



FAIRER FAMILY COURT FOR ENGLAND & WALES

ON THE RECORD

**MEASURE THE RISK. WRITE IT DOWN.
PROTECT THE CHILD.**

Decisions about who a child sees can rest on one person's subjective impression, sometimes spoken aloud and never written down. This is prone to bias. A small amendment changes that.

SAID IN COURT. GONE FOR GOOD.

CHILDREN ACT 1989, SECTION 7(3), AS IT STANDS

“The report may be made in writing, or orally, as the court requires.”

A welfare report can decide whether a child ever sees a parent again. Today the law allows that report to be spoken in the courtroom, with no written record of the reasoning, the risks considered, or how they could be managed.

ARGUMENTS OVER WHAT WAS SAID

This leads to appeals, complaints and waste in both the courts and local authorities.

NO SUPERVISION

A manager cannot review a report that was never written. Weak reasoning goes to the judge unchecked.

NO QUALITY ASSURANCE

There is no consistent standard for how risk is weighed, so two professionals can reach opposite answers about the same family.

NO AUDIT

Spoken reports cannot be sampled routinely, or examined after a complaint or a child's death. The evidence that shaped the decision is lost.

WRITTEN IS NOT THE SAME AS MEASURED

Even a written report often does not include a quantified risk assessment. Most describe a professional's impression of a family, a “gut feeling”, and few set out how each risk could be reduced. An impression cannot be compared, tested or checked.

**IF IT ISN'T WRITTEN DOWN, IT CAN'T BE CHECKED.
IF IT CAN'T BE CHECKED, IT CAN'T BE CORRECTED.**

CHARM IS NOT SAFETY

A dangerous person can be confident, polite and convincing. An assessor who is won over may recommend contact. Children and former partners have died after exactly that.

19

children in 18 families were killed by a domestic abuse perpetrator who had contact with them through a formal or informal arrangement. Four of the cases had been through the family courts.

Child safeguarding and serious case reviews published September 2015 to September 2024. Source: Women's Aid, Nineteen More Child Homicides (2025).

“could easily dupe people into thinking he was OK and a good father”

A REVIEW FINDING, QUOTED BY WOMEN'S AID

“substantial underestimation and over-optimism of risk in the home”

A SOCIAL WORKER'S ASSESSMENT, PER THE REVIEW

In the three cases where a mother was also killed, her risk had been scored only as “medium”. Across domestic homicide reviews, two in three victims had not been assessed as high risk.

MEASURE IT. DON'T GUESS IT!

A quantified risk assessment makes the assessor rate each known risk, such as past violence, threats, breaches and substance misuse, on a fixed scale. A good impression in an interview cannot make a recorded risk disappear.

SAFE PARENTS, SHUT OUT

The same bias works the other way. A parent with no convictions, no findings and no history of harm can lose their child because of how they came across in one short call.

FIRST IMPRESSIONS

A frightened, exhausted parent can seem anxious or unstable. Distress during crisis can be read as danger. Love is not danger.

CONFIRMATION BIAS

Once a view forms, new evidence is read to fit it. An unproven allegation can colour everything that follows.

STEREOTYPES

Assumptions about sex, class, culture, disability, size or an assumed mental health diagnosis can stand in for evidence about this parent's capability.

CONSCIOUS BIAS

Some assessors simply prefer one parent on grounds which are discriminatory. With an oral report and no audit, nobody can prevent this or make it right.

Parents tell us this happens again and again. Because reports can be spoken and are not routinely audited, no one can say how often. A child who loses a safe, loving parent is harmed too, and that harm is never recorded as a risk. A proper risk assessment forces the weighing of risks including the risk of losing a parent.

ONE FLAW. TWO TRAGEDIES.

Gut feeling lets danger in and shuts safety out. A written, scored assessment guards against both, because every risk must be named, rated and answered with a plan, and anyone can check the reasoning.

MEASURE THE RISK. DON'T GUESS IT.

For decades, researchers have tested structured, rule-based risk prediction against personal judgement. Structured methods are consistently more accurate.

84-94%

of studies found structured methods matched or beat personal judgement

33-47%

of studies found structured methods **substantially** more accurate

Source: a meta-analysis of 136 studies. Grove, Zald, Lebow, Snitz & Nelson, Clinical versus mechanical prediction: a meta-analysis, Psychological Assessment 12(1), 19-30 (2000).

THE COURT OF APPEAL ALREADY ASKS THE QUESTIONS

In Re F (A Child) [2018] EWCA Civ 2761, Peter Jackson LJ set out what a court must consider when it assesses risk to a child. The amendment simply makes every welfare report answer them, in writing. This cuts court time and cost whilst ensuring the law is no longer ignored by section 7 reporters.

1 The type of harm that might arise.

2 The likelihood of it arising.

3 The consequences: how severe the harm would be if it happened.

4 Risk reduction: whether support could reduce or mitigate it.

OTHER FIELDS STOPPED GUESSING LONG AGO

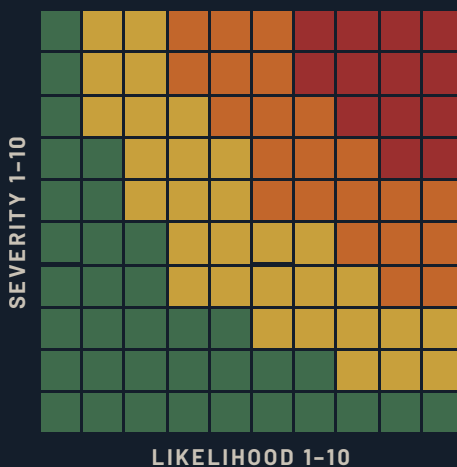
Health and safety uses a likelihood-and-severity matrix. Probation and mental health tribunals use structured risk tools. Domestic abuse services score risk with the DASH checklist. Only decisions about a child's family can still rest on an impression, spoken aloud. Every other sector has reduced deaths. Children's Services ought to do the same.

