



We are here to help and support you to overcome Domestic Violence and to confidently navigate the Family Court system

www.familycourtservices.co.uk

FAMILY COURT SERVICES | FORT APACHE 27, TELFORD, SHROPSHIRE, TF43RQ | TEL: 01952 410584 | INFO.FAMILYCOURTSERVICES@GMAIL.COM

How can I challenge a Cafcass report?

If you are not happy with the Cafcass report, you should address this in any further statements you file, if there are directions for you to do this. Furthermore, you will be able to request for the Cafcass officer to attend a hearing to give oral evidence and be cross-examined on the recommendations made.

Not happy with your Sec 7 ' Report?

**Call us today
01952 410584**



The guardian, and other experts will always tend to refer to past incidents, concerns and issues. They cannot ignore the history. However, what will work in your favour is clear evidence that there has been significant change to address the past concerns.

If the guardian's findings do not reflect the reality and you do not feel they have fully considered the changes then this can be addressed in your evidence and in cross-examination of the Cafcass officer or guardian. Accepting findings (which are true) will show insight but will only help your case if there has been significant change towards the findings.

WHAT IS A CAFCASS SECTION 7 REPORT UNDER THE CHILDREN'S ACT 1989?

Many parents in private law proceedings commonly question what is a Cafcass section 7 report under the Children's Act 1989.

If you are engaged in children's proceedings and have been advised that a report is to be prepared either by Cafcass or social services, you may want to better understand what this involves and how you can best prepare yourself.

A Cafcass section 7 report is ordered by the court to provide information on a child's welfare and to consider the risks or concerns raised about the child, a parent or other relatives. A report is required under [Section 7 Children's Act 1989](#).

At [FSC](#) we can provide you with practicable advice on the applicability of report to your case. By doing this will help you know what to expect when this report is ordered by the court. [Arrange a call-back](#) for a consultation with one of our family court practitioners today who can help advise you on the process.

What is Cafcass?

Cafcass is Children and Family Court Advisory and Support Service. Cafcass usually get involved in child proceedings once you or your former partner have applied to the court.

The [role of Cafcass](#) is to safeguard and promote the welfare of children by considering their needs, wishes and feelings in child cases. The court usually asks Cafcass advisors to work with families and advise the family court of the interests, needs, wishes and feelings of a child.

Why is a Cafcass section 7 report needed in child proceedings?

A section 7 report is usually required when the court has requested for this to be commissioned either by Cafcass or the social services to assist them in reaching a decision on a child proceedings case concerning the welfare of a child. A report will assist the court in considering a family dispute between the parents and determining an outcome of the dispute.

A Cafcass section 7 report may be needed in one of the following matters:

- Child Arrangements Order – when deciding who the child is to live with and with who the child is to have contact; if you are looking to obtain a contact order for your child please visit our page on contact orders

which will explain everything you need to know regarding this area.

- Prohibited Steps Order – preventing either parent from doing certain things or making decisions without the permission of the other parent.
- Specific Issue Order – an order to determine a specific question arising in relation to a child.

A report will contain background information, key facts and most importantly will set out the child's needs and wishes in accordance with the Welfare Checklist. When preparing a report, the Cafcass officer or social services will need to see the child usually independently as well as interviewing both parents individually. You may be concerned about the report questions which you may be asked. Our team of family law specialists can be contacted by you at any time who could prepare you for your interview and the report questions.

Cafcass must have consideration for the following criteria of the [Welfare Checklist](#).

A Cafcass section 7 report will also include the officer's findings following an interview with the parents individually and following an interview with the child. The report will include recommendations which will be provided to the family court for them to consider when making an order in respect of a child.

What happens once a Cafcass report has been prepared?

Once a Cafcass report has been instructed the courts will usually list the matter for a Dispute Resolution Appointment (DRA). Within this hearing the contents of the Cafcass report are discussed, and parents are given a further opportunity to try and reach an agreement.

