



JUDICIARY OF
ENGLAND AND WALES

HIS HONOUR JUDGE CLIFFORD BELLAMY
DESIGNATED FAMILY JUDGE FOR LEICESTER

PRACTICE GUIDANCE FOR SOCIAL WORKERS
on the preparation of witness statements, assessments and chronologies

In the summer of 2013 both Leicester City Council and Leicestershire County Council rolled out a programme of training for social workers involved in public law Children Act cases. The training accompanied the piloting of the revised Public Law Outline ('PLO'). Although that training led to improvements in the quality of documents prepared by social workers I am conscious of the fact that some of the social workers who were trained have moved on and new social workers have been recruited. My hope is that this guidance will prove to be of value both to social workers who attended training events in 2013 (an aide memoire) and to those social workers recruited since the cycle of training seminars was completed.

Witness statements

Both local authorities are using variants of the template social work statement that was piloted along with the revised PLO. The final version of the revised PLO (see Family Procedure Rules 2010, Practice Direction 12A) has been in force since 22nd April 2014. Updated versions of the template social work statements have now been published (an initial statement and a final statement) in the light of which both Leicester City Council and Leicestershire County Council are considering revising the templates they currently use. It is with that in mind that I make the following points:

1. The social work template statements are intended for use for the purpose of the initial social work statement and the final social work statement. No other social work statements should be filed unless specifically ordered by the court.

If other statements are required it is not necessary for them to be drafted in template style.

2. It is imperative that every witness statement should be signed and dated. A signed witness statement can stand as evidence before the court. An unsigned statement cannot.
3. Statements should be written throughout in the first person. Children should be referred to by their first name. Adults should be referred to as Mr/Mrs/Ms X or as ‘the mother’, ‘the father’.
4. Write in plain English. Remember that your statements will need to be read not only by other professionals and the judge but also by (or read over to) parents who may be struggling to understand your concerns about their children and their parenting. Whenever possible avoid using jargon and abbreviations. When there is no alternative but to use jargon or an abbreviation, ensure that the first time you use it you provide a brief explanation – e.g. ‘The opinion of the medical staff who cared for Simon is that his injuries are NAIs (non-accidental injuries).’
5. Statements should be concise and to the point. The key word used in the PLO is ‘succinct’. The court does not want to be bogged down in a mass of peripheral detail but wants to know what the issues are and what evidence is relied upon to prove those issues. Always remember that what you write others will have to take time to read.
6. Statements should not be repetitive. For example, it is not necessary for a social worker’s second statement to repeat information contained in her first statement.
7. Social work statements should not quote from the written evidence of expert witnesses. Rather than set out a complete paragraph of an expert’s report it is better to set out the point made by the expert as concisely as possible and then say “(see paragraph XXX of Dr Y’s report dated ZZZ)”.
8. Every statement should contain its own internal page numbers. Although, ultimately, the statement will be included in a bundle of documents which will have its own pagination, it is frequently the case that the pagination of bundles is not consistent. Page C100 in one advocate’s bundle may appear as page C105 in another advocate’s bundle. It is sometimes helpful, therefore, to be able to refer to the internal page numbers of particular documents.

9. Every paragraph of a statement should be numbered consecutively. The template social work statement is already divided into sections (e.g. “4 Orders sought”) and subdivided (e.g. “4.1 The order/s sought”). Every paragraph which follows should be also be numbered (4.1.1, 4.1.2 etc). At contested hearings separate paragraph numbering is extremely helpful when referring the judge or a witness to a particular part of a statement.
10. It would be helpful to have consistency of style – Times New Roman 12 pt font and 1.5 line spacing are the house style. It is important that statements can be read easily and quickly by witnesses giving evidence and by the judge. Using font size that is too small and/or using single line spacing, makes it very difficult for others to read through the statement quickly.

Assessments

1. Social workers are frequently called upon to prepare a range of different assessments for use within care proceedings including, for example, parenting assessments, viability assessments and kinship assessments.
2. Although each assessment is prepared for a different purpose and will follow its own individual format, in essence an assessment should be drafted in the same way as witness statements. That means that every assessment:
 - (a) must be signed and dated;
 - (b) should be succinct and avoid unnecessary and/or repetitious detail;
 - (c) should have its own internal page numbering;
 - (d) should have each paragraph consecutively numbered;
 - (e) should be prepared using Times New Roman 12pt font
 - (f) should have 1.5 line spacing.

