|  |
| --- |
| In the family court sitting at Birmingham |
| In the matter of the Children Act 1989 |

****

**Local authority social work initial evidence template (SWET) for use in urgent hearings only**

This document is intended to be really brief and is only to be used when you are applying urgently to the court (i.e. you couldn’t have seen this situation coming and can’t delay applying).

Guidance notes are provided here to help you and should be deleted before sending this to legal. The guidance is all in red text, so make sure any red text is deleted before you submit. Example text has been put throughout this form (also in red, to be deleted) to help you know how to fill it in/how much to write. If there is no guidance for a section, just put the information asked for in full.

You should have downloaded this guide from [Practice Guidance](https://birminghamcs.proceduresonline.com/local_resources.html) (clicking on “Pre-proceedings and Court Work and then Care Proceedings). Make sure you also download the SWET Resources file to use alongside this guide/template, and the Initial Care Plan template/guide that you will need to file too.

|  |  |
| --- | --- |
| **Local Authority and Social Worker details** | |
| Court case number | Leave this blank – we won’t get an application number until legal have sent the SWET to court. |
| Filed by | Birmingham City Council by its agent Birmingham Children’s Trust |
| This author/witness’s name, qualifications and office address | Put here your name, qualification (what qualifications you have – from which university in which year but no need to put what you achieved e.g. 2:1), and an office address where post can reach you.  Example: My name is Saqib Bhatti. My office address is 1 Avenue Road, Aston, Birmingham, B6 4DU. I obtained an MA in Social Work from the University of Birmingham in 2012. |
| This author/witness’s Social Work England registration number | If you do not know your SWE registration number you can search [here](https://www.socialworkengland.org.uk/umbraco/surface/searchregister/results): |
| I have been the allocated social worker for the children since | Insert date |

**I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.**

**I believe that the facts stated in this witness statement are true.**

|  |
| --- |
|  |

|  |
| --- |
|  |

Signed:

Date of completion:

1. **Order being sought from the courts and a summary of the reasons why?**

Put an “X” to the right of the Order you are applying for

|  |  |
| --- | --- |
| **No Order** |  |
| **Interim Supervision Order** |  |
| **Interim Care Order** |  |
| **Other Orders Sought** |  |

|  |
| --- |
| **Reasons for an application for interim order(s):** |
| * Say which order you want. * Explain why you think things are so serious that the threshold for immediately separating the child/ren from their parents has been reached and why action needs to happen urgently. It could be that the children have been police protection, there is a possible non-accidental injury, there is ongoing or has been a serious incident of domestic abuse or capacity to consent to Section 20 is in question (or something else). * Set out the background to the situation and why you think the risks to the children are so serious that their physical and emotional safety demands their removal now rather than waiting for the final hearing. * Briefly say what the evidence or likelihood of impact is (you’ll cover this in more detail below) * If the Public Law Outline (PLO) process/pre-proceedings has not been used explain why not. * Put a chronology in Appendix 1 and refer to it rather than repeat it. * Please also state where the child is now.   *Example:*  *Birmingham Children’s Trust is applying for an Initial Care Order for Aqis. Aqis has been on a Child Protection Plan for 2 months due to concerns about physical abuse. On 17th March Aqis was taken to hospital by his grandmother Susan. Susan said she visited the house that morning and Aqis seemed to be in pain, he was not able to use his right arm and it looked strange. Susan told hospital staff that she asked Aqis’ mother Stacey about this who was vague about how it was caused and gave two different explanations. Stacey did not agree Aqis should go to hospital. Susan took Aqis to hospital. His arm was broken and this has been seen as most likely caused non-accidentally by hospital staff (their statement is attached). Stacey has given both me and the police very different and vague explanations about how this came about. Stacey’s partner, Germaine, cannot be located at present but has been living in the home. Aqis has been police protected. Stacey is not willing to agree for him to live elsewhere.*  *Given the situation, it is clear that the risks to Aqis’ physical safety are high and that his safety can only be ensured by his removal from his parents. . Either Stacey or Germaine may have harmed Aqis and it is not safe for him to return to their care especially given the previous concerns outlined in the chronology that caused him to be a on a Child Protection Plan for physical abuse originally. Aqis has been seriously physically abused and has suffered considerable physical and emotional pain. Should he return to the care of his parents he risks the same, and potentially more serious injuries and even death.*  *The pre-proceedings process had not yet begun as the child protection process was at an early stage and it has not been followed now due to the pressing nature of the concerns.*  *Aqis is currently in short-term foster care with local authority foster carers.* |

1. **The impact of harm on the child/ren (including an initial analysis of risk and protective factors)**

