

A Consistent Approach to S7 and S37 Reports

Section 37 Report Guidance

Section 37 Court Report

When, during any private law proceedings under the Children Act 1989, a question arises about the welfare of the child, and it seems to the court that it might be appropriate for a Care Order or Supervision Order to be made, then it will direct a local authority to undertake an investigation of the child's circumstances and report to the court its findings. This is what is known as a Section 37 report.

During the investigation to inform the Section 37 report, you will need to consider:

- a. If the Local Authority should consider applying for a Care Order;
- b. If the Local Authority should provide services or assistance for the child and her/his family;
- c. If the Local Authority should take any other action in relation to the child.

Section 37 Report Flowchart

An Application is made, the Central CAFCASS team are made aware and allocate to the local Early Intervention Team within CAFCASS who complete 'checks' with the Local Authority, Police and telephone interviews with the parties and a **Safeguarding Letter** is produced. The court has **safeguarding concerns**

Court Order and **Safeguarding Letter** is sent to Jane Gregory, who alerts the Local Authority Legal Department

The Section 37 report is allocated to a Social Worker

The case is **NOT** an open case

The case **IS** an open case

There are clear safeguarding concerns and so a S47 is initiated

The safeguarding concerns need further assessment and so a Single Assessment is started

Social Worker, in discussion with their Manager is able to assess whether or not a S47 needs to be initiated.

S47 process is followed

Single Assessment process is followed

8 week timescale

Information from Social Work actions informs the completion of the Section 37 report

Recommendations such as drug/alcohol testing /psychological report are completed before attending a review court hearing

Parties accept the contents of the Section 37 report

Parties do not accept the contents of the Section 37 report

Court proceedings conclude

A Final Hearing is timetabled. The author of the Section 37 report will be called to give evidence

Court Order

Court will send the Order and Safeguarding Letter (see template in Appendix 1) to Jane Gregory, Business Support Administrator. If you are working with a family and are advised by them or a solicitor representing them that an application for a Child Arrangement Order has been made, contact Jane on 01623 520302 to request a copy of the Court Order.

In theory no work should be undertaken until you have sight of the order as this will clarify what is being asked of you and the report. However, you will need to apply your professional judgement as you could essentially save time starting a report if there is any delay in the order being forwarded to Social Care. If in doubt discuss this with your Team Manager.

You will have a maximum of 8 weeks to complete and file a Section 37 report.

Private Law Report Writing Plan

Once it has been confirmed that a report has been ordered by the court, you will need to write your Private Law Report Writing Plan and upload it to Framework within 10 working days of allocation alongside a case note which should be alerted to your Team Manager. Team Manager's will be able to take note of the content and completion dates to review if necessary.

The Plan is what it is you are going to do and needs to be SMART – see template. You need to share this plan with the applicant, respondent, and any other significant party where applicable, to ensure they are fully aware of what you are planning on doing. You could ask that they sign this as recognition of agreement, although this is not necessary as you are answerable to the court and not parents in this matter.

A robust Private Law Report Writing Plan will not miss anything out and you will be able to follow this plan and write a very informed report. However, if when you do write your report you discover there is something you have not identified in the plan but it is essential for to inform your analysis of your report then there is no need to adapt your plan. Ensure you complete the work as a matter of urgency so not to delay filing the report.

Police checks

You will need to request information from the Police with all private law reports. The Safeguarding Letter will include some Police information if this has been able to be accessed by CAFCASS.

To request further detail/clarification of the information received you will need to complete the 'Request for Police Information' letter (Appendix 2). The applicant and the respondent should have provided their consent in court for any Police checks to be completed. Check the Court Order reflects this consent and if it does then attach a copy to the 'Request for

Police Information' letter. This should be sufficient enough for the checks to be completed without the need to gain the applicant and respondents consent again.

However, the Police may insist on seeing the sealed Court Order rather than the one prepared by a lawyer and sent to the Local Authority. If this is the case it is best practice to arrange to meet with the applicant and respondent to gain their consent directly on the 'Consent for Disclosure of Information' letter rather than try and locate a sealed copy of the order.

If you require information from the Police for any other party who has not provided consent in the Court Order then always arrange to meet with this person to gain their consent directly on the 'Consent for Disclosure of Information' letter.

If in doubt about consent it is always best practice to get the persons consent again.

