

Cafcass response to the Association of Directors of Children's Services social work evidence template consultation

Cafcass (the Children and Family Court Advisory and Support Service) is a non-departmental public body sponsored by the Ministry of Justice. Cafcass represents children in family court cases in England. We make sure that their wishes and feelings are heard and that decisions are made in their best interests. We are independent of the courts, children's services, education and health authorities.

The social work evidence template (SWET) is an essential tool for the court to review the context and analysis for cases where children are not considered safe in their current environment. Once the court receives the application and SWET they forward it to Cafcass, and the child automatically becomes a party to the proceedings and is represented by a Cafcass children's guardian. The children's guardian is independent of any other parties and is appointed by the court to promote the child's welfare and ensure decisions are made in the child's best interests. A key part of the children's guardian role is to analyse the work of the local authority – including reviewing the SWET – to achieve the best outcome, and to make recommendations to the court.

In its current format, the SWET it is too adult focused with the first piece of child analysis appearing approximately one third of the way through the template, and does not bring the child's lived experience to life. The template is repetitive, and this is part of the reason a completed SWET can sometimes run to 60+ pages. This wasn't the intention of the current format and we welcome this review.

The proposed revisions to the full SWET have greatly improved the template, and we are offering further amendments to reduce its length and a revised order to make it more child focused. The proposed short SWET goes a long way in pulling out the most useful information and analysis for the court to make the best decision for the child. Cafcass' main suggestion is for a box to be added on the child's views in section 7.

Section 1: proposed updated to the full SWET.

- 1. Does the revised structure of the template better meet the needs of the LA social worker in presenting evidence and/or its readers e.g. judges and other court professionals? Yes/No**

Yes

- 2. Are any of the new additions unnecessary or are there any omissions from the template which you feel should be addressed to make its use more effective?**

There are some amends that would improve the full SWET, which remains quite long and at times repetitive:

- In the 'Local Authority and Social Worker details' on page 1, it would be helpful to add the requirement for the email address and telephone number of the local authority social worker in the box 'This author/witness's name, qualifications and office address'. Recently a Cafcass children's guardian reported spending days trying to ascertain the contact details of the local authority social worker in order to discuss a child's case. This unnecessary loss of professional time would be easily avoidable through the details being available within the SWET.
- Section 3.3 states to include the child's wishes and feeling and how these have been identified, 'where applicable'. We recommend for 'where applicable' to be replaced with 'where age appropriate' as it is Cafcass' views that it will always will applicable for the child or children's wishes and feelings to be ascertained in cases such as these.

- The appendix refers to ‘the **full** social work chronology’. We recommend for ‘full’ to be removed as it could encourage an expectation for local authority social workers to include everything, rather than using their professional judgment to list the relevant events that need to be brought to the attention of the court.
- Cafcass children’s guardians find the ecomap incredibly helpful in their assessment and we would urge for it to be made mandatory, and ideally for the ecomap to differentiate between the people the child has identified as important to them from the people the social worker has identified, as this can sometimes flag people the child identifies as having a meaningful relationship with who have not yet been explored as a potential placement option.

There are a number of sections that could be deleted as they are covered elsewhere in the SWET or in the care plan:

- Section 7 ‘The proposed s31 care plan - the “realistic options” analysis’ has three sections that could be made more succinct, being: 7.1 a list of discounted options as they were unrealistic, 7.2 a table of realistic placement options, and 7.3 the preferred and proposed placement option for each child. It is Cafcass’ view that 7.1 is not necessary and could be deleted, and 7.2 and 7.3 cross over with one another and therefore could be merged into one section with prompts. If local authority social workers or the court find 7.1 to be a useful addition, then it also could be merged into the one section to avoid local authority social workers repeating information across the three boxes.
- 7.5 ‘Summary of arrangements for health care’ and 7.6 ‘Summary of arrangements for education’ could be removed, as both of these will be explored in the care plan.
- We also recommend for the box above section 6 that asks for an outline of parenting assessments to be removed. This information should be covered in 5.1 ‘analysis of the evidence of parenting capability’.

3. Please list any practical, formatting or system compatibility problems your authority has encountered in using the template that might usefully be addressed as part of this review.

N/A.

Section 2: Guidance and supporting materials

4. A light-touch approach to guidance and the use of prompts was taken following the last review of the SWET, is this still the right approach? Yes/No

No

5. If not, what else should it cover and in how much depth?

There is a need for social work training on both SWETs to ensure consistency in its completion, and so local authority social workers are confident in the level of detail required to ensure the template is a concise, analytical document. It is not unusual for Cafcass children’s guardian to come across a SWET that is 60+ pages in length which may in part be due to local authority social workers including more information than is needed due to concerns about being questioned in the court. Training could help manage this, especially as there are some new elements in the revised full SWET like a ‘summary of the social work chronology’ as the social work chronology is now in the appendix, and training will be necessary to clarify the differences in information required across those two sections.

Alongside training, it would be helpful for there to be pop-up guidance within the SWET, for ease of reference, to make completing the template as simple and efficient as possible.

Section 3: A short version of the SWET

6. **Does the short SWET meet the immediate needs of social workers in presenting evidence to the court as well as the needs of its readers e.g. judges and other professionals? Yes/No**

Yes

7. **If not, what is missing? What requires further clarification or what could be removed?**

The voice of the child should be made stronger by including a box at the beginning of section 7 ('The range of views of other parties') on the child or children's views. We would recommend for this to be the first box you read (so for it to be 7.1), before the mother's views, father's views and views of wider family members. There currently isn't a space to capture the views of the child in the short SWET, which is essential to include in all cases where age appropriate, as it differentiates between the social worker's views and the child's view. This can be crucial information such as if the child opposes the local authority application, and if there are multiple siblings with different views and/or different proposed care plans.

The language of the SWET should align with the language of the family court, for example section 8 refers to 'The **contact** plan' but the term 'contact' is no longer used in the family justice system, and it should be changed to 'The plan for who the child should spend time with', or similar.

Section 4 – conclusion.

8. **Do you have any further feedback or any other suggestions that would improve the SWET or better support its use?**

While we appreciate that each agency will have a different priority, Cafcass would reorder the SWET so the child is even more central:

1. **Child and family details**, including a **genogram**.
2. **Child analysis** – including the impact on the child, the child's day to day experience and the **ecomap**. We recommend for the ecomap to include the people the child has identified as important to them, differentiated from the people the social worker has identified.
3. **Summary of social work chronology** – this should pull out the main elements of the social work chronology in the local authority social worker's professional judgement.
4. **Social worker analysis of harm** – this should provide analysis including clear evidence of the threshold being met and the actual/risk of harm to the child, linked to the evidence.
5. **Assessment and interventions** – including information on: parenting capacity, mental health, child protection plans, support that has been provided – what has been learned from this and what gaps remain etc, referring to but not repeating the chronology
6. **Proposed care plan** – including consideration of the wider family, potential alternatives, and what support services are available if the plan/order sought is not approved.
7. **List of family members/viability assessments** – including the outcomes of viability/full assessments.
8. **The plan for who the child should spend time with** – this should be child focused and concise with just the realistic proposals for **now** as opposed to for every person who has been involved in the child's life, linking into the ecomap. This must include brothers and sisters if not placed together
9. **IRO or Child Protection Chair comments and party comments**
10. **Appendix: social work chronology** – this should solely be a descriptive summary of events and could be time limited but with a brief summary of significant events outside of this time.