Section 7 or Section 37) is deficient and the areas of deficiency are not addressed through addendum reports or oral reports, or the filing of the report is delayed, which causes the case to be adjourned and delayed, the Court could make a wasted costs order against the Local Authority. Therefore, it is important you comply with the Court timescales. If there is a valid reason you are unable to, you must notify Legal Services who will request an extension, you should notice Legal Services in good time before the deadline.

Planning the Enquiry

It is important to consider the appropriateness of who should be seen or contacted. Consideration should be given to the following:

- The child should be seen (unless specifically directed not to) and consideration given to seeing the child alone in a neutral location. If the child has not been seen, then clear reasons to be included within the report.
- The child to be seen with both parents.
- The child to be seen with significant carers/ siblings/ new partner of a parent.

- The parties (parents/carers) should be interviewed, with the same amount of time given to both.
- Consideration to consult with wider family/ friends' network, if significant in the child's lives.
- Liaison with partner agencies (school/ health/police).
- The home should be visited if issues are raised about the home environment.

Recommendations

FPR Practice Direction 12B encourages section 7 report writers to make recommendations about the medium and longer-term future for the child, resulting from any order by addressing the “stepped phasing-in” of child arrangements “insofar as they are able to do so safely in the interests of the child concerned” (paragraph 15.4).

Robust assessments and analysis are essential to provide final recommendations where safe, and in the child's best interests to do so. In exceptional circumstances where there are significant safeguarding issues or indications of repeat litigation, the impact on the child and/or resident parent may be severe if further applications are made. In such circumstances, there may be consideration for recommending a section 91(14) barring order to prevent abusive ex partners from making repeat applications.

If there is no direction to attend Court, no further work is recommended and there is no ongoing intervention with the family, the report should state clearly that the family will be closed down to the Local Authority. Any further order directing attendance will need to be sent by the Court to Children's Single Point of Access (cspa@surreycc.gov.uk).

Further important considerations

If a section 7 report includes hearsay evidence, this should be clearly identified as such in the report. Hearsay evidence is information heard from others.

The Court must, in certain cases, “presume, unless the contrary is shown, that involvement of that parent in the life of the child concerned will further the child's welfare”. The report needs to be written on the basis that parental involvement will further the child's welfare (since Courts are required to proceed on that basis) unless there are properly evidenced and analysed reasons for a different view (such as safeguarding issues).

The Court shall not make an order “unless it considers that doing so would be better for the child than making no order at all”. A social worker drafting a section 7 report might therefore address whether the child's welfare would be served by making no Order at all.

The Court can also direct a section 7 report, despite the parties having come to an agreement on a child arrangements order, if the Court still considers it necessary to address whether there is a risk of harm to the child. In such a case, the Court may ask for information about any advice given by the report writer and whether any referrals have been made to other agencies, including local authority children's services (paragraph 8).

Practice Direction 12J (allegations of domestic abuse within proceedings)

The Practice Direction states that its definitions of 'domestic abuse' and 'victim of domestic abuse' are the same as given in sections 1 and 2 of the Domestic Abuse Act 2021. The 2021 act specifies that children who see or hear or experience the effects of domestic abuse on a parent or relative are considered victims of domestic abuse.

The Practice Direction includes the general principle that "Children may suffer direct physical, psychological and/or emotional harm from living with and being victims of domestic abuse and may also suffer harm indirectly where the domestic abuse impairs the parenting capacity of either or both of their parents." (paragraph 4)

Practice direction 12J has revised the assumption that children should always spend time with both parents. It clearly states that domestic abuse is harmful to children, who experience it directly (previously considered to have 'witnessed' it). Domestic abuse now needs to be carefully considered in issues of contact.

Although it is difficult to apply in practice, the law about children's relationships with their parents where there has been domestic abuse is very clear:

- the Court must make a decision that is in the best interests of that particular child, taking into account all the circumstances including harm suffered and risk of harm (Section 1 Children Act 1989)
- the Court has a duty to promote contact in accordance with the child's right to family life under Article 8 of the European Convention on Human Rights^[1]. However, one person's right to family life may be outweighed by the need to protect the rights of others. Article 3 of the European Convention on Human Rights (the prohibition on torture) means that the Court also has an absolute duty to protect both children and adults from ill treatment. Under Article 6, everyone has a right to a fair trial.
- there is no presumption either way as to whether or not a child should have contact with a domestically abusive parent.

Practice Direction 12J (guidance that accompanies the Family Court rules, known as the Family Procedure Rules 2010), sets out some of the things the Court should generally consider where abuse has happened:

- the effect of the domestic abuse on the child and on the arrangements for where the child is living;

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- the effect of the domestic abuse on the child and its effect on the child's relationship with the parents;
- whether the (abusive) parent is motivated by a desire to promote the best interests of the child or is using the process to continue a form of domestic abuse against the other parent;
- the likely behaviour during contact of the abusive parent and its effect on the child; and
- the capacity of the parents to appreciate the effect of past domestic abuse and the potential for future domestic abuse.

The Court has to look at each individual case and see what is appropriate.