If an agreement cannot be reached on any issues, then the matter may be listed for a fact find hearing to determine any allegations or a final hearing for the court to consider an Order in relation to the child proceedings in question.

What are Social services and how can they prepare a section 7 report?

Although the court usually instructs Cafcass to prepare a section 7 report the Court can direct for the social services to prepare the report. This is usually as a result of the local authority being engaged with the family before proceedings have been issued.

Social services are a government based organisation which aims to protect vulnerable children and adults. Social services promote and welfare of children.

There several reasons for the social services becoming involved:

- A family have requested assistance from social services following a family problem or stress.
- A teacher or GP has made a referral following them noticing a difference with the child.
- Social services may have been notified by the police following cases of violence between the parents which may cause harm to the child.
- There may be concerns regarding alcohol or drug abuse in the family home which leaves the child vulnerable.
- A parent may request that a child be temporarily placed in foster or residential care in emergency situations.
- Where children are taken into care following emergency intervention by the police or a court order.
- There may be concerns that a child has suffered a non-accidental injury which the social services may need to investigate.

Therefore, in such circumstances if the social services have been involved then the court may commission for a section 7 report to be prepared by the social worker who may have been working closely with the child and the parents.

What are Social services and how can they prepare a section 7 report?

In some situations, CAFCASS or the social services may prepare a section 7 report which may not be totally correct or reflective of individual family circumstances. Many parents often believe they need to agree to a report. If you do not agree with the report it is important that you notify the court of why the report is not agreeable and your concerns. The Cafcass report is to be used as a guidance when making a decision based on the child's welfare. In such a situation the judge in the family court will consider your concerns when making a decision as ultimately it is up to the courts to decide on whether or not the recommendations from the section 7 report are to be followed.

How to tackle issues with a Cafcass report?

The key element to tackling any issues with a Cafcass report is to ensure you thoroughly review the report which has been prepared. Whilst reviewing the report any factual inaccuracies reported need to be identified so Cafcass or the social services can be notified of these in order to correct these prior to any hearing.

Any other issues with opinions, evidence or recommendations will also need to be noted so you can look to address these either at the hearing or by way of a complaint to Cafcass. It is advisable to discuss issues with a

section 7 report with your legal advisers who will also be able to assess them and identify whether and how best the report needs to be challenged.

What happens if I don't agree with parts of the section 7 report?

In many section 7 reports there may be factual inaccuracies such as incorrect names or date of births. In such circumstances it is important that you contact the Cafcass worker who prepared the report or their manager to notify them of the inaccuracies. Usually Cafcass will be in a position to correct the report prior to the hearing.

If upon receiving a section 7 report, you feel that anything which is not factual such as opinion or information in relation to your interview with the Cafcass officer is incorrect must be addressed through the family court. It is therefore important that the section 7 report is thoroughly reviewed and details of all the inaccuracies are carefully noted. It is important to discuss these inaccuracies with your legal advisor who should be able to assist in preparing a response to the section 7 report as well as preparing a statement which can be used to highlight the issues and concerns to the court.

Can I challenge a section 7 report?

If a section 7 report is inaccurate or does not take into consideration key important information, then yes, a section 7 report can be challenged. In some situations, if issues with the Cafcass section 7 report are raised at a hearing the court may provide directions for a further statement to be filed by the parents to address the section 7 report and its contents. This allows parents to challenge the section 7 report prepared.

Where inaccuracies and concerns regarding the section 7 report are raised before a judge the parents can also challenge a section 7 report by questioning the author of the section 7 report. Parents can request the family court and the judge to direct the Cafcass author to attend the court. This allows parents the opportunity to cross examine or allow their legal advisers to cross examine the Cafcass officer and raise questions regarding the report prepared.

Parents also have rights to challenge a section 7 report by way of making a complaint to Cafcass. Complaints can be made to Cafcass at either their enquiry stage or once a section 7 report has been prepared. A complaint made during the enquiry stage could possibly lead to the report being made by an alternative officer if you faced issues with the initial Cafcass officer.

