

**Guidance for the preparation of social work evidence in light of recent
Court of Appeal judgements in Adoption Cases
*Re B, Re B-S and Re W***

The relevance of the decisions:

These decisions are explicit in stating that clear and detailed analysis of all the potential placement options for a child is required in final social work evidence. The view of the court is that analysis to date has been routinely inadequate in cases where adoption is the outcome.

The need for thorough analysis and reasoned decisions applies at all of the proceeding. These principles will be equally relevant when making initial and interim placement decisions.

The principles derived and what is required of Social Worker:

1. The social work statement must set out all the possible placement options. This must include consideration of:
 - a) Rehabilitation with parents
 - b) Placement with the wider family
 - c) Placement outside the family to include (i) foster care; (ii) Special Guardianship, (iii) residential venue or (iv) adoption.

2. The advantages and disadvantages of each option must be set out. This will involve consideration of what the benefits and detriments to the child/ren of each option. The benefits and detriments of each placement option needs to be considered with reference given to the welfare checklist factors i.e. the benefits and then in turn the detriments of a particular placement option can only sensibly be identified for a particular child with reference to that child's:
 - Wishes and feelings,
 - The child needs,
 - Age, sex, background etc

- The impact of change in circumstances (if any) which is associated with particular placement option,
- The harm that child has suffered (eg how that placement addresses that harm or does not will be a benefit or detriment in respect of a particular placement option) , and
- The know capacities of relevant adults of meeting the child's needs.

The checklist factors will therefore need to be at the forefront of the social worker's mind when presenting the benefits and detriments within their statement.

3. When considering each and all of the possible options, the social worker must set out in their statement the following:
 - a) The support that could be put in place to achieve the particular placement option. All practicable services that the Local Authority can provide should be considered and set out for the court. *N.B in the course of considering the positive and negatives of each option you may wish to comment on whether the necessary support package could actually be provided/resourced/realized intrusive to the point of being contrary to the child's welfare.*

AND

 - b) The orders which could be used to achieve each particular placement (e.g care order, supervision order, placement order, special guardianship order, family assistance order, residence order etc or no order).
4. Stock standard phares which have traditionally appeared in statement and care plans such as *"the child requires a safe and nurturing environment and requires a committed carer...to achieve his/her potential and provide until s/he reaches majority."* are not going to be welcomed by the court and will certainly not be sufficient on their own.

Information in statements **must not be generic** but need to be clearly tailored to the child concerned.

5. Going through the option is not be a linear exercise i.e. do not simply flag up problems with all other options before identifying the only remaining option (often identified as being adoption) as being the only remaining option for the child. This approach has been expressly rejected as an approach to analysing evidence in a statement (as well as within a judgement/decision).
6. Having considered the advantages and disadvantages and the welfare checklist, the statement needs to provide an overall analysis looking across all the options which then leads to a justifiable conclusion and recommendation. A justifiable conclusion will be one which is proportionate to the issues/concerns in the case.
7. The care plan should include evidence about all available options not just the option that has been recommended. All practicable services that the all authority can provide should be considered and set out for the court.
8. It is essential to keep in mind what the court needs to be able to do in light of your evidence. Consider and reflect upon whether your statement will enable the court to these things:
 - The court is expecting the local authority to provide the evidence which will enable the court to undertake welfare and proportionality evaluations. Does your evidence provide the required information, detail and analysis to assist the court in this way?
 - The court needs to use the information about the support/services that are available in respect of each placement option and each order which the court could impose, to determine what arrangement can best address issues relating to harm or likelihood of harm which has been identified.

- The evaluation which the court will be carrying out is as follows:
 - i. What is the welfare analysis of each placement option;
 - ii. What is the best placement option of those available;
 - iii. What orders are proportionate and necessary.

Examples of Placements, benefits/detriments and orders

Placement Options	Benefit	Detriment	Orders to be Considered
Rehabilitation	<p>Ongoing birth relationships.</p> <p>Identify the benefits of remaining with the birth family and include that the family are willing to work with the LA, family willing to work with other services etc.</p> <p>Child maintains wider community ties.</p>	<p>Provide details of the risks involved.</p> <p>Poor history of co-operation, unlikely to gain access to the child.</p> <p>No evidence of sustained change in ability to parent and protect the child.</p> <p>Support identified as required to achieve changes cannot be provided i.e. too great in scope/niche service not available.</p> <p>The required change will not happen within the timescales of the child thus preventing further risk of harm.</p>	<p>Care, Supervision, Family Assistance, Residence Order, No Order-child protection plan CIN plan.</p>
Family Placement	<p>Maintains family links.</p> <p>Maintains identity.</p> <p>Post 18 links.</p>	<p>Confusion as to why placed within family but not with parents.</p> <p>Familial conflict.</p> <p>Complex dynamics.</p>	<p>Residence Order, SGO, Supervision Order, FAO, Care Order.</p>
Foster care	<p>Current carer can remain long term carer.</p> <p>Child has settled well.</p> <p>Current carer can remain the carer pending move to new placement and prepare child for the</p>	<p>Not claimed.</p> <p>Corporate parent.</p> <p>Subject to LAC reviews for rest of minority.</p> <p>Likelihood of placement breakdown.</p>	<p>Care Order.</p> <p>Contact Order.</p>

	move.	Transition to a stranger. Severing of existing bonds and attachments.	
Adoption	Claimed by a family. Good prospect of identifying carers. Current carers willing to adopt. Anticipated timescales for achieving is positive.	Permanent severing of family ties and attachments. Adoptive placement can be vulnerable to breakdown. Adoptive search will be challenging. Transition to a stranger. Unpredictability of life/future change is as relevant as in other placement options.	Care Order, Placement order, Contact order

Examples of services/support to be considered:

- Family and individual therapy- externally or internally provided (e.g. LAC psychologist, psychotherapist, CAMHS, play therapies).
- Parenting courses or modelling such as family support workers, sure start, Triple P etc.
- Mentors for children/YP.
- Advocacy service for children/YP
- Stay and Play attendance.
- Formal nursery or childminding.
- Periodic respite foster care.
- Financial support i.e. settling in allowance.
- Advocacy for parent/adult.
- Self esteem work.
- Adult counselling services via GP
- Referral to substance misuse services.
- Further life story work
- Ongoing support of an allocated social worker.