

## Guidance for completing the Social Work Evidence Templates

The social work evidence template (SWET) can be used to support an application for a care or supervision order. The template supports professionals in submitting summarised, clear and analytical material to the court: setting out the reasons why the local authority is making an application for a specific order in relation to a child. This document expands on the in-text guidance provided within the initial and final evidence templates.

### Aims and key points for completing the SWET

- Whilst the social work statement is a legal document, its primary purpose is to tell the child's story, their lived experience and to advise the court how the child can best be helped in the future.
- The Threshold Criteria document, which is filed alongside the statement, is likely to be drafted by the legal department and contained within the application form C110A.
- A balanced, analytical and evidence-based application will avoid unnecessary delay for the child and enable the court to quickly identify the issues in dispute, and potentially limit the cross examination of evidence.
- With respect to each child, when making recommendations on the appropriate order to be made, be mindful of the 'no order' principle ([Children Act 1989, s1\(5\)](#)) and the [Adoption and Children Act 2002, s1\(6\)](#)).

### Practical points about using the templates

As you write, consider who will be reading the report. This will include the court and parties, including the parents, but most importantly the child(ren), who either now or in the future may read these statements. This must always be kept in mind.

- Be succinct and do not feel the need to repeat information already available to the court, Signpost to information in the legal bundle and summarise the key information and impact this has upon the child(ren) within the statement. This is also the case for a final statement; the information included in the full SWET should not be repeated in detail.
- Use respectful language that explains the concerns and the impact on the child(ren). It is also important to detail positive aspects of a parents' care and family life for the child, to show and support balanced decision making.
- The template must be completed to include all the children subject to an application. Use one template per family, ensuring that each child's specific needs are carefully addressed.
- In each section of the template you must take account and apply the relevant welfare checklist (**which can be found at section 11 of the full statement, section 10 of the final statement template**).
- To show due respect, parents and other adults should be referred to as Ms, Mr, Mrs... Children should be referred to by full names initially and thereafter by their first names. Professionals should be referred to as Dr, Ms, Mr, Mrs... with their professional role identified. If a party requests to instead be referred to in a certain way, for example gender neutral language, this should be respected and noted within the statement.
- The chronology is now at the end of the statement, in **section 12**. It may be helpful to start by completing this before writing your statement, so that you do not duplicate information and can refer to events in the chronology when analysing harm already experienced, and/or the risk of further harm to the child(ren).

- Ensure that you update the page numbers on the contents table by clicking on the table followed by the “update” tab, selecting “update page numbers only” once the statement is completed.

### Gathering and collating evidence

The statement should reflect the social work evidence gathered for the child(ren) and their family. Evidence used in the statement can be:

- **Primary** – the direct knowledge of the social worker, for example through observation of the family members, observation of the child’s environment(s) and discussions with the child(ren)/family members during your own social work assessments. Provide selected, specific examples from your observations and assessments to support your analysis and recommendation, making sure these are relevant to the specific order for which you are applying.
- **Secondary** – information from other professionals, e.g. the Health Visitor or the child’s teacher; analysis of this information and of evidence from relevant previous assessments.
- **Third party information** – a statement from the third party (such as a neighbour etc.) is the best way to present third party information to the court, where this can be obtained. [‘Hearsay’ evidence](#), such as a report by a neighbour, or a family member, is admissible in the Family Court, but it is then a matter for the court as to how much weight is placed upon it.
- Facts should be confined to those relied upon in evidence. Particularly within a final statement, analysis must be supported with evidence. Language such as “it is thought that...” should be avoided.
- An indication of whether the facts are accepted or contested by the parties should be given, where possible, in **section 8**. Avoid using terminology such as the child “disclosed” or “alleged”, instead use the “child said/stated”.

Only include relevant events and information about the family, which can be supported by primary, secondary or third-party evidence, as outlined above. There may have been previous concerns that are no longer relevant, or that can be summarised within the chronology. A relevant event may, for example, be something: that was significant for the child; that evidences risk and harm; or shows a pattern of behaviour.

It is not enough to simply state information as evidence within your statement. You must analyse and explain what, in your opinion, the information you have gathered means for the child(ren), and the impact it has had on their lived experience and/or wellbeing and how this information has been considered in your assessment of risk for the child(ren). For example, “on the three visits to the family home in March, mother was asleep on my arrival and the three youngest children were eating breakfast prepared by their older brother. This results in the older child having inappropriate caring responsibilities which could affect his ability to achieve his full educational and social potential. It could lead to sibling relationships becoming confused, with the younger children looking to their brother as a parent, and this may then affect the relationships between the younger children and their mother.”

### Using research in the template ([Baynes and Cook, 2017](#))

When using any research to inform your decision-making ensure that:

- It informs, not dictates, decision-making and is appropriately applied to the child’s/family’s circumstances.

