**Lancashire County Council - Child Protection Legal Team**

**Protocol to be followed by CSC and Legal in relation to applications to Discharge Care Orders**

NB: The full guidance issued (in relation to applications to Discharge Care Orders using the Accelerated Procedure) by HHJ Sarah Singleton QC - Designate Family Judge for Lancashire in June 2017 is attached to this protocol (possible hyperlink).

Request for an application should only be sent to legal when the decision to discharge a Care Order has been approved by Senior Manager.

**The Process**

In order to submit an application for Discharge of a Care Order using the Accelerated Procedure (which will usually be the most appropriate procedure), the Social Worker (SW) will need to send to the Legal Department the following:

* The original care plan (final version used in the proceedings) and amended Care Plans since the date of the Final Care Plan.
* Minutes of all LAC reviews at which the question of discharge has been actively considered;
* Relevant current medical evidence (if appropriate) - this will apply if the Child is under the care of a Paediatrician or other medical professional and has specific medical needs. It will not be applicable in all cases.
* A statement from the team manager or key social worker setting out:-

1. The reasons for the application

(ii)          A summary of the concerns which led to the care

Proceedings

1. Any outstanding concerns

(iv)         The number of times the child has been seen by social

services in the 24 months prior to issue

(v)          The current arrangements for the child’s care and education

(vi)         Any change in the child’s circumstances since the conclusion

of the care proceedings

(vii)        The views of the parents and significant others - to use the

accelerated procedure both parents with PR will need to be

in agreement that an application to discharge is

appropriate.

(viii)       A consideration of the welfare checklist factors / Voice of the child being evident.

(ix)         Up to date information from the child’s school where

applicable (attendance, lateness, presentation, academic

progress) - If the child is of school age, it is good practice to

ask for a short updating report from the school to cover

these issues or consult with them and include the

information with the statement.

(x)          In the case of a child under school age, up to date

information from the  health visitor - again it is good

practice to get a short updating report from the HV or in the

alternative consult the HV on these issues and include their

views in the statement.

(xi)         Up to date information from other relevant services

involved with the family (education welfare, CAMHS, YOT,

drug service, mental health, learning disabilities) - Iany of

these services are involved with the child , an updating

report should be sought from the service and submitted with

the application

(xii)        Details of arrangements for continuing post discharge

support if relevant - It is good practice to include a copy of

any Draft CIN plan if the proposal is to support the family

/child on such a plan.

Only when all of the above information is to hand, should the SW send to legal the request/instructions to apply to discharge the Care Order.

The request should be sent to Peter Hollebone (Child Protection Team Manager) by email, with the checklist at appendix 1 completed.

The case will then be allocated in legal to a Practitioner (where possible and where capacity allows to the Solicitor who had conduct of the Care Proceedings) or to a Principal Legal Officer.

The Practitioner will make contact with the SW and inform them of the allocation. The Practitioner will confirm to the SW that the application is ready for issue or will advise on any proposed amendments /missing documents.

The SW should respond with instructions/revised documents within 7 working days.  Failure to do so means that applications are delayed and the evidence to support the application becomes out of date, leading to further unnecessary work for all concerned and unnecessary delay for the child/children.

Once the evidence to support the application is accurate and complete, the application will be made and the SW will be notified by legal and sent a copy of the Application and Supporting Docs to be uploaded to LCS.

The SW will be notified when a CG has been appointed and when the Hearing is listed.

Timeliness of assessments and reports are of paramount importance when we are looking to discharge an order. It is therefore necessary that once it has been agreed that a plan of discharge is to commence, timescales are agreed and adhered to. If agreed timelines are not adhered to then this is to be escalated to the Senior Manager responsible for the case and the Senior Manager must make arrangements for the work to be completed.

**NB: Re Discharges where an SGO is to be substituted in place of a Care Order.**

Following a recent review, any application as above will be initiated by LCC as an application to Discharge a Care Order.

The proposed SGs will be noted within the application to be persons to be given notice of the application.

In addition to the above, the SW will need to send to Legal , the SGO Assessment , SGO Support Plan, DFES Means Test and the REeg 15 Notice (legal will arrange service of those documents on the prospective SGs as well as notice of the Hearing date).

The supporting Statement should reference the fact that LCC are “inviting the Court to Discharge the care Order and make a Special Guardianship Order in favour of XXX and that the SGO Suitability Assessment and Supporting Documents are included within the application.

**Appendix 1 – Discharge Checklist**

**Social Worker:**

**Practice Manager :**

**Team Manager:**

**Senior Manager:**

**Child(rens) Name(s): DOB (s): Address (indicate if Confidential):**

**Parents Names: DOB: Address:**

**Name of Any other**

**person with PR: DOB : Address:**

**Case No for Care Proceedings:**

**Date of Final Care Order:**

**Name of Solicitor with conduct of Previous Care Proceedings:**

**I confirm that all persons with PR for the above children, consent to an application to discharge the Care Order Yes [ ] No [ ]**

**I have attached the following:**

* The original care plan (final version used in the proceedings) and amended Care Plans since the date of the Final Care Plan [ ]
* Minutes of all LAC reviews at which the question of discharge has been actively considered [ ]
* Relevant current medical evidence (if appropriate) - this will apply if the Child is under the care of a Paediatrician or other medical professional and has specific medical needs. It will not be applicable in all cases Yes [ ] N/A [ ]
* A statement from the team manager or key social worker setting out:-

1. The reasons for the application [ ]

(ii)           A summary of the concerns which led to the care

Proceedings [ ]

1. Any outstanding concerns [ ]

(iv)         The number of times the child has been seen by social

services in the 24 months prior to issue [ ]

(v)          The current arrangements for the child’s care and education [ ]

(vi)         Any change in the child’s circumstances since the conclusion

of the care proceedings [ ]

(vii)        The views of the parents and significant others - to use the

accelerated procedure both parents with PR will need to be

in agreement that an application to discharge is

appropriate.  [ ]

(viii)       A consideration of the welfare checklist factors / voice of the child being evident. [ ]

(ix)         Up to date information from the child’s school where

applicable (attendance, lateness, presentation, academic

progress) - If the child is of school age, it is good practice to

ask for a short updating report from the school to cover

these issues or consult with them and include the

information with the statement. [ ]

Separate Report Attached Yes [ ] No [ ]

(x)          In the case of a child under school age, up to date

information from the  health visitor - again it is good

practice to get a short updating report from the HV or in the

alternative consult the HV on these issues and include their

views in the statement.  [ ]

Separate Report Attached Yes [ ] No [ ]

(xi)         Up to date information from other relevant services

involved with the family (education welfare, CAMHS, YOT,

drug service, mental health, learning disabilities) - Iany of

these services are involved with the child , an updating

report should be sought from the service and submitted with

the application [ ]

Separate Report Attached Yes [ ] No [ ]

(xii)        Details of arrangements for continuing post discharge

support if relevant - It is good practice to include a copy of

any Draft CIN plan if the proposal is to support the family

/child on such a plan. [ ]

Separate Report Attached Yes [ ] No [ ]

**In a case where the recommendation is for an SGO to be substituted:**

* SGO Suitability Assessment [ ]
* SGO Support Plan [ ]
* Reg 15 [ ]
* DFES Means Test [ ]