

**ROCHDALE METROPOLITAN BOROUGH COUNCIL
CHILDREN'S SOCIAL CARE SERVICES**

PRACTICE GUIDANCE

DISCHARGE OF A CARE ORDER

General Notes

- The procedure for the discharge of a Care Order is governed by Section 39 of the Children Act 1989. A Care Order can be discharged by the Court that made the original Order on the application of the following:
 - a. The Local Authority designated in the Care Order
 - b. Any person with parental responsibility for the child
 - c. The child himself / herself

- In considering an application to discharge a Care Order the starting point of the Social Worker concerned is the Child's Care Plan which will have been endorsed by the Court at the time the Care Order was made. If there have been any changes to the original Care Plan this will need identifying and evidencing why the change occurred within the documentation.

- In most cases where the Local Authority is seeking to discharge the care order the Child will have been placed under the Care Order with parent(s) or extended family members. It is essential to consider why the Child was made subject to Care Orders and what has changed / improved in this time.

- In situations where the child is in long term foster the plan could be changed to that of a Special Guardianship Order in which case the Care Order would be discharged and a SGO sought in favour of the carers (this would entail a different assessment of the current foster carers using the Rochdale Assessment Forms for SGO)

- When considering a discharge of a Care Order the following questions must be answered positively:
 - a) Have the objectives of the original Care Plan been achieved?
 - b) Have the parenting deficits demonstrated by the findings made at the final hearing of the Care Proceedings been overcome?
 - c) Have you fully consulted with the child, their parent(s) / family / carers?

- d) Have you sought the views of other agencies and workers e.g. Schools, Health Visitors, IRO?
- e) Have you thought through and planned for future contact after the Care Order is discharged?
- f) Are arrangements in place with other services / agencies to ensure their continued involvement is necessary, after the care order is discharged?
- g) What post-Order support will the Local Authority be considering in providing and in what capacity, i.e. Supervision Order, Child In Need Plan? Has consideration for a Family Group Conference been made to give consideration to additional support required?
- h) Have you read the Children's Guardian report from the original Care Proceedings? Remember the Children's Guardian is likely to be re-appointed and he or she will scrutinise everything the Local Authority has or has not done since the Final Hearing of the original Care Proceedings.
- i) Is your social work file up to date including the social work chronology?

Only when these questions have been answered positively should the Social Worker progress the procedure for discharging the Care Order.

Process

1. Recommendation made at LAC Review for the Social Worker to complete an assessment to inform a Discharge of the Care Order.
2. Social Worker to undertake a Discharge Assessment of the Child and his or her circumstances.
 - 2.1 Please refer to the Discharge Assessment template on J: Drive – but do not be a slave to this template and amend accordingly to reflect the individual Child's circumstances.
 - 2.2 The Assessment must be signed off by the Practice Manager. The Assessment must be distributed to the parents, child (if of an age), and the IRO upon completion.
3. The Social Worker to arrange and hold a Legal Planning Meeting with previously allocated Solicitor or newly allocated Solicitor. This meeting will provide legal advice in relation to the threshold for the discharge of the Care Order, alongside the evidence provided within the assessment. Additional required paperwork and timescales for court will be agreed.
4. Social Work documents to be sent to Legal Services will include the Chronology, Genogram and Court Statement. Where the plan is to rehab to parents under a Supervision Order a Care Plan will be required.

4.1 Chronology

- 4.1.1 Full historical chronology i.e. file the previous Court Chronology and an updated Chronology from the date the Care Order was made.
- 4.1.2 Needs to be succinct and contain relevant information for the application being made.
- 4.1.3 Should be completed on PLO 3 Template.
- 4.1.4 A good Chronology will provide a clear overview of the significant dates and events in the child's life. It should be short (no more than four pages) and cross-referenced to other documents to avoid duplication.

4.2 Genogram

- 4.2.1 Should be completed on PLO 1 Template

4.3 Court Statement

- 4.3.1 Please refer to Template on J: Drive.
- 4.3.2 The Statement should provide a brief overview of the situation and cross-reference to the assessment throughout.
- 4.3.3 As part of good practice and to assist the Court, pages and paragraphs should be numbered.

- 5. All documents to be sent to Legal Services within agreed timescales. Legal Services will make the application.
- 6. The Court will issue the application and may list the matter for a Case Management Hearing / Directions Hearing. Alternatively the Court may 'fast track' the case and appoint a Guardian for the child/ren. The parents and the Guardian will be given a date by which to file their response.
- 7. The Court may issue further directions, which may include further evidence / Assessment from the Local Authority. The Social Worker will be required to attend Court for all of the hearing(s). All Orders made should be uploaded onto the Children's ICS Legal Tab.
- 8. Following the conclusion of proceedings, all parties, e.g. Independent Reviewing Officer, Health (HV/School Nurses/CAMHS), Education, Youth Offending Team are to

be informed of the change of circumstances, by letter or email. The Social Worker should inform people with parental responsibility by letter.

9. The Social Worker changes the Child's legal status on ICS.
10. The Social Worker should inform the Finance Department to end any payments being made.
11. The Social Worker should inform the Local Authority where children reside, including the date of the order, by letter.
12. Final plans agreed to be implemented.

Nick Whitbread

Principal Social Worker

18th September 2014