- You avoid simplistic or sweeping statements, instead using the research to help illustrate the advantages and disadvantages of an argument.
- Use it from the start and throughout your work. Avoid seeking research to support your opinion but instead use it to widen and inform your perspective.
- It is up to date and you explain how it is relevant.
- You understand it and can explain this in your work, without using jargon.
- Any research used is clearly referenced and sources are available to the court and parties.

### **Practice guidance for completing the SWET**

#### **Overview of which court order or order/s are being sought (section 1)**

Within this section it is important to include:

- A brief overview of work completed prior to making the application, and the auspices of this e.g. PLO, a Child Protection Plan etc.
- What support that has been provided to the family and the outcome of this.
- Explain why the measures taken are no longer sufficient to safeguard the child(ren), why proceedings are required, and how this will ensure protection to the child that could not be secured within pre-proceedings or in any other way.
- If you are recommending that a child is removed from their parents care, explain why this is necessary **now** to safeguard their welfare ie. from what imminent risk are they to be protected.

#### **Child(ren)'s family network and confidential addresses Section 2.2 (initial statement)**

When completing the child's family network, in the 'relationship' column please be clear about which child you are referring to, and the specific relationship. For example, where there is more than one child you should state 'Father to X, rather than simply 'Father'.

There are many good reasons why an individual may not wish their address to be disclosed to all the parties in the case. In those circumstances simply state that it is confidential. The address of a family member being assessed should not be revealed unless they specifically consent.

#### **Child impact analysis (section 3 initial statement, section 4 final statement)**

##### **Description of the child's day to day experiences during the period under consideration**

Whilst describing the child(rens) experiences, it is also important to include positive aspects of their care and relationships with parents/siblings, as well as concerns relating to the application.

##### **The child's needs. An analysis of the harm they face. Risk and protective factors (section 3.2)**

This part of the initial template asks you to specifically consider the interim position. This will be relevant where the initial arrangements for the child may change. For example, it would be important for the court to know that a child who has been placed in an emergency foster placement will be moved to a matched, more suitable, placement for the duration of the proceedings.

Also consider in this section 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 apparent within the child's behaviour, for example withdrawn, anxious, clingy or fearful behaviours, or exhibiting violence or aggression. 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?' of 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.

Consider the welfare checklist here but avoid repetition.

### **The child's wishes and feelings (section 3.3)**

This section provides an opportunity to explain to the Court what the child has or is likely to experience from their care givers and the (likely) impact. Information gained from direct work with child and observations/analysis by other professionals should be included here. Use this section to bring the child to life for the Court and to clearly portray the child's lived experiences.

When writing your evidence, remember that recording children's views should not solely rely on verbal communication. Observation, play, drawings and understanding of the child's development, behaviour, demeanour and response to the important people in their lives is central to understanding how they experience life in their family. This is particularly important for those children who do not use speech because of their age or additional needs. Their views also need professional analysis - if a child appears to be uncomfortable when sharing their views or you assess they have had their views influenced, is it important to state this within the statement, with consideration of why this might have happened and your analysis of how this impacts on the child.

### **The child's participation in the court case (section 3.4)**

Children should feel that they are active participants and engaged in the process when adults are trying to solve problems and make decisions about them. If they are involved, they are likely to have more ownership, gain greater understanding, and feel less fearful about what is happening.

Children should be as involved in their own case as their needs and understanding dictate. Set out the appropriate level of involvement for this child in line with their best interests, with clear reasoning. Professional judgement should consider the child's age, maturity, understanding, and wishes. Set out in brief the child's understanding or likely understanding of the process and your involvement. A child will be represented by a solicitor who will usually receive instructions from the child's Children's Guardian. In some cases, a competent child may instruct their solicitor directly.

Where a child has difficulty in expressing their wishes and feelings consideration must be given to the use of an advocate. Children may have an understanding of their needs and difficulties, and what support could help them. If the child has produced some written work or drawings, you may wish to include these as appendices. If they have expressed an interest in meeting or writing to the Judge this should be stated.

Social workers should be aware of and acknowledge that there may be good reasons why the child's views are different from their parents or the local authority.

[The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review](#) June 2015 (s1.10-1.14)

**Supporting resources** - [A young person's guide to care proceedings - Cafcass - Children and Family Court Advisory and Support Service](#)

[Family justice young people's board top tips for professionals](#)

### **Consideration of alternative care options (section 5 initial statement, section 6 final statement)**

If the local authority considers it may have to apply to court to remove a child on either a short-term or permanent basis, it is essential to explore alternative care options for the child. This should involve all appropriate family members by facilitating a family meeting/group conference. The local authority then needs to complete 'initial viability' assessments of any identified family members or friends willing to offer care.

In section 2.3, briefly list any alternative carers that have been explored, this can be detailed in section 5, explaining any family members considered, who has been ruled out and why. Positive assessments can be detailed in section 6 (realistic options), weighing up each of these and explaining the merits of the preferred option for the child(ren).

