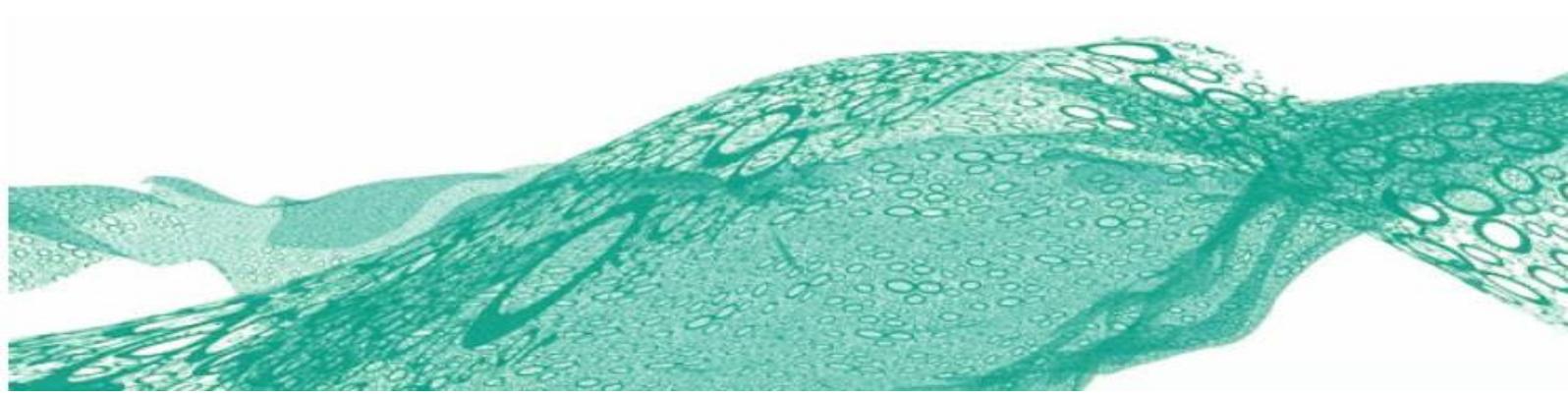




ROCHDALE BOROUGH COUNCIL CHILDREN'S SOCIAL CARE PRACTICE GUIDANCE JULY 2022

Discharge of Care Order Procedure



Document Control

Document Title: Discharge of Care Order Procedure

Summary

Publication Date	July 2022
Related Legislation / Applicable Section of Legislation	Children Act, 1989 and subsequent amendments – section 39
Related Policies, Strategies, Guideline Documents	Discharge of Care Order Flow Chart
Replaces	N/A
Joint Procedure (Yes/No)	No
Name of Partner(s) if joint	
Procedure Owner (Name/Position)	Rachel Meyrick, Head of Service Cared for Children and Youth Justice
Procedure Document Author (Name/Position)	Rachel Meyrick, Head of Service Cared for Children and Youth Justice Elizabeth Ologbonori, Practice Manager, Post Order and Permanence Team

Review of Procedure

Last Review Date	July 2022
Review undertaken by	Rachel Meyrick
Next Review Date	July 2024

Document Approvals

This document requires the following approvals.

Name	Title	Date of Issue	Version Number

Contents

Topic	Page No
General Notes	4
The Process	5
Appendix One – Discharge Care Order Flow Chart	8
APPENDIX 2 – Statement of Professional for Discharge of Care Order Statement	9

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 care 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) The findings of fact when the order was made; (what were the key issues then?)
- b) The findings of any assessments since the order was made; Have the parenting deficits demonstrated by the findings made at the final hearing of the Care Proceedings been overcome? (what work has been done with parents to overcome this?)
- c) Whether there were any issues around contact between the child and a significant adult and, if so, how have they been addressed;
- d) Whether any support services have been put in place and, if so, whether they have been used;
- e) The evidence of progress towards the objectives set out in the section 31A care plan;
- f) How long the family has been monitored, and whether this is long enough to be satisfied that any change has been consolidated;
- g) Whether any of the concerns at the time of the care proceedings are no longer relevant, for example because the child is older;
- h) Any further issues relevant to the child's welfare that have arisen since the order was made, whether they have been resolved and, if so, how. e.g have there been any S.47 Child Protection Enquiries, in the past 12 months or since the making of the order, what was the outcome etc.
- i) Have you fully consulted with the child, their parent(s)/ family/ carers?
- j) Have you sought the views of other agencies and workers e.g. Schools, Health Visitors, IRO?

- k) Are arrangements in place with other services/ agencies to ensure their continued involvement is necessary, after the care order is discharged?
- l) 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?
- m) 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.
- n) 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.

