

Court Appearances

SCOPE OF THIS CHAPTER

This chapter provides guidance to foster carers who may be required to provide a witness statement for use in care proceedings relating to a child or young person they are, or have recently been, caring for.

Contents

1. Why might a foster carer need to attend court?

2. Preparing to attend court

3. Attending court

1. Why might a foster carer need to attend court?

A foster carer may be required to provide a witness statement for use in care proceedings relating to a child or young person they are, or have recently been, caring for. This is because guidance on the Public Law Outline emphasises the importance of local authorities providing first hand evidence from the person who witnessed an event or heard something said, rather than social workers referring in their statements to information which has been reported to them by another professional.

A witness statement from a foster carer is likely to be necessary where the child or young person has made specific comments directly to the foster carer which the court needs to hear first-hand from the foster carer.

Once a foster carer has prepared a statement for court, the foster carer may be required to attend court in order to give evidence and to be cross examined on the content of their statement.

2. Preparing to attend court

The fostering service promotes good recording by foster carers for children in placement. If the guidelines provided in “Records and Record Keeping” are followed these will form a sound basis for preparing the court statement. It is essential that foster carers follow the Fostering Service Procedures.

The foster carer may be nervous about the prospect of attending court and will be provided with support from their fostering social worker. The carer should also maintain regular contact with the local authority solicitor running the proceedings, who will be responsible for assisting the carer to prepare the

statement and will provide information about whether the foster carer is required to attend court.

The foster carer should seek support from their fostering social worker and the child's social worker when preparing the court statement, although it is important to ensure that the content of the statement relates wholly to information known to the foster carer.

Before preparing the statement the foster carer must always have a discussion with the local authority solicitor to be clear about the extent of information which should be included in the statement. The statement must be shared with the fostering team manager in advance and the statement should be prepared in draft form and sent to the local authority solicitor who will provide comments before the statement is finalised. Often, the local authority solicitor will arrange to meet the foster carer and interview the carer in order to draft the statement on behalf of the foster carer.

3. Attending court

If the foster carer is asked to attend court, the following general principles apply:

- If you are not familiar with the court setting, contact the local authority solicitor and find out if it's possible to make a visit to the court before attending to give evidence.
- Dress smartly and wear a jacket. Whilst this may not be your normal style of dress, it is important to demonstrate that you understand the importance of the court process and that you are showing appropriate respect for the court system.
- Whilst you are giving evidence, it's important to face the magistrates or the judge and direct your answers to them, rather than the person asking you questions. This may require you to look at the person asking questions then turn to face the judge or magistrates when answering.
- You need to be familiar with the content of your statement before you go into court, but you do not need to memorise it. A copy of your statement will be available to you in the court bundle together with any other relevant paperwork which you might be asked to consider, such as your diary or any other notes which you have made about the child in respect of "Records and Record Keeping".
- Listen to the questions carefully and do your best to answer it. If you don't understand the question, say so.

- If you feel you are being asked to comment on something which is outside your knowledge or not something that you feel it is appropriate for you to comment on, such as a question about the future contact arrangements for the birth parents, feel confident in explaining why you do not think you can answer the question. In any event, the local authority solicitor should intervene if you are being asked inappropriate questions and indeed the judge or magistrate may stop such questions.
- You can ask for somebody to attend court with you to support you whilst you are waiting to go into court, this might be a family member or your fostering social worker or another colleague. That person is unlikely to be able to come into court with you, but can wait with you outside. You need to be prepared for a lengthy wait at court and also don't be surprised if you get to court but then are not actually asked to give any verbal evidence.
- If you have any specific questions, do not hesitate to discuss these with your fostering social worker or with the local authority solicitor who is running the care proceedings. If that solicitor is unavailable, please do not hesitate to contact the principal solicitor with the County Council.