|  |
| --- |
| * In this section, set out anything relevant to the impact the harm will have on the child. This will include the child’s age, any special needs, their wishes and feelings, and the type of harm. * You may find the “Impact Statements” section of the SWET Resources file useful here. * You also need to state how capable their parents are in meeting their needs and what the risk and protective factors (including work done with the parents/attempts to do this) are. Set out what assessments have been done/are in progress * Use the headings below   *Example:*  *Needs and vulnerability*  *Aqis does not have any special needs, but as he is a young child of 3 years old, he is therefore more vulnerable and his limited communication skills mean he is not easily able to tell us about what is concerning him.*  *Impact*  *In terms of impact, Aqis has been seriously hurt which will have left him in physical pain, frightened and angry. If this situation continues, research indicates he could become seriously hurt, be disabled, and even experience brain damage or death; and he is more likely to become aggressive, develop behaviour problems, struggle in school, and be very unhappy indeed. (DCSF (2010, 2018, 2023) Working Together to Safeguard Children. Nottingham: DCSF and London: DfE.)*  *Risk factors*  *Aqis has been on a child protection plan for 2 months due to a significant number of bruises that were in places where children are not commonly injured by accident. His parents did not agree these bruises were of concern and were not entirely able to explain how they had been caused. Neither of them had engaged with the family support worker allocated to work with them.*  *Protective Factors*  *Apart from physical abuse concerns, BCT have yet to find any other serious worries although the assessments are in their early phase and we know little about Aqis’ experience. Aqis’ grandmother Susan is a regular visitor to the home and is a protective factor to a degree, as set out above.*  *Capability to meet Aqis’ needs*  *As Aqis has been bruised in the care of his parents, and now seriously hurt in a way that is not seen as accidental, his parents do not seem able to keep him safe at present. Neither parent has explained how Aqis became injured.* |

1. **Initial analysis of the evidence of wider family and friend’s capabilities to meet the needs of the child/ren**

|  |
| --- |
| * Set out what work has been done with the wider family and if any assessments are in progress/have been completed. * How capable are wider family members/friends in meeting their needs. * Say if family time or contact should be maintained with any of these people and why   *Example:  Stacey and Germaine seem quite isolated. The only wider family member or friend who Aqis sees regularly is Susan. Until very recently, Susan had not responded to attempts from BCT to talk with her. As she took Aqis to hospital she is protective to a degree but she has said she is not able to provide care to Aqis due to her own existing caring commitments and health needs. No assessment of her has begun or is therefore proposed and family time is not proposed for her at this stage. No other family members are known to BCT at present and Stacey and Germaine have not suggested anyone else who can care for Aqis.* |

1. **Realistic placement option(s)**

|  |
| --- |
| **The preferred and proposed placement option** |
| Include a brief analysis of the impact on the child of the preferred placement option and how parents and carers will be supported after the move.  *Example*  *It is proposed at present that Aqis remains in short-term foster care while further assessments are carried out. Being separated from his parents will be distressing for Aqis, but set against the risk of serious physical harm, this is the least harmful option for him. BCT will continue to try and engage with Stacey and Germaine to understand what has happened and why and what support can be put in place.* |

**5. The range of views of other parties**

|  |
| --- |
| **5.1 Views of the child/ren** |
| Set out what the children have said. Also say how far the child can/should be involved in the court case and why you think this is.  *Example:  Aqis’ wishes and feelings are difficult to know, due to his age and language development – he currently uses very few words. From my observations of him at home with Stacey on around 3 occasions, he has seemed quite anxious and wary. Aqis is noticeably happier and more outgoing at nursery, which indicates to me that he feels safer and more confident about the reliability of the care and attention he will receive from nursery assistants than he does at home.*  *Given his age, Aqis cannot directly take part in the court process. He will have a Guardian appointed in court to act for him.* |

|  |
| --- |
| **5.2 Mother’s views (include full name and date of birth)** |
| Set out and analyse the individual’s views about what should happen for the child/children in the future. Stick to the known facts and where possible, give an indication of whether the facts of the case are accepted or contested.  *Example:  Stacey Smith (DOB 1st February 2000) does not agree Aqis should not return to her care. She does not accept he was not accidentally injured.* |

|  |
| --- |
| **5.3 Father’s views (include full name and date of birth)** |
| Repeat |

|  |
| --- |
| **5.4 Views of wider family members (include full name and date of birth)** |
| Repeat |

1. **The family time / contact plan**

|  |
| --- |
| Detail initial arrangements for each child including:   * Who contact is with (think about parents, siblings and others) plus their relationship to the child/ren. * The proposed frequency and duration. * Whether support or supervision is required to facilitate family time activities.   Example:  *Due to the risks in this situation family time between Aqis and his parents will be supervised. Given the situation, it is proposed that family time takes place twice a week for an hour and a half to begin with. Aqis’ behaviour before, during and after contact will be closely monitored and if family time is causing him distress (or not), these plans will be reviewed.* |

1. **Statement of procedural fairness**

|  |
| --- |
| 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.  *Example:*  *I have booked to share this statement with Stacey this afternoon (12/11/21), both by giving her a copy and talking through the contents in summary with her. Stacey has been informed this morning that BCT will be making this urgent application and has been advised to seek legal advice and has been given a list of solicitors. We have been unable to contact Germaine but have left a voicemail for him and have sent him a WhatsApp message (WhatsApp shows this has been read). Neither parent have any language or communication difficulty.* |

**[All guidance text to be deleted before submitting to the court]**

**APPENDIX 1: The social work chronology**

* *Recognising the gravity of the situation requiring an urgent application to the court, please list the most significant events* ***which can be evidenced*** *here.*
* *Focus on the last* ***three to six months,*** *time permitting.*
* *Make reference to any significant events in the last two years or beyond felt to be of relevance here.*

|  |  |  |
| --- | --- | --- |
| **Date** | **Incident or sequence of incidents relevant to the child/ren’s welfare** | **Significance/ Impact on the child/ren** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

**APPENDIX 2: 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 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 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 theirlife) 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:   1. the likelihood of any such relationship continuing and the value of the child of its doing so, 2. 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, 3. the wishes and feelings of any of the child’s relatives, or of any such person, regarding the child. |