It is pertinent to your report and to ensure it is completed within timescale that this request is completed as soon as possible as it could take up to 7 working days to receive a response from the Police. Send the completed letter(s) to CJCustomerServices@Nottinghamshire.pnn.police.uk

Timescale

If there is going to be a delay in filing the report the reasons for this must be justified. This could include an unexpected event such as a child being ill and therefore them not being able to engage with direct work or a change to a family's circumstance that could not have been pre-empted such as bereavement. In such cases then you must make your Team Manager aware in the first instance. Between you, you must decide on who is to contact the court to explain there will be a delay and to request an extension. If the court cannot allow an extension then you will have to file the report within timescale, referencing in it that an addendum report will soon follow. This is not best practice and highlights the importance of good planning. However it is recognised that the nature of Social Work is unpredictable.

When allocating a Private Law report to a worker a Team Manager must take into consideration any factor that impacts on the worker completing the report within timescale i.e. booked annual leave.

There are occasions when a Private Law report is directed and there is a significant delay before the Court Liaison Officers send the Order to the Local Authority (mainly with regards to Section 7 reports) leaving you with no option but to ask for an extension. If this happens;

- Contact the court immediately telling them the date of the order, the date you have been directed to file, the date the Local Authority received the order (speak to Jane Gregory if you are unsure) and the date you CAN file. It would be best practice to telephone the court and ask to speak to the Court Liaison Officer and then follow up your verbal discussion in writing.

- Send Andrew Finlay, Local Authority Solicitor; andrew.finlay@nottscc.gov.uk (af22), a copy of your correspondence to the court so he can continue to raise this issue.

Liaising with other professionals

Unless alongside the writing of a Section 37 report you have entered Section 47 Child Protection enquiries, if you need to speak to professionals to inform your report ensure that you gain consent from parents to do so. You may already be in regular contact with the Health Visitor or School Teacher on cases that are open to Social Care but you will need to ensure it is ok to speak to this professional in relation to the court report and not for the Child in Need process.

Parents may be alright with other professionals being aware that their child has an allocated Social Worker but may not want them to know of the court proceedings. It is good practice, even with Child Protection cases, to seek consent to discuss the outcome of a Private Law report and the decision of court within multi-agency meetings. However do not share the content of the report to other professionals in any case.

Observation of contact

‘Observation’ does not always mean that you need to make arrangements to watch the interactions and content between a child and the applicant/respondent. You could observe a child’s reaction to you bringing into a conversation the name of the applicant/respondent, or by showing them a picture of the applicant/respondent (see Tools section). This is something you particularly need to take into consideration when a child has no or little relationship/contact with the applicant/respondent i.e. if a Father applies for contact to be set up for the first time with his child.

This does not include not having time to observe contact as if a contact observation has been identified in the plan as most appropriate then it is this that should be done.

Tools

This is not an exhaustive list and there will be other tools practitioners will feel more comfortable and confident with. If in doubt, discuss with your colleagues, Manager or a Practice Consultant on whether the tool is appropriate or not. All are available, with guidance on how to use them, at <http://intranet.nottscc.gov.uk/departments/childrenfamiliesculture/forms/nottinghamshire-assessment-toolkit/>

Wishes and Feelings

- Three Houses
- Three Islands
- <https://www.cafcass.gov.uk/leaflets-resources/our-work-with-children.aspx>
- Message in a bottle
- Showing family photos. If you are wanting to see a child's response to contact with a parent or family member, but it is not appropriate for you to observe contact, show the child a photograph and record their facial expressions, body language, emotions and the discussions had.

Domestic Abuse – **the use of a tool is mandatory with all domestic abuse cases.**

- What We Need to Know
- DASH RIC
- Safe Contact Indicator
- Tool for assessing whether a Domestic Violence Perpetrator Programme (DVPP) is appropriate.

Substance Misuse

- Alcohol Use Questionnaire
- Tool for Drug Abuse
- SCODA: Risk Assessment with Parental Drug Use

Mental Wellbeing

- Adult Wellbeing Scale

Home Situation

- Home Conditions Assessment
- Parenting Daily Hassles – The Scale
- Tool for Parenting Knowledge and Style

Resilience and Vulnerability

- Vulnerability Checklist
- 15-point checklist for resilience
- Rosenberg Self Esteem Tool

Welfare Checklist

Prior to the Children and Families Act 2014 you had to include a full Welfare Checklist in all court reports. This is no longer the case. However this does not mean that the Welfare Checklist has been disregarded; you must still refer to each section within the full body of your report.

Here is the Welfare Checklist that you can cross reference to when completing your report.

a) The ascertainable wishes and feelings of the children concerned.

To include what child says/expresses. Also include your observation and interpretation. *(This will be covered in Sections 2 and 3)**

b) The children's physical, emotional and educational needs.

