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

**Local authority
Social Work evidence template for use in discharge/ variation to an order application**

* **The child/ren** use one template per family

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| --- | --- | --- | --- | --- |
| **Names** | **Gender** | **Date of birth** | **Child’s current placement status** | **Child’s current legal status** |
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| **Local Authority and Social Worker details** |
| Court case number |  |
| Filed by [local authority] |  |
| Social work statement number in the proceedings, e.g. 1st, 2nd (**N.B**. Do not use this template for initial statements) |  |
| Social work statement number of this witness, including position statements and initial statements e.g. 1st, 2nd, 3rd 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.**

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Signed:

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Date of completion:

**Please ensure that you update the page numbers on the table by clicking on the table followed by the “update” tab, selecting “update page numbers only” once the statement is completed.**

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**Please delete all guidance text before forwarding to Legal.**

## **Overview of the reasons for protective action being taken**

***Guidance:***

*Please provide some background – why did we enter proceedings? What were the concerns identified at the time?*

*What orders were made at the conclusion of the proceedings and where were the children placed? Was this agreed with all parties or contested?*

*What support was identified as outstanding at the point of final orders – what did our care plan say we would do to support/ assist the family? If appropriate what spend time with arrangements did we put in place – if supervised by who?*

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## **Overview of which court order or order/s are being sought**

***Guidance:***

* *State the order being sought from the courts and why the local authority believes action is required now. Set out very briefly what the proposed care plan is. If the LA are seeking to discharge an order set out clearly why and why now.*
* *Why the threshold for an order(or for the current order) is not longer met*
* *There is no need to repeat in detail anything covered in subsequent sections of the SWET or other documents contained within the court bundle (cross reference to dates in the chronology or any page numbers from assessments which support the evidence you are placing before the court).*
* *It might be helpful to think about: past harm, changes that have been made and length of time they have been sustained for, what support we are considering (step down options), whether a further order is needed and if so why, timescales for further intervention and how progress will be measured.*
* *Consider what spend time with arrangements are needed for extended family and if any restrictions are envisaged set these out here or signpost to section 8*
* *Also set out what documents are being relied on to support this application*
* *This should ideally be no longer than 1 page (2 maximum).*

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## **Impact on the child of the application being made/ not made**

**Guidance:**

*Please update the court on where the children have been placed since proceedings; how they have been within their placement setting (which may have been remaining in the care of parents); what do we know about the children now?*

*What changes has the child/ young person made; what are their identified emotional and behavioural needs; what are their on-going health and educational needs? Provide the court with a 'pen picture' of each child now (their interests, their aspirations; their relationships with friends, brothers, sisters, parents etc.)*

* *highlight the concerns (and what is in place or will be in place to support the child/ young person), but also highlight those things or relationships which are positive and working well for the child and young person. Feel free to attach any direct work undertaken: (three houses; words and pictures) to support what the child is saying, what others are observing and what their needs are.*
* *Consider what care plans/ support plans will be in place and link this to the Care Plan/ support plan for each child / young person and highlight any particular aspects for them.*

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## **The Social Work chronology**

**Guidance:** *Record significant changes or events arising since the last set of proceedings. If there are lots of events for a chronology then you may wish to add in the chronology template at the end of the report and highlight the most significant events in this section. Please ensure the chronology is fact not opinion.*

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| DATE | SOURCE/ EVENT/ DETAIL | IMPACT | Support offered by Social Care/  |
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## **Analysis of risk and protective factors**

**Guidance:**

* *It may be that within this section you wish to succinctly outline those risk factors which brought this matter to the court in the first place and what has changed.*
* *What support has been offered and how that has impacted on the child and family, what changes have been achieved;*
* *what safety and family plans are in place and have been tested, how do we know these are working well to alleviate any risks going forward, our confidence in the changes being sustained for the child and in the event of any outstanding issues what we are doing to support with these and what we will continue to do following any further order*

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## **Analysis of the care being provided to the children**

**Guidance:**

* *Cross reference to the assessments which have been undertaken – provide a brief summary of these, signposting to them but highlighting the main or most relevant points which evidence progress and outstanding work. (summarise and then provide the paragraph/ page number within the assessment where further detail can be found – this evidences that you have carefully considered and analysed all available evidence before the court).*
* *Remember to refer to each individual parent/ carer and their capability to parent individually or as a couple – use a subheading for each parent/ carer.*

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## **Analysis of the support available to the family**

**Guidance:**

* *Consider the support available to the family, how will wider family/ friendship network offer this support*
* *What assessments/ evidence is available to support this*

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## **Analysis of the realistic options**

**Guidance:**

*Set out why the application is in the best interests of the child, what is the impact on them of this application not being progressed*

*What are you seeking, what are the other options for the child – what are the pros and cons of each option*

*For applications to discharge make sure you consider the benefits to the child and family of this application, and the impact of the application is not made including intrusion in family life, perception of permanence*

*You will need to ensure that you set out all other options that may be put before the court even if these are not supported by the Local Authority. This will allow the court and parties to see that you have carefully considered all options and analysed and weighed up both the 'pros and cons' of each option.*

*Please add as many further tables as needed for the balance sheet analysis, so that you consider all unrealistic options.*

Final position.

The proposed realistic placement option of the Local Authority is:

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| --- | --- |
| **Realistic Final Placement Option – factors in favour** | **Realistic Final Placement Option – factors against** |
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## **Family Time – Final Proposed Plan**

*How family time will be supported going forward – who is going to be supervising/ supporting this,*

*If there are contact arrangements needed going forward are the carers agreeing to this – if not how will it be applied if we have no statutory involvement – if we are recommending a CAO or SGO we can include a recommendation in relation to spend time arrangements which we can invite the court to adopt*

*If there are no restriction on the time children spend with their extended family do you need this section? Maybe put in that the child should be spending time with family but this is as per current arrangement or as agreed with the family themselves*

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| --- | --- | --- | --- | --- |
| **Child/ young person** | **Who family time is with and relationship of that person to the child/ young person** | **Type/ Frequency and duration**  | **Level of support/ supervision required and location if known** | **Brief rationale for the level / type of family time proposed** |
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## **The range of views of parties and significant others**

**Guidance:** *Final position/s.*

 *Ensure the view of the IRO (where applicable) is included*

*Check back on the final order made in the care proceedings, ensure that the views of all at that stage are considered, and if any recommendations were made for further work that this has been completed, or if not a rationale for why we have not. If the plan for the children has changed explain why, and the decision making process around this change.*

*Consider the inclusion of the views of school, health, any other professionals working with the family.*

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## **Statement of procedural fairness**

***Guidance****:*

* *Confirm here that the contents of this statement have been communicated to the child/ren, mother, father, and significant others, and state how this has been communicated.*
* *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.*

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

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**[All guidance text to be deleted before submitting to court.**

**Please update the table of contents.]**

## **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:

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| 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):

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| 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: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.
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**Accompanying guidance for completing the SWET can be found here:** https://adcs.org.uk/care/article/SWET