

# Local Authority Social Work Evidence Template (SWET) – Guidance Notes – Devon Family Courts

These guidance notes should be read alongside the national guidance notes.



SWET ADCS and  
CAFCASS guidance.p

Please note that, locally, the chronology remains a separate document and has been replaced in the SWET by an analysis of the patterns of concern within the family.

Pages 1 and 2 of the template provide basic information about the application.

On Page 1 clearly set out which orders you are applying for, and for which children. If you are asking the Court for a Care Order and an Interim Care Order for a child please state this clearly, and do so for **each** child.

The contents section on page 2 will have to be manually updated after completion of the document. The remainder of these guidance notes will use the documents internal section numbers.

## 1. Case Details

When completing the Family Composition, in the relationship column please be clear about which child the relationship pertains to. For example, where there is more than one child you should state 'Father to Jack', rather than simply 'Father' to avoid ambiguity.

Please delete any unused boxes from the table.

Addresses which need to remain confidential from other parties within the proceedings should not be listed and should instead simply be marked as confidential. If an address is unknown this should also be made clear.

The Genogram should be copied into this section. In the event that an Ecomap hasn't been completed then please delete this section.

## 2. Identified Patterns of Concern & Timetable for the Child

Whilst exceptionally, some care proceedings may be about a single issue (e.g. NAI with no previous social care involvement) the majority of the cases result from ongoing professional concern that has not improved over time. As applicant the Local Authority needs to demonstrate to the Court the patterns of behaviour which are causing concern, and present evidence to the Court that these behaviours are

taking place. This section should include cross-references to the chronology.

Patterns of events may be things like 'Domestic Violence', 'Substance Misuse', 'Neglect', or alternatively difficulties like 'Non-Engagement', 'High criticism, low-warmth parenting'. These patterns of concern should be restricted to those issues which are significant to the child and important in your analysis.

The significance or impact of the pattern of behaviour should be a very succinct statement of the impact as further details will be provided in the later analysis section. The Court will expect to see a variety of sources within the chronology entries cited (e.g. police / GP / Hospital / School / 3<sup>rd</sup> Parties) and so it is important that the chronology includes inputs from multiple agencies where relevant.

### 3. Analysis of risk and protective factors

When completing the first box in this section you need to be clear as to whether you are saying that the child (1) **has suffered** significant harm, (2) **is likely to suffer** significant harm or (3) **both**. If you are saying that the child **has suffered** significant harm you must provide clear, concrete examples of the type of harm which you are saying has been caused.

Examples may be contained within the child's behaviour, for example withdrawn, anxious, frozen or fearful behaviours, or violent or aggressive behaviour. You may wish to comment on the child's attachment. You may wish to set out how the behaviour of this child differs from what would be expected of a child of this age.

Positive patterns and impacts and protective factors should be identified and an explanation of how those positive behaviours weigh in the balance should be provided.

This analysis (and the child impact analysis below) results from asking yourself 'What is the impact on the child?' from the patterns that have been identified within the family.

In the event that you are seeking interim removal of the child you will need to be clear about the harm that you believe will occur before the final hearing is able to take place, should the child remain with their parents/carers.

Consideration of a family group conference must have been considered and offered to the family.

You will need to have explicitly considered the welfare checklist and make reference to any relevant factors. Care should be taken to avoid repetition of information contained in box 4.2 below and section 2 above.

#### 4. Child Impact Analysis

The sections here provide an opportunity to explain to the Court what the child has or is likely to experience from their care givers and its (likely) impact. Information gained from direct work with child and observations/analysis by other professionals is likely to be beneficial.

This section should be used to bring the child to life for the Court and to clearly portray the child's experience of the world, including how they feel.

The terms of the child's participation in the case should set out in brief the child's understanding or likely understanding of the process and your involvement. You may wish to comment on the child's level of understanding, particularly if it is outside the norm for their age. Similarly if the child has produced some written work or drawings you may wish to include these as appendices. If he/she has expressed an interest in meeting or writing to the Judge this should be stated.

#### 5. Analysis of the evidence of Parenting Capability

Assessments of parents should determine what the impact will be of the care that they have or are likely to provide. A good analysis will identify the patterns of behaviours within the family the likely causes and any triggers for those patterns (i.e. explaining why these patterns are occurring). It will balance positive and negative patterns of behaviours. Your analysis should be balanced and include attempts made to disprove the hypothesis with any weaknesses or unknowns highlighted. Whether or not you believe the parents are able to make any meaningful change (and why?) should be commented upon as should any support structures which may assist, or an explanation provided as to why those supports would not work.

It may be that an assessment will be contained in an accompanying document, if a parenting assessment has been carried out. Parenting assessments are not a legal requirement for every case, however there may be an expectation from the Court that a separate assessment is completed.

If an assessment has already been completed by you or on the Local Authority's behalf, you should only provide a **brief** summary of the assessment limited to 1-2 paragraphs.

#### 6. Analysis of the evidence of wider family and friends' capability

A summary of any positive viability assessments should be provided. Carers who are not considered to be realistic options are addressed in the following section.

#### 7. The proposed s31A care plan – the 'realistic options' analysis

This section is distinct to the Care Plan which still needs to be filed as a separate document.

Discounted care options should be listed at section 7.2 and this may include family and friends carers who have been ruled out. It may include parents and use of professional judgement is required as to whether a parent should be included as a realistic option.

The realistic care options should be listed within the table at 7.2 starting with the most realistic option. Whilst the notes within the statement set out that a separate table should be completed for each child you should first consider whether a sibling relationship is a primary bond which should be maintained over and above each of the placement options. If this is the case then this should be explained and the sibling group should be discussed jointly.

Delete unused boxes in the template.

In an initial statement it may be that the placement options are not yet clear and the primary concerns are in providing stability for the child for the duration of the proceedings. If this is the case then the table should be used accordingly to explain your choice of **interim** placement.

Details of how you have conducted your balancing exercise as to which placement you consider to be most suitable should be set out at 7.3, again being clear about whether this is an interim or final recommendation. You may wish to make specific reference to the welfare checklist / the enhanced checklist if the proposed placement is for adoption.

At 7.4 you are required to explicitly set out the contact plans for the child. Contact should not be focussed on just provision of contact for the parents but also on maintaining or building relationships with individuals who are important to the child in the long term. Continuity of relationships should be preserved within care proceedings. Particular emphasis should be placed on sibling contact where it is proposed siblings should be placed separately.

The purposes of contact are frequently: to maintain and build a positive attachment or relationship; for the purposes of assessment or for maintaining a child's identity. Clarity is also required around the need for supervision of contact, and whether that supervision needs to be by the Local Authority (and if so, who within the LA) or whether it could be undertaken by a family member. The level and type of supervision is directly linked to the type of risk that you think is likely to occur. These are not restricted to the risk of harm but could also be the risk of destabilising the placement or the benefits of putting in place a more natural family environment.

#### 8. The range of views of the parties and significant others

This section is self-explanatory. The IRO must be consulted and their views obtained if the child is looked after.

#### 9. Case management issues and proposals

You may wish to discuss this section with your legal representative before completion. You should highlight any area which is likely to cause difficulty or delay, such as parental litigation capacity or provision of a support package from adult

services. You should set out any further assessments that you consider necessary.

Sections 10 and 11 require no further explanation. You are reminded that you are signing a formal statement of truth. The document must be correct to the best of your knowledge and belief.

Valerie Cannon  
Principal Social Worker, Devon County Council  
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