In each case, the Court still has to decide what is in the child's best interests, and that will mean deciding whether contact is safe. In some cases, involving domestic abuse, the question for the Court is: *how* can contact be made safe? In other cases, the question is whether contact *can* be made safe at all.

The Transparency Project provide a helpful 'Guidance Note' using jargon free, plain language for people, parties, professionals involved in the family Courts. See 'Resources' at end of document.

If a fact-finding hearing on the issue of domestic abuse is directed (ie a hearing to determine disputed matters of fact by reviewing all of the available evidence), the Court will not usually request a section 7 report until after that hearing has concluded. Instead, the Court should "direct that any judgment is provided to the report writer, or if there is no written judgment, an agreed list of findings agreed by the parties to the dispute should be provided" (paragraph 22).

A parent who is in receipt of benefits and is alleging they are a victim of domestic abuse, may be able to apply for legal aid and should be signposted to [Legal aid: Eligibility - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Mediation

Recommending parents access mediation may be an option for some parents, to promote improved co-parenting, but only if there are no safeguarding issues. The Government is currently offering up to £500 worth of mediation vouchers which can be signposted to parents [Family Mediation Voucher Scheme - GOV.UK \(www.gov.uk\)](http://www.gov.uk) to see if they qualify. In addition a parent who is in receipt of benefits and is alleging they are a victim of domestic abuse, may be able to apply for legal aid and should be signposted to [Legal aid: Eligibility - GOV.UK \(www.gov.uk\)](http://www.gov.uk).

Resources to access within Surrey County Council

- [Surrey MARAC Protocol](#)
Multi Agency Risk Assessment Conference (MARAC) – local meeting to discuss how to help domestic abuse victims, aged 16 or over, at high risk of murder or serious harm. Key is implementing Safety Plan for the adult victim and carer.
- [Families in Harmony - Home \(sharepoint.com\)](#) Extensive resources for professionals working in Surrey to access.
Families in Harmony Practitioner Quick Guides covering 4 topic areas including: Support for Parents who are Together, Expectant or new Parents, **Parents who are Co-parenting and Parents who have Separated.**
Designed to give practitioners quick access to support for parents going through different stages in their relationships, aligning with the above topic areas, which may bring up challenges.
Please continue to look at the Families in Harmony page as there is more information on there as a whole, for example training opportunities and parenting programmes available across the County.
- Bitesize training – Court Skills – Kathryn Noval Price and Andrea Holtham
- Consultation ‘offer’ with Andrea Holtham (Audit and Practice Standards lead for FST) for support and advice on planning and preparation.
- E.learning introduction to private law – On Olive

The screenshot shows the Olive Learning interface. At the top, there is a navigation bar with the Surrey Council logo, the 'Olive' brand name, a 'Learning' dropdown menu, and a search bar. Below the navigation bar, the page title is 'My Learning / Library / Introduction to Private Law for Local...'. The main content area features a course card for 'Introduction to Private Law for Local Authority Social Workers: Demystifying Private Law'. The card includes a course icon of a person at a computer, course information (Type: Online, Duration: 1.00 hours), an average rating of 0.00 out of 5 stars, and a note that online content is not available. Below the course card, there are tabs for 'Course Details' and 'Online Content'. Under the 'Course Details' tab, a section titled 'Course Information' contains a table with the following data:

Course ID:	Assigned By:	Assigned On:
59004	Admin	19/09/2023

[Surrey County Council - Family information directory \(surreycc.gov.uk\)](https://surreycc.gov.uk)

Additional resources/ guidance/ contacts

[Case management pack FINAL \(1\).doc](#) (Safe Lives – includes CAADA DASH-domestic abuse risk assessment tool)

Cafcass Contacts SouthEastPrivate@cafcass.gov.uk & SEITgeneric@cafcass.gov.uk

[Glossary of Terms in Family Proceedings \(judiciary.uk\)](#)

[Private law - Family Rights Group \(frg.org.uk\)](#) – Good advice line for parents/ carers

[Making child arrangements if you divorce or separate: Get help agreeing - GOV.UK \(www.gov.uk\)](#)

[How Do Family Courts Deal With Cases About Children Where There Might Be Domestic Abuse? | The Transparency Project](#)

[Domestic Abuse Guidance Note | The Transparency Project](#)

[Our role in private law proceedings | Cafcass](#)

[Our resources for professionals | Cafcass](#) Useful direct work tools and guidance related specifically to working with children and families subject to private law proceedings.

[Indicators of child resistance/refusal to spending time with a parent such as alienating behaviours | Cafcass](#)

[Indicators of domestic abuse such as coercive control | Cafcass](#)

[Indicators of conflict which is harmful to the child | Cafcass](#)

[My family is involved in private law proceedings | Cafcass](#)

[Language Matters - Family Solutions Group](#)

[Child Contact Centres - NACCC](#) Registered child contact centres for parents and professionals to access and find resources local to them.

[Cafcass ADCS S7 policy Mar 23.pdf](#)

[Legal aid: Eligibility - GOV.UK \(www.gov.uk\).](#)

[Family Mediation Voucher Scheme - GOV.UK \(www.gov.uk\)](#)