### **Helpful resources for considering family and friends care**

Initial Family and Friends Care Assessment: [A good practice guide by the Family Rights Group](#)

Public Law Working Group - Recommendations to achieve best practice in the child protection and family justice systems: [Special guardianship orders \(June 2020\)](#)

### **Care plan (section 6 initial statement, section 7 final statement)**

The proposed care plan for the child should be the one most likely to achieve positive, long-term outcomes for the child, an analysis of which must be set out in section 6.2 (**initial statement and section 6 final**). A comprehensive care plan may also be filed alongside the statement, which details how the child(rens) needs will be met. Whether such a standalone care plan is needed is a practice matter decided locally.

List the realistic care options with the most realistic option first. It may be that in an initial statement, the placement options are not yet clear and the primary concern is to provide stability and safety for the child. If so, then explain your choice of interim care plan and placement options.

When adoption is the care plan, social workers must analyse all realistic alternative options, giving a brief summary of why other options should be discounted in favour of adoption. The local authority must take all possible steps to achieve permanence for the child, including consideration of a fostering for adoption placement where appropriate.

### **Cultural and identity needs (section 6.3)**

Each and every child will have cultural considerations important to their care and identity. Their [protected characteristics](#) may include disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Consider which language(s) the child speaks and how all of their identity needs will be supported. This may include the vulnerabilities of children from minority groups, including their experience of prejudice and discrimination or barriers to communication. Contact with family members can be a way to support a child's identity, particularly for children placed with carers whose faith and/or culture background is different from their own ([Bowyer, 2017](#)).

[FJYPB diversity and inclusion top tips](#)

## **Ascertaining children's wishes when planning family time / contact (section 7.4)**

Children's wishes regarding family time are important and need to be reviewed on a regular basis, reflecting any changes in the family circumstances.

Section 8 of the [Children and Families Act 2014](#) and the [Statutory Guidance on Court Orders and Pre-Proceedings](#) place a duty on local authorities to:

- *allow* children in their care reasonable contact with their parents and certain other people. This amends the [Children Act 1989 s34](#), which placed a duty on local authorities to *promote* contact.
- balance the need to safeguard and promote the welfare of adopted children when making contact plans, considering the importance of the relationship and the potential for disruption ([Baynes, 2015](#)).

When ascertaining children's wishes, remember:

- Children often want to keep in touch with many different members of their birth families, including parents, brothers and sisters, grandparents, uncles, aunts, cousins, nephews and nieces. This may include people who are not actually relatives, but are close friends of their birth families.
- Children may ask for higher levels of contact than they can manage emotionally. Children may express complex, conflicting and changeable feelings around contact.
- Feelings of loyalty may make it difficult for children to ask for arrangements to be changed or stopped.
- It is important that children's wishes are viewed in the context of a broader understanding of their history and family relationships, informed by observation of family time and discussion with carers about the impact on the child before and after contact.
- Support required may include worker supervision and guidance, and practical support such as taxi fares being paid, or phone credit etc.

**Resource - [Top tips for professionals when working with brothers and sisters](#)**

### **Case management issues and proposals (Section 9)**

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.

### **Significant events (section 9.2)**

Briefly detail any upcoming events that are important for the court and parties to be aware of. This may include a child starting or changing schools, a birthday, outcome of a relevant criminal investigation/court case etc. Provide a brief analysis of the significance of this, including if it may affect decisions about the child's care or why it is particularly important to them.

Sources of supporting evidence can include other documentation within the legal bundle or put 'not applicable' where evidence is not required, for example a birthday.

## **The social work chronology (section 12)**

This should be succinct and relate to **significant events** that have resulted in this application being made, rather than detailing everything that has happened, with the main focus on events of the previous two years. Longer chronologies may be needed in order to provide evidence of maltreatment that has caused significant cumulative harm such as neglect, where parents have a pattern of making short term improvements that are not sustained or when older children have been removed.

It may be helpful to summarise key events by grouping similar events that happen in a short space of time, for example “the police were contacted ten times raising concerns about shouting and raised voices between parents, when the children were present, between 10<sup>th</sup> February – 1st March 2020”. This approach may also be used to cover longer periods of time e.g. “between 2010 and 2015 children’s services undertook five child and family assessments, with each ending in no further intervention or support”.

### **Ecomap and genogram (Section 12.2/3)**

A [genogram](#) is always to be included within an initial statement. A three generational genogram is recommended, using a key to explain the symbols and lines used.

Eco-maps can also be a helpful way to display key people and relationships for children and young people that are not part of the biological family. This can be particularly helpful when there are concerns about contextual safeguarding and extra-familial harm.

Genograms and ecomaps can either be an electronic or hand drawn image, so long as this is clear to understand.

Finally, local authorities are permitted and indeed encouraged to add their organisational logo to the template(s), which are provided in Word format to enable ease of usage.