Include information from health visitor, GP, psychologist, school and any other professional involved with the child. *(This will be covered in Sections 1 and 2)**

c) The likely effect on the child of any change of circumstances.

Include change in any contact arrangement. *(This will be covered in Section 3)**

d) Child's age, sex, background and any characteristics which the court considers relevant.

Professional assessment of needs of child in relation to these criteria as it affects, potential arrangements. *(This will be covered in Section 1)**

e) Any harm which the children have suffered or are likely to suffer.

Any additional information from Social Care Services/NSPCC/any other agency including schools, which relates to harm. Include details of any action taken to minimise risk. Include the consequences of domestic violence. Include assessment of any emotional abuse the child may suffer as a result of parental conflict/behaviour. *(This will be covered in Sections 2 and 3)**

f) How capable are the child's parents and any other person in relation to whom the Court considers the question is relevant is of meeting their needs.

Your assessment of capability of each parent and any other persons in the light of allegations and counter -allegations. Take into account own observations and those of other professionals. *(This will be covered in Sections 2 and 3)**

g) The range of powers available to the Court under this the Act in the proceedings in question

State what kind of orders the court can consider making in this case. *(This will be covered in Section 5)**

*Where there is a recommendation as to which section the information should be written in this is guidance. As long as the information is in the report, is not repeated and the report in its complete form makes sense then it is at the authors discretion where the information is recorded.

Remember you are the author so own the report! You will be the one who is presenting it to court, and possibly answerable to the court about.

Child Protection Concerns

Any information that arises during the course of preparing the Private Law report which would normally lead to a decision to initiate a Section 47 enquiry should be raised with your Team Manager immediately and be acted upon under the Child Protection procedures.

If required you should discuss the concerns with the Local Authority Legal Department and ask for a Directions Hearing as the application may need to be made to the court to suspend inquiries.

Section 31 – Threshold

In relation to a Section 37 report; you are being asked to assess whether there is a risk of significant harm to a child and as a result of your assessment, whether or not the threshold to initiation public law proceedings has been met (Section 31) which would mean to apply for an order or exercise any other of the Local Authority's powers under the Children and Families Act 2014.

You will make full enquiries into the information and the circumstances; conducting a Child Protection Investigation as you would under Section 47. If it is appropriate, a Child Protection Conference will be convened before the report is finalised.

Any recommendation that a Care or Supervision Order application is required must be agreed by a Service Manager before it is included as part of the report you are to complete and file to the court. You will also need to follow procedure in requesting a Legal Planning Meeting.

If at any stage, with the agreement of your Team Manager and Legal Services if required, you conclude that further enquiries are not appropriate you should still report to the court the extent of the information up to this point of decision and the reasons for any conclusion.

Legal Advice

As the Local Authority is not a party to the proceedings, you will not be entitled to legal representation at the court hearing. However legal advice may be sought from the Legal Department prior to presenting the report and appearing in court, if following discussions with your Team Manager they agree it is necessary.

The Local Authority solicitors will not quality assure documents, this is your Team Manager's role. However if you have a particular issue that requires legal advice you can email the duty solicitor; duty.solicitor@nottsc.gov.uk

If you anticipate having to give some difficult evidence, discuss this with your colleagues, Team Manager and/or a Social Work Practice Consultant but if you still would like to discuss it with a solicitor then you can email the duty solicitor.

If you have not already attended the 'Take the Stand' training I recommend you book onto the next available dates via BMS.

Finished report?

If you feel you have finished your report there are still some things you will need to do before it is ready to be sent to the court;

- Proof read, or even better ask a colleague or a Social Work Practice Consultant to proof read the report.
- Refer back to the Private Law Report Writing Plan to ensure you have completed all identified tasks.
- Does the report reflect the guidance on plain English; available at <http://intranet.nottsc.gov.uk/customerscommunications/communications/useofplainenglish/usingplainenglishguide/>

The report needs to be completed, ready for filing and with Jane Gregory, 5 working days before the court has asked for it to be sent to them. Therefore it is good practice to give yourself at least 2 working days in addition to this, within which time you will be able to ensure the report is of a standard good enough for court and has your Team Manager's authorisation.

Once you are happy with the report then you must send it to your Team Manager for authorisation 7 working days before the court has asked for it to be sent to them. Your Team Manager will have had access and sight to your Private Law Report Writing Plan and so will be expecting the report and be aware of timescales.

With your Team Manager's authorisation you need to send the report to Jane Gregory; Jane.Gregory2@nottsc.gov.uk (jg88). This needs to include a signed back sheet. You can do this by entering your electronic signature in the relevant space of the report or by scanning in a hard copy of a signed back sheet. Your report can not be filed without this!