Social work chronologies

1. Prior to the piloting of the revised PLO social work chronologies were invariably poor. They were far too long (20+ pages was not unusual). They contained unnecessary material. They often duplicated material contained elsewhere (frequently material contained in the social worker’s statement).
2. In May 2013, the President of the Family Division, Sir James Munby, made the point that:

“...both the social work chronology and the summary of the background circumstances as set out in the social work statement can – and if they can then they must – be kept appropriately short, focusing on the key significant historical events and concerns and rigorously avoiding all unnecessary detail. We do not want social work chronologies extending over dozens of pages. Usually three or four pages at most will suffice. The background summary in the social work statement, particularly if it is cross-referenced to the chronology and avoids unnecessary repetition of what is already set out in the chronology, need be no more than a page or two.”

3. The social work chronology and the initial social work statement fulfil different functions. A witness statement is a signed written statement containing the evidence which the author of the statement would be allowed to give orally. A social work chronology is a succinct summary of the significant dates and events in the child’s life in chronological order. A signed witness statement stands as evidence. A chronology does not. The chronology is the place for providing a succinct, undisputed/uncontroversial basic chronological history of key dates and events. The social work statement is the vehicle for providing the evidence that lies behind those key dates and events.
4. The PLO contains very clear guidance on the content and form of a social work chronology. It is:
 - (a) a schedule, containing
 - (b) a succinct summary of the length of involvement of the local authority with the family and the child; it must also contain
 - (c) a succinct summary of the significant dates and events in the child’s life
 - (d) in chronological order – i.e. a running record up to the issue of the proceedings.
5. The chronology must be set out in **four** columns with the following headings:
 - (a) serial number;
 - (b) date;
 - (c) event-detail;
 - (d) witness or document reference (where applicable)
6. What are “significant dates and events” that should be included in a chronology? By way of illustration only, in my opinion these will include:
 - the dates of birth of parents and children;

- if there are immigration issues, the dates when the parents arrived in the UK and their immigration status (if known);
- the dates of the initial and any subsequent child protection conferences;
- the date or dates when the child has been made the subject of a Child Protection Plan and the reason (e.g. neglect);
- the date or dates when the child has ceased to be the subject of a Child Protection Plan;
- the dates of any written agreements between CYPS and the parent(s) with brief succinct details of the key points;
- the date(s) of any Safe Discharge Meeting(s);
- the date(s) when CYPS has previously closed a case file relating to that child;
- the dates of any convictions relevant to the s.31(2) threshold giving brief details of the offence;
- the date and outcome of any earlier proceedings relating to this child or any other relevant child (e.g. an older sibling);
- the date and source of referrals to the local authority in respect of this child;
- if a parent has a history of mental illness, (if known) the dates of any in-patient admissions and details of any formal diagnosis (e.g. bipolar affective disorder) ;
- the date(s) when the child has been accommodated under s.20;
- the date(s) and a brief description of any injuries sustained by the child and of any relevant admissions to hospital;
- the dates of the legal planning meeting(s), the letter before proceedings, and the pre-proceedings meeting(s);
- the dates of any family group conferences;
- the dates of any completed assessments, e.g. viability, parenting, expert;
- the date and brief details of the precipitating incident which led to the decision to issue proceedings.

7. What are *unlikely* to be “key dates and events?” By way of illustration only, in my opinion these will include:

- the dates of telephone conversations with and/or of attempts to telephone the parents;

- the dates of visits to the parents' home;
- the dates of office meetings with the parents;
- the dates of contact between the social worker and other professionals (the child's school or health visitor, for example);
- in chronic neglect cases, the full chronological history of the local authority's engagement with the family;
- the payment of Section 17 monies.

8. With all of that in mind, this is what a social work chronology should look like:

Serial No.	Date	Event-detail	Reference
1.	20.5.82	Father born in India	
2.	21.6.82	Mother born in England	
3.	19.5.01	Parents married in India.	
4.	12.6.01	Father came to England with mother	
5.	10.9.02	Father granted unconditional leave to remain in UK	Letter from UKBA dated 31.7.14
6.	11.5.05	Arya born	
7.	12.6.14	Arya presented at school with bruising to her face. Alleges father has slapped her.	Initial social work statement para 10.