

Good Practice Guidance: determining whether Cafcass or a local authority should prepare a section 7 report

1. Under s7 Children Act 1989, courts dealing with private law cases can direct either Cafcass or a local authority to report on the welfare of a child.
2. The filing date for a report will be set by the court, ideally, advised by Cafcass or the local authority and in line with the Private Law Programme. It is important to advise the court realistically about when a report can be produced, and to produce it by that date without fail.
3. Extensions to the filing date should only be sought from the court in very specific circumstances. The Cafcass Operating Framework defines the conditions for seeking an extension as:
 - a) When there is a need for additional enquiries, either because of a late change in circumstances or because late information becomes available
 - b) Last minute unavoidable factors
4. Points to raise with the court before a decision on the allocation of responsibility for a section 7 report is made are:
 - a) Active cases or cases closed less than one month before the report is asked for should be referred to the agency where the case is or was recently active. 'Recent' is defined as one month for this purpose.
 - b) Cases with a long and complex history with one agency, where knowledge about the family resides with that agency, belong to that agency. A determination of this should be made professionally by duty officers, referring to duty or service managers if need be.
 - c) Cases where a service such as a family support service or a commissioned service is being provided by one agency, belong to that agency
 - d) New private law cases belong to Cafcass, unless they are active to a local authority in another way e.g, a residence order application by a kinship carer within care proceedings.
5. 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 the court has a complete picture.
6. A dispute about responsibility must be resolved between local managers, with reference to the court if required.