Jane Gregory will send a copy of the report to the court and any legal representatives. It is your responsibility to send a copy of the report to the applicant and/or respondent if they do not have a legal representative. It is safe practice to hand deliver any court report due to the risk of confidentiality breaches if sent via the postage system. Complete the Private Law Report Covering Letter (Appendix 3) and accompany it with your court report.

Jane Gregory will upload the completed report onto Framework as a PDF file and will case note when the report was received, who it was sent to and on which date.

Attend Court?

Read the Court Order again. It will clearly specify if you ARE needed to attend court once your report is completed and filed. If a party or a party's solicitor tells you you are needed in court, contrary to the Court Order, you may want to check this out directly with the Legal Advisors to the court on:

Nottingham County Court and Family Court: 0115 9103500, option 4 or

Mansfield Magistrates Court: 01623 451500, option 2, option 1.

You will require the case number when contacting the court.

Keywords

Applicant – the person who has asked for a legal solution to a problem.

Addendum – an addition to a completed written document.

Analysis - trying to make sense of a mass of often complex, confusing or incomplete information by working through it logically.

Care Order – given by the court and puts a child(ren) under the care of the Local Authority. The Local Authority is awarded parental responsibility for the child(ren).

Court Order – the document court produce which specifies what needs to happen to try and solve the problem.

Party/parties – the people involved and allowed to know what is happening in court.

Private Law – the dealing of matters between individuals

Public Law – the dealing of matters between an individual(s) and the state i.e. the Local Authority.

Respondent – the person who the court has asked to get involved to try and sort the problem.

SMART: (Specific, Measurable, Achievable, Realistic and Timely)

Supervision Order – given by the court and puts a child(ren) under the supervision of the Local Authority, but not under the care of. The Local Authority has a duty to ensure the wellbeing and safety of the child(ren), but does not have parental responsibility for them.

Appendix

1. Template of a Safeguarding Letter
2. Request for Disclosure of Information form
3. Covering Letter

Appendix 1



Nottingham - F. P. Court

2A Castlebridge Office Village
Castle Marina Road
Nottingham
Nottinghamshire
NG7 1TN

0300 456 4000

EITA11@cafcass.gsi.gov.uk

Cafcass Reference:

Cafcass Letter to the Court

Court:	
Court Case No:	
Date of Hearing:	

Child/ren subject of the application

Name of child	Gender	Date of birth	Age

Adult parties to the proceedings

Name of party	Gender	Relationship to child/ren	Date of birth

The Court sent Cafcass the C100 application in the above case, listed for first hearing as above.

The purpose of this letter is to inform the Court about Cafcass' work to date.

Summary of Cafcass screening actions and outcomes
Summary of any risk identification contacts made by Cafcass

Analysis of issues arising from safeguarding or risk identification

[Delete as applicable]

Either:

A copy of this letter has also been sent to the parties.

OR

A copy of this letter has not been sent to the parties, because it contains sensitive personal information. Consent to disclose this information between the parties has not been sought. The court's directions in relation to disclosure are requested.

Letter completed and signed by

Family Court Adviser

Appendix 2

This matter is being dealt with by:

Name

Reference:

T 0

E firstname.lastname@nottscc.gov.uk

W nottinghamshire.gov.uk



Nottinghamshire Constabulary HQ,
CRO,
Sherwood Lodge,
Arnold,
Nottingham,
NG5 8PP

Dear Sir or Madam,

00 Month 2016

I am writing to request information to inform a Private Law Court Report. Please see attached the Court Order.

Name of Court:

Court Case number:

Date required to report to Court:

I require any information you have regarding;

Name:

DOB:

Current address:

Previous addresses, in the past 5 years:

(Add/delete as necessary)

Name:

DOB:

Current address:

Previous addresses, in the past 5 years:

Yours faithfully

Name

Position

Nottinghamshire County Council

ONCE COMPLETED SEND TO CJCustomerServices@Nottinghamshire.pnn.police.uk

Appendix 3

This matter is being dealt with by:

Name

Reference:

T 0115 912 3456

E firstname.lastname@nottscc.gov.uk

W nottinghamshire.gov.uk



Name

AddressLine1

AddressLine2

AddressLine3

TOWN/COUNTY

POSTCODE

Dear Mr / Mrs / Ms SURNAME

00 Month 2015

Please find enclosed a copy of the Section 7/37 **delete as appropriate, in respect of the following case;

Case Number:

Respective Child's name:

Yours sincerely,

Name

Position

Nottinghamshire County Council