If a section 7 report is challenged once it has been made available to the parties and the courts, the courts have the power to direct for an addendum section 7 report to be made or order an entirely new report from another officer.

What to do if your legal advisor is not fighting your corner with a poor section 7 report?

Our family lawyers are often approached in situations where a parent feels their legal adviser is not fighting their corner with a poor section 7 report. It is extremely important that a poor report is dealt with promptly and any issues are raised with both Cafcass and the court. The courts usually follow the recommendations of the reporting officer and if this is not addressed this can lead to a poor section 7 report being followed which can negatively impact your child law matter.

At Kabir Family Law our experts have experience in dealing with poor section 7 reports and have successfully challenged such reports. We have assisted many parents in thoroughly reviewing reports and in identifying failures and weaknesses. We can further assist you by helping you prepare a statement which entails your concerns and requests these concerns and issues to be effectively dealt with prior to the court reaching its decision. **We also offer assistance** in making complaints to Cafcass and social services to ensure any poor reports to be either amended or to obtain the reasoning and evidence for making the recommendations in the report.

— Q&A SECTION —

What happens if I do not agree to the contents of the section 7 report?

If you are not happy with the Cafcass section 7 report, then you must let the court know prior to them making a decision. In some circumstances the courts may request the Cafcass officer or the social worker to attend court to ensure they are available for cross examination should this be required. Our child custody specialist can help you with tackling the report by identifying flaws and weaknesses.

Do the courts follow the section 7 report?

A Cafcass section 7 report is used as a guidance for a judge when making a decision based on the child's welfare. It is ultimately up to the judge whether or not the recommendations of the Cafcass officer or the social services are followed. Should a judge not follow the recommendations then they must provide a justification for this.

What are Cafcass report questions?

Once the court has requested for a Cafcass report to be commissioned Cafcass or the social services will arrange to meet the child as well as the parents individually. The common report questions for a child will concern their welfare and their wishes and feelings.

In respect of the parents the report questions will revolve around any concerns they may have with the other parent. If other professionals such as teachers or healthcare services are required to be interviewed, then the report questions will usually cover the child's behaviour and attitude as well as any healthcare issues following the recent change in circumstances in their life.

If you would like more information on the common report questions and how best to prepare for an interview, please contact our team of specialists who will be happy to answer any queries you may have.

What happens if I don't agree with a section 7 report?

It is extremely important that you raise issues with a section 7 report which is not agreed immediately. As the family court follows recommendations from the report any issues must be highlighted and challenged to avoid the courts relying on the incorrect report.

Reports can be challenged by making a complaint to Cafcass, preparing a statement which deals with the concerns raised in a report or by challenging the Cafcass or social services officer in court by questioning them and cross examining them in relation to the content of the report that has been prepared.

Is it possible to dispute a child law report?

A child law report can be disputed if it does not properly take into consideration the evidence you provided to the Cafcass officer. You can request the Cafcass officer to provide their reasons for reaching their opinion and recommendations. Ultimately this a report prepared to assist the family court and if you do not dispute a poor report then this report can be detrimental to your child law matter. The report can be disputed by either making a complaint directly to Cafcass or by preparing a statement which deals with the issues which can also be addressed by questioning the Cafcass officer at a hearing.

Speak to our Family Court Practitioners today for expert advice and help about a section 7 report

Our child and family Practitioners regularly assist client's before and after a section 7 report is commissioned. It is better to seek early advice as soon as possible. In conclusion this will strengthen your position in the event of you needing to challenge the report.

If you wish to arrange a consultation with one of our family Practitioners call us on [01952 410584](tel:01952410584) or [contact us online](#) and we'll get back to you as soon as possible.

Our family court team will be happy to assist you in preparing for your interview in preparation of a section 7 report or to review the report.

