

Private law/Section 7 template resource pack

Aim

The three Sussex local authorities (East Sussex, West Sussex, and Brighton and Hove) have worked with Cafcass since 2014 to develop a consistent approach to writing Section 7 reports. During this pilot programme, materials have been developed and tested, and training sessions have been held with over 200 social workers. The aim is to harmonise approaches across the sector as far as possible and raise the standards of child protection for this vulnerable group of children.

Why

Previously there has been no nationally agreed template, which has led to variations in the quality of assessments, reports, and recommendations. A serious case review in Sussex highlighted the need for a more consistent multi-agency approach to private law cases, which often involve very vulnerable children. Joint research between Cafcass and Women's Aid estimated that domestic abuse allegations are a feature in 62% of private law cases, and other risk factors are prevalent such as harmful conflict and parental alienation.

The template draws on learning from local authorities and Cafcass and is supported by guidance. Social workers that have piloted the template liked the multi-agency approach and the clear guidance, while family courts have noticed an improvement in the quality of reports, that can lead to better outcomes for children.

How

The Resource Pack includes:

- Section 7 template
- Good practice guidance for writing a s7 report
- A presentation is available for training purposes if required. Enquiries to be made via Sussex Family Justice Board www.sussexfamilyjusticeboard.org.uk

Sussex local authorities deliver the multi-agency training 2 or 3 times per year. The sessions include a local authority lead, Cafcass lead, and a legal lead. The legal leads are local solicitors/barristers giving their time free of charge (pro bono) because the improved quality of assessments and reports has had a positive impact on their work. Social worker feedback has consistently reflected the positive experience of having knowledgeable trainers and a multi-agency approach, and this has strengthened the links between agencies.

Good practice guidance: 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 verbal, 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 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 they must also 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 checks

6. The Child Arrangements Programme includes mandatory police and local authority checks on applicants and respondents in any application for a Child Arrangements Order and checks may be directed by the court to be undertaken in any other private law case. The checks are completed in advance of the court directing the preparation of a section 7 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, with dispute resolution only undertaken where it is safe for the family concerned.

Practice issues

8. Practice needs to be authoritative, for two main reasons. First, time to complete the report may be short and each interview matters. Social workers and family court advisers need to be clear with parties and with others they talk to about the purpose of their contact and interview and how the process will go e.g. an adult attachment interview or a restorative justice focus. Interviews with parents often take the form of 'courageous conversations' in which established views are challenged so that 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 demonstrating empathy.

9. Second, 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, there should be an attempt 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 correlates with higher than usual rates of non-payment of child support (Kelly, 2000). It is important to consider which of any linked suite of assessment tools might support the work on this case as the tools help to establish the level and impact of behaviour such as parental conflict and alienation, as well as helping 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 Framework](#). The framework includes guidance and tools for private law assessment to help practitioners navigate a range of complex case factors and includes guides on domestic abuse (practice pathway), harmful conflict, child refusal or resistance to spend time with one of their parents, parental alienation, and 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 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 abuse, where the impact on them will be painful and frightening.
 - 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 advisers have a responsibility to assist courts with case management, especially in protracted cases or cases that risk becoming protracted. The responsibility is to be clear about the child's timescale for when decisions need to be made and when the actions recommended should be taken.

14. 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 and family court advisers 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 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

15. Any evaluation contained in a report where domestic abuse has been a feature of the parental relationship must adhere to the principles set out in Practice Direction 12J.¹

16. Before the report is written consideration should be given to any current national or local guidance in respect of factors to be considered when determining whether to make child arrangements orders in cases where there has been domestic abuse. To assist social workers and family court advisers in the risk assessment of domestic abuse in private law proceedings, Cafcass has 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.

¹https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_12j

Local authority template for a S7 report

Date of application:

Court:

Court case number:

Application type:

Hearing type:

Hearing date:

Social worker:

Date report completed:

Filing date:

WARNING: This report is restricted by rules of court. Unauthorised communication of the information in it is a serious matter and may constitute contempt of court

NOTE: Significant factual errors (not matters disputed by the parties) in this report should be referred to the author. Any concerns about other aspects of the report (for example, the extent of enquiries, the opinions expressed in it or matters disputed by the parties) must be addressed in court

1. FAMILY PROFILE

1.1. Child(ren) subject of the application and non-subject children where vulnerable

Name of child	Gender	Date of birth	Age	Ethnicity

1.2. Adult parties to the proceedings

Name of party	Gender	Relationship to child(ren)	Date of birth	Ethnicity

NB. Insert genogram of it would assist understanding of issues in the case

1. 3. Key agency involvement

Key agencies involved	(Give brief details of their involvement plus any outcomes)

2. SUMMARY OF APPLICATION AND THE MAIN ISSUES

Using numbered paragraphs-

- *Start with child – name, age, and current arrangements: who they live with and when they spend time with a non-resident parent*
- *Summarise in clear, straight forward language the key issues in the family*
- *State the application(s) before the court and what the court has asked you to do*

3. ENQUIRIES UNDERTAKEN FOR THIS REPORT

Using numbered paragraphs-

- *List all the documents you have read in preparation for writing the report*
- *List the meetings, appointments and phone conversations you have had with the child/ren, parents, family members and professionals.*
- *Refer to police and local authority checks undertaken.*
- *Provide a summary of key and relevant information arising from interviews with parties and professionals. Use quotation marks if using child or parent's own words. (Analysis arising from any meetings with the child and family should be contained in sections five and six below)*

4. THE RELEVANT CHRONOLOGY

Date	Incident or sequence of incidents relevant to the child's protection and/or welfare	Significance	Source (agreed or disputed)
[]	[]	[]	
[]	[]	[]	
[]	[]	[]	

5. CHILD IMPACT ANALYSIS

- *In considering the impact upon the child you will need to reference relevant welfare considerations that relate to the child including:*
 - *The wishes and feelings of the child concerned, including the weight to be attributed to them in the context of the issues in the case*
 - *The child's particular physical, emotional and educational needs*
 - *The likely effect on the child if circumstances changed as a result of the court's decision*
 - *The child's age, background and any other characteristics which will be relevant to the court's decision*
 - *Any harm the child has suffered or may be at risk of suffering*
- *Using numbered paragraphs and with specific reference to each child provide analysis of the **impact** for the child of :*
 - *any evidence-based risk and strengths identified in the case*
 - *their exposure to the current level of dispute between the parents, and their resilience and vulnerability*
 - *the nature and quality of the child's relationships*

6. PROFESSIONAL JUDGEMENT

- *Using numbered paragraphs provide an evaluation of the evidence regarding:*
- *The capability of child/ren's parents/carers in understanding and meeting child/ren's needs*
- *Your opinion as to how the child's safety and well-being can best be promoted.*

7. RECOMMENDATIONS

- *Using numbered paragraphs and without repeating analysis elsewhere provide short clear recommendations as to the future arrangements for the child/ren*
- *Include any identified need for post proceedings support, and any agreed future actions by one or both parents*

In compiling this report, I have had regard in particular to the welfare checklist as required by Rule 16.20/16.33 Family Procedure Rules 2010 and I have applied a welfare checklist analysis to the facts of the case throughout.

Signed:

Name:

Role:

Date: