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| IN THE FAMILY COURT SITTING IN BIRMINGHAM  IN THE MATTER OF THE CHILDREN ACT 1989  AND IN THE MATTER OF:  CHILD’S NAME (DOB: )  CHILD’S NAME (DOB: )  (A CHILD/REN) | Case No: Insert   1. Applicant 2. 1st Statement 3. Name of author 4. Dated: Date 5. Filed: Date |
| B E T W E E N : |  |

BIRMINGHAM CITY COUNCIL

(With Birmingham Children's Trust acting as agents on its behalf)

Applicant

– and –

PARTY NAME – Generally the mother

First Respondent

– and –

PARTY NAME – Generally the father. Add additional fathers as Third/Fourth Respondents below

Second Respondent

– and –

CHILD(REN)’S NAME

(A child/ren acting by his/her/their Guardian)

Third Respondent

**STATEMENT OF** SOCIAL WORKER NAME

1. **Introduction**
   1. I, your name will say as follows: I am a social worker employed by the applicant Trust, and I am currently based at address. I have been employed in this capacity since date.
   2. I hold the following qualifications: enter details.
   3. I have been the allocated social worker for, children’s names, since date. This is my first statement within these proceedings.
2. **Nature of Proceedings**
   1. I make this Statement in support of the local authority application for *Discharge of the care order* dateddate.
3. **Family Composition**

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| **Name** | **DOB** | **Address** | **Relationship** | **Parental Responsibility** | **Nationality** | **Ethnicity** |
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1. **Genogram**

Insert genogram here

1. **The reasons for the application**

Set out why you are applying for the care order to be discharged and what you are asking for if it is discharged (e.g child arrangements order, special guardianship order, supervision order, or other order). Say you have consulted Right Help, Right Time and say which layer best describes the child’s needs and situation at this point.

5.1 Start writing this section here

1. **The matters which led to the Care Proceedings and the outcome of the proceedings**

*Summarise below the background to the case to give the Court an overview about what led to the making of the Care Order in the first place.*

* Look for the judgement from the care proceedings (ask Legal Services if you can’t find this, or you could look at the final order if you can’t find the judgement).
* Set out why the court made the care order and what the care plan was and why.
* What did we set out to do and what support was offered?

6.1 Start writing this section here

1. **Family History since the Care Proceedings**

This section needs to explain how the final care plan was put into action. It should tell us what has happened since the original order was granted and how the care plan was changed to meet the child’s needs. Explain how the child and their parents have changed and how the parents have worked with BCT and engaged with the children. Include any other significant events and information.

Each Looked After Child review in the last two years should be discussed briefly, with a summary of who attended, what they contributed and what the outcome was. Consider what has gone well, what we’ve been worried about, changes identified and if these changes were made. Also mention how many times you’ve seen the child over the last 2 years and what your main observations have been from your visits.

Include any other important change in the child’s circumstances since the conclusion of the care proceedings.

* 1. Start writing this section here

1. **The Current circumstances**

*Firstly, set out a basic pen picture of each child. How old are they, what is their sex, ethnicity and religion? In terms of their identity, what is the significance of these things to them? Briefly describe their behaviour and personality and anything else important in terms of caring for them, for example a disability or significant health issue.*

*Set out here how the children’s needs have been met in these areas: basic care, physical and emotional wellbeing, through family time, education. What’s going well and what are you worried about?*

* 1. Start writing this section here

1. **The Position of the Parents/carers**

What is the position of all parents/current and future carers regarding what you are applying for? Have any assessments been done of them since the original proceedings and if so, what did they conclude? What is their current parenting capacity and what factors are impacting on that? Make sure you mention that written consent to the application has been obtained from the carers/parents as applicable.

* 1. Start writing this section here

1. **The proposed future arrangements for the care and upbringing of the children**

What order are you proposing and why? What additional support will be given? Have the carers agreed to that support plan? Will the child/ren be eligible for any leaving care services if they leave care now (check <https://childlawadvice.org.uk/information-pages/services-for-children-leaving-care/> if you’re not sure)? If they are not going to be eligible, what other support can be put in place to offset that loss?

* 1. Start writing this section here

1. **The views of the children (wishes and feelings) and other relevant family members.** 
   1. Start writing this section here
2. **The views of relevant agencies/ key professionals on the plan to discharge the Care Order and the making of an SGO (where relevant)**

E.g., IRO, Court Experts where relevant (include any views they have given before the care order was made and since), health, education, health visitor, mental health/TESS etc.

* 1. Start writing this section here

1. **Analysis using the factors in the welfare checklist.**

Background

13.1 In accordance with the welfare checklist, I have set out above the wishes and feelings of the child concerned; their physical, emotional and educational needs; their age, sex, background and other relevant characteristics; and the past harm they have suffered.

Capability of each parent or carer to meet the needs of the child

Set out how far you think the person you are proposing an order is granted in favour of (or discharged in favour of) can meet the needs of the child/ren that you have set out above. This is a very important part of the statement so needs to be thorough. What can they do well and where will they struggle? Why do you think this? Think about the FACIN elements.

For areas of struggle, how far do you think each parent can change, if they need to? See the Assessing Capacity to Change tool if helpful (this is attached to the S7/37 guide).

Can services be put in place and/or the wider family step in to address any identified risks and gaps (consider if a FGC is appropriate)?

13.2 Start writing this section here.

The harm the child has suffered/may suffer, and the impact and likelihood of this harm

Given everything you’ve considered so far, set out exactly what any harm is that you think the child may suffer in the caring arrangement you’re considering (or continue to suffer if they already live with the proposed carers). What would happen and how severe would it be, how often do you think it would happen, and if applicable how long would each episode last for? What would be the impact on the child if this happened – would it have a low, medium or high impact?

Given what you’ve considered about the history, the capability of the carers to meet the child’s needs, how far the proposed carers can change, and how far others can plug the gaps, do you think it’s likely the child will suffer serious harm in future – is the risk low, medium or high? Why do you think this and how sure are you and why?

13.3 Start writing this section here.

The range of powers available to the court.

Set out here the things the court could do. This will largely depend on the situation and what you’re asking the court to do. This list is not exhaustive but gives the main options.

-The court could choose not to intervene and could make no change

-The court could discharge the care order and do any of the following too.

-The court could choose to make no order (this would be uncommon unless there had been remarkable and sustained change).

-The court could make a child arrangements order setting out who the child lives with and spends time with – this can include exactly who is seen, when, where and for how long, and if any conditions should be set around this time e.g. who cannot attend, if the time together has to be supervised and by who, or any other conditions that minimise any risk to the child.

-The court could make a special guardianship order IF there is also before the court a special guardianship report and special guardianship support plan - parents cannot apply for SGOs remember.

-The court could make a supervision order. Technically, the threshold for a supervision order is the same as for a care order, but this is a less interventionist order so could be considered.

-The court could make a family assistance order and order a CAFCASS officer or a local authority officer (generally the allocated social worker) to advise, assist and befriend any person named in the order. These are seldom used in practice as these orders can only be made if everyone (not including the child) consents to it. More commonly, if everyone is in agreement we would suggest “no order” be made and the work be done under a child in need plan.

Set out below the possibilities open to the court.

13.4 Start writing this section here.

1. **Conclusion and Recommendation**

In reality, you won’t be filling in this statement unless you are applying for the care order to be discharged, so adapt the paragraphs below:

14.1 The Trust applies to discharge the care order on the basis that:

**Then choose one of the below and adapt it to the situation. Make sure you read the paragraphs thoroughly and add/delete as you need to.**

*If the parents can meet the needs of the child:*

14.2 The parents’ situation has continued to improve, and they can meet the needs of the child. The likelihood of future harm has reduced significantly and can be further reduced and mitigated by the plans now in place.

OR

*If the parents are still showing some difficulties but things are not severe enough to justify the child not living with them:*

14.2 There are some continuing parental difficulties which have some impact on the children’s welfare. These are commonplace and non-serious and bearing in mind Re: A would not be considered grounds for making a care application to separate the children from their family. Given that analysis the Trust contends that maintaining the care order for these reasons would also be disproportionate. The Discharge of the Order will lead to a positive change in circumstances as the family will no longer have social workers and IRO’s intervening without necessity in their lives through a care order.

OR

*If the child has been living with carers under a care order and they are meeting the needs of the child well:*

14.2 The child’s needs are being met in their placement. Considering the case law including the recent case of Re: JW the discharge of the order is proportionate.

THEN

14.3 In summary the Trust position is that:

a. The protection of the children does not require the continuation of a care order and in any event the Trust would have to come back to Court should concerns arise following Re: JW.

b. The circumstances of the case do not require the Trust to share parental responsibility.

c. The Court should approach the matter in the least interventionist manner.

14.4 The Trust therefore recommends that the Care Order is discharged.

FINALLY

Add in any other order that you are proposing be made and why (check this with Legal first). Also mention any support that you have put or are putting in place and if the child will remain on a plan and if so, what type of plan and how long you think is the minimum length of time that the plan will last for to be able to provide support and some monitoring.

14.5 Start writing this section here.

**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 ………………………………….…

*Insert your name, social worker*

**Endorsed by:**

Signed ……………………………………………………… Date ………………………………….…

*Insert name, team manager*

**Social work brief chronology of events since the making of the Care Order**

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