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11 November 2022

To: Designated Family Judges

CC: Directors of Children's Services, the Law Society's Children's Committee, Resolution, the Magistrate's Association

Dear Judge,

Re: Policy on whether Cafcass or a local authority should prepare a Section 7 report

Cafcass and the Association of Directors of Children's Services (ADCS) have revised their policy on when and why a local authority social worker, or a Cafcass Family Court Adviser (FCA), should advise the court about who is best placed to prepare a Section 7 report. The policy does not compromise the fact that the ultimate decision is with the court.

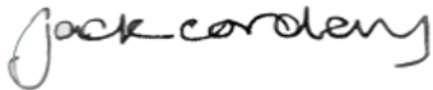
The policy (attached) replaces previous joint guidance and aims to promote continuity for children and families in proceedings by preventing duplication and reducing the need for them to repeat their stories. The policy makes clear that social workers and Cafcass FCAs should recommend that the local authority be ordered to complete the section 7 when:

- a) a child is the subject of an open and active statutory social work case with a local authority or
- b) in the last 12 weeks, before the section 7 is ordered, there has been a statutory social work assessment of a child's welfare in accordance with the Children Act 1989 (sections 17 or 47) or
- c) in the last 12 weeks, before the section 7 is ordered, the child has been the subject of a child in need or child protection plan.

In all other circumstances, where the local authority is not involved or has not been involved with the family in the last 12 weeks, the court will be advised to order Cafcass to complete the Section 7 report.

We are circulating the policy within Cafcass and to all local authorities and would be grateful if you could also share this with the judiciary and magistrates in your area.

Yours sincerely,



Jack Cordery
National Director of Operations, Cafcass



Steve Crocker
President, Association of Directors of Children's Services

Policy on whether Cafcass or a local authority should prepare a section 7 report

1. The primary aim of this policy is to promote continuity for children and families, preventing duplication and reducing the need for them to repeat their stories.
2. Under section 7 of the Children Act 1989, in private law proceedings courts can direct either Cafcass or a local authority to report on the welfare of a child. This is a decision of the court, and while representations can be made to the court about which agency is best placed to advise on the child's circumstances, views and wishes, the direction can only be amended by the court. Until the court has confirmed that an amendment has been made, the original order stands.
3. The filing date for a report is set by the court, ideally following consultation with the relevant agency (either Cafcass or the local authority). It is important to provide the court with a realistic timetable of when a case can be allocated and a report can be filed, and then to ensure that the timescale is met.
4. The court should be advised to order the local authority to complete the section 7 report if:
 - a) a child is the subject of an open and active statutory social work case with a local authority or
 - b) in the last 12 weeks, before the section 7 is ordered, there has been a statutory social work assessment of a child's welfare in accordance with the Children Act 1989 (sections 17 or 47) or
 - c) in the last 12 weeks, before the section 7 is ordered, the child has been the subject of a child in need or child protection plan.
5. If none of the above apply, then the court should be advised to order Cafcass to complete the section 7 report. It is important for the court to note that once the local authority completes and files the section 7 report and is awaiting a court date, it will not hold the case open and active.
6. Whether Cafcass or a local authority are directed to prepare the report, each agency is able, pursuant to Rule 12.75 of the Family Procedures Rules 2010, to provide the other agency with all the relevant information they hold to ensure that the court has a complete picture.
7. Where Cafcass is recommending that a local authority prepares a section 7 report, Cafcass should first discuss this with the allocated local authority social worker and/or the first line manager.

Owner	Cafcass and ADCS
Approved for Cafcass by	Jacky Tiotto, Chief Executive Cafcass
Approved for ADCS by	Steve Crocker, President ADCS

Approved on	19 October 2022
Implemented	November 2025
Version	1.0
Amended	n/a
Next review	November 2025