

# Local authority social work evidence template (Final statement)

In the family court sitting at
In the matter of the Children Act 1989

- The child/ren use one template per family

Names	Gender	Date of birth	Child's current placement status	Child's current legal status

Local Authority and Social Worker details	
Court case number	
Filed by [local authority]	
Social work statement number in the proceedings, e.g. 1 <sup>st</sup> , 2 <sup>nd</sup> ( <b>N.B.</b> Do not use this template for initial statements)	
Social work statement number of this witness, including position statements and initial statements e.g. 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> and date of statement	
This author/witness's name, qualifications and office address	
This author/witness's Social Work England registration number	
I have been the allocated social worker for [insert name(s)] since [date(s)]	

**The facts in this application are true to the best of my knowledge and belief and the opinions set out are my own.**

Signed:

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Date of completion:

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**The guidance in these sections has been put together to make it easier for social workers completing the SWETs and achieve some consistency across the teams and the three localities. This should be read in conjunction with the formal ADCS guidance which can be found by clicking the link below:**

<https://adcs.org.uk/care/article/SWET>

## **1. Child/ren's details**

Include any updates arising since the last statement or court hearing, the former details of proceedings do not need repeating.

This should be short and succinct. Not much is needed here as the next section provides the updated chronology followed by what the LA final position is.

You should refer to work that has been concluded, for example completed parenting assessments and the outcome of these. What other evidence has been considered eg hair strand testing, engagement with services, any assessments of family members.

Also any short update in terms of the child and where they are eg that they remain in the same placement, the same school, or if there have been any changes.

## **2. The social work chronology**

Record significant changes or events arising since the last statement was filed here.

Please ensure that each entry is very clear in terms of dates – if several things happen on one same day then include the date with each event

## **3. Analysis of risk and protective factors**

Final position.

This shouldn't be war and peace as you should have various pieces of standalone evidence to refer to, such as parenting assessments, any specialist assessment, or up to date information from other agencies about parents' engagement and work undertaken or not completed. You will also have feedback about family time and how that is going. If things have been positive, you may also be filing a trajectory and rehabilitation plan.

This section is about pulling all of your evidence together and analysing where you are at. Whilst you might want to refer to and quote from an expert assessment, or another document, it is not about cutting and pasting whole chunks of information from lots of other documents and assessments and repeating loads of information.

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#### **4. Child impact analysis and child/ren's views**

Set out any additional evidence and analysis plus any updates to the child'/rens previously expressed views.

See guidance in initial SWET. Is there anything to add in terms of further impact since the Initial SWET or last statement was written. Has anything further happened which has caused impact to the child.

You should certainly have completed further direct work with the child since providing your initial statement. What is that telling you, what is their understanding of the situation and what are they thinking and feeling?

#### **5. Analysis of parenting capability**

Set out the final assessment of parenting capacity, including a brief summary of any assessments completed since the initial hearing, state how contact / family time has informed this view etc.

This needs to refer to the standalone parenting assessment which has been completed and advise of the conclusion and recommendation of this. It should provide a short summary of the work undertaken, any intervention and the outcome but should not be used to regurgitate vast amounts of information from the assessment itself.

#### **6. Analysis of wider family and friends capability**

Set out any additional evidence and analysis of assessments or work with the child/ren's family and friends network during the course of proceedings.

Go through all relevant family members in turn explaining whether they have been assessed and what the outcome was etc.

Each family member should be discussed in a separate paragraph

#### **7. The proposed S31A care plan – the 'realistic options' analysis**

Final position/s where different from earlier statements provided to the courts. If the options

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and care plan have significantly changed for the child/ren since the initial statement, it may also be helpful to include an updated options table from the full SWET (6.1) here.

Set out what the final position is and why. 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.

List the realistic care options with the most realistic option first. Although there is not a separate table for the pros and cons you must set these out in detail to provide sufficient depth and weight to the options.

To help complete this in the best way possible we would refer workers to the 'Balance Sheet Approach and Re B-S Compliance Evidence' article which has also been circulated. This article gives some really helpful pointers about what to include in the options table. In the particular case of B-S (an adoption case) the appeal court constructed a "balance sheet" of pros and cons of all the options available to determine its judgement. However, in all public law cases where a choice needs to be made between different options for a child's long-term care the balance sheet exercise has become standard practice across the board, whether the outcome is to be adoption or not.

Not only does it provide the court with the necessary information to conduct its own balancing exercise and formulate its judgement, but it also makes clear the local authority has complied with its duty to leave "no stone unturned" in attempting to maintain the child within the birth family.

The article provides helpful examples of what to include and highlights that it is not appropriate to complete a balance sheet with only short paragraphs showing little analysis. You must show a careful and thoughtful analysis of each placement option, weighing up the "pros and cons" and explaining why a particular type of placement under an order is, or is not, appropriate.

### **Top tips for the balance sheet**

While there is no requirement to refer to the European Convention on Human Rights (ECHR) Article 8 rights of the children or the parents, it signals to the court that you are aware of the significant human rights implications of removing a child from their birth family.

Providing detail of the support that has been offered in the past and could be offered in the future in any family placement is crucial. Your analysis needs to show what support could be put in place to make an option work - and, if appropriate, why this would not be sufficient.

A judge has to conduct a holistic analysis - just because none of the other options are appropriate, that is not enough evidence to conclude that adoption is the best option for the child. The strengths and detriments of adoption need to be analysed in the social work evidence too so that everything can be weighed up.

You only have to assess the realistic options: for example, if your balance sheet concerns a young child, residential care will likely not be a realistic placement option because of the

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child's age, or for example if there was a baby under one then long term foster care is not a realistic option for them.

Simply highlighting the pros and cons in itself does not mean you have provided 'balance-sheet evidence' - it's about the quality and detail of the analysis rather than the presentation.

**Please see the separate guidance put together regarding Balance Sheets / Re BS**

Long-term placement options explored	Is this option realistic and viable or has it been discounted?	Reason(s) why it is viable or why it has been discounted?

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

Final position/s, where information has already been provided to the court in previous statements this can be summarised rather than repeating it in full here. Where these differ from earlier statements this should be recorded here too. Ensure the view of the IRO (where applicable) is included.

The above is self explanatory – in line with our new template on LL the IRO now has a separate section of their own.

## 9. Statement of procedural fairness

Steps taken to ensure procedural fairness since the last statement was filed.

- *Confirm here that the local authority's concerns and the contents of this statement have been communicated to the child/ren, mother, father, and significant others, and state how this has been communicated.*
- *Have these concerns been clearly understood? If not, please be explicit about attempts to engage parties and any help that has been provided to them to participate in the process. This may include access to legal advice and representation, translators, advocates etc.*

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## 10. The welfare checklist in full for reference

The full Children Act checklist, to be used in care and supervision proceedings is found at section 1(3) (a) – (g) and requires the court to have regard to the following matters:

a)	The ascertainable wishes and feelings of the child/children concerned (considered in the light of his/her/their age and understanding);
b)	Their physical, emotional and educational needs;
c)	The likely effect on them of any change in his/her/their circumstances;
d)	Their age, sex, background and any characteristics of his/hers/theirs which the court considers relevant;
e)	Any harm which they have suffered or are at risk of suffering;
f)	How capable each of his/her/their parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his/her/their needs;
g)	The range of powers available to the court under this Act (Children Act 1989) in the proceedings in question.

25. The full Adoption and Children Act welfare checklist, to be used in care proceedings where the plan is for adoption and in placement proceedings, is found in section 1 (4) (a) – (f) and requires the court and the adoption agency to have regard to the following matters (among others):

a)	the child's ascertainable wishes and feelings regarding the decision (considered in the light of the child's age and understanding);
b)	the child's particular needs;
c)	the likely effect on the child (throughout their life) of having ceased to be a member of the original family and become an adopted person;
d)	the child's age, sex, background and any of the child's characteristics which the court or agency considers relevant;
e)	any harm (within the meaning of the Children Act 1989 (c. 41)) which the child has suffered or is at risk of suffering;
f)	the relationship which the child has with relatives, and with any other person in relation to whom the court or agency considers the relationship to be relevant, including: <ul style="list-style-type: none"><li>i. the likelihood of any such relationship continuing and the value of the child of its doing so,</li><li>ii. the ability and willingness of any of the child's relatives, or of any such person, to provide the child with a secure environment in which the child can develop, and otherwise to meet the child's needs,</li><li>iii. the wishes and feelings of any of the child's relatives, or of any such person,</li></ul>

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	regarding the child.
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