LIKELIHOOD × SEVERITY = RISK

Questions 2 and 3 become two scores. Multiply them and every risk has a number that can be compared, challenged and reviewed. Question 4 becomes the mitigation strategy.

A SIMPLE AMENDMENT. AN ENORMOUS IMPACT.

- 1 A quantified risk assessment.** Every risk to the child the author identifies is scored for likelihood and severity.
- 2 A risk mitigation strategy.** Every option to reduce each risk is set out, so the court sees ways to keep contact safe, not only reasons to stop it.
- 3 Written and filed.** No more oral reports. The reasoning is documented for quality assurance, audit and any complaint.
- 4 The effect.**
 - Children are protected from real risks, while their relationship with each parent is protected from bias.
 - With a written risk mitigation strategy, parents are shown clear reasons why they lost access to their children and are empowered to improve and regain contact. The door is closed, but this is how you open it.



ILLUSTRATIVE ENTRY

Risk: conflict between parents at handover

Likelihood 6 × **Severity** 4 = **24**

Mitigation: handover at a contact centre or school; no direct contact between parents; review after three months.

Residual risk: 2 × 4 = **8**

This is the simplest quantified method. More complex and accurate methods exist, and the Lord Chancellor keeps the power to choose the specific method through secondary legislation.

DANGER IS NAMED. SAFETY IS VISIBLE.

A charming parent cannot talk a real risk away. A safe parent is not refused contact on a biased impression. The judge still decides, but on reasoning anyone can check, and the judge is presented with more objective facts rather than opinions.

SECTION 7, CHILDREN ACT 1989, AS AMENDED

New or changed text. Everything else is the law as it stands.

7 Welfare reports

- (1) A court considering any question with respect to a child under this Act may—
- (a) ask [an officer of the Service]; or
 - (b) ask a local authority to arrange for—
 - (i) an officer of the authority; or
 - (ii) such other person (other than [an officer of the Service]) as the authority considers appropriate,
- 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 Lord Chancellor may make regulations specifying matters which, unless the court orders otherwise, must be dealt with in any report under this section.
- (2A) A report under this section must be accompanied by an appendix containing—
- (i) a written quantified risk assessment which identifies all risks to the welfare of the child identified by the person preparing the report; and
 - (ii) a written risk mitigation strategy which identifies all risk mitigation options for every risk identified in the risk assessment.
- (3) The report must be made in writing, filed with the court, and must incorporate or be accompanied by the appendix required under subsection (2A).
- (4) Regardless of any enactment or rule of law which would otherwise prevent it from doing so, the court may take account of—
- (a) any statement contained in the report; and
 - (b) any evidence given in respect of the matters referred to in the report,
- in so far as the statement or evidence is, in the opinion of the court, relevant to the question which it is considering.
- (5) It shall be the duty of the authority or [officer of the Service] to comply with any request for a report under this section.
- (6) This section shall come into force 12 months after the date on which this Act receives Royal Assent, to allow the Lord Chancellor to make regulations under subsection (2) and to ensure that persons who may be asked to prepare reports under this section receive adequate training in quantified risk assessment methodologies.

One new subsection. (2A) adds the risk assessment and mitigation appendix.

One changed subsection. (3) ends oral reports.

One commencement clause. (6) allows a year for regulations and training.

WHAT WE ARE ASKING FOR

- 1 Table the amendment to section 7 of the Children Act 1989 in the Courts and Tribunals Bill. Or alternatively accept this as part of a new family law bill before 2028.
- 2 End oral welfare reports, so every recommendation about a child is written, filed and open to supervision and audit.
- 3 Require a quantified risk assessment and a mitigation strategy for every risk, with the method set by the Lord Chancellor and training for every report writer.

EVERY CHILD DESERVES A DECISION ON THE RECORD.



SCAN TO EMAIL YOUR MP

It takes two minutes. Enter your postcode and we write the email for you to check and send.

fairerfamilycourt.org/on-the-record

GET INVOLVED

Sign up for updates and support the campaign at fairerfamilycourt.org
Contact: contact@fairerfamilycourt.org

IF YOU ARE AT RISK

In an emergency call **999**. The National Domestic Abuse Helpline is free, day or night, on **0808 2000 247**. Samaritans: **116 123**.

SOURCES

Children Act 1989, s.7. Re F (A Child) (Placement Order: Proportionality) [2018] EWCA Civ 2761, para 2 (Peter Jackson LJ).
Women's Aid, Nineteen More Child Homicides (2025). Grove, Zald, Lebow, Snitz & Nelson, Clinical versus mechanical prediction: a meta-analysis, Psychological Assessment 12(1), 19-30 (2000). G. Johnston, Quantified Risk Assessments in Family Law: submission to the Public Bill Committee (25 September 2026).



**FAIRER FAMILY
COURT**
FOR ENGLAND & WALES

Fairer Family Court for England & Wales
October 2026