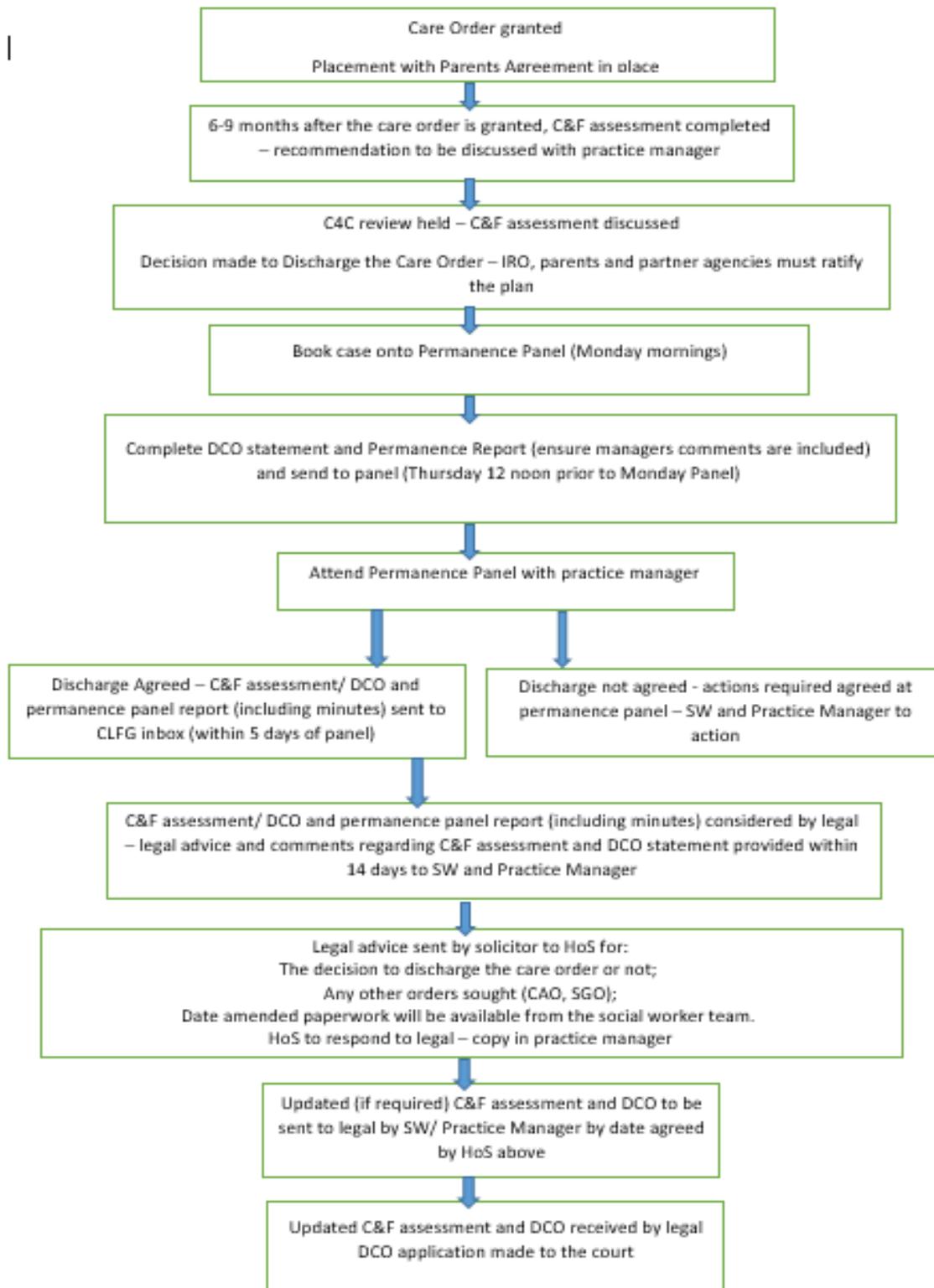
The Process (Please see accompanying process flow chart)

1. When a child who is the subject of a Care Order is placed with a parent, the Cared for Child Review should discuss the timing of an application to discharge the care order. Before the review meeting the social worker will update the assessment and include views of all professionals involved with the family (**All professionals must complete a short statement supporting the discharge proposal or their objection to the order being discharged**). A decision to apply for discharge of the order must be based on an assessment that:
 - Living in the parent's household will now safeguard and promote the child's welfare; and
 - All identified risks (both those that led to the care proceedings and any further risks that have come to light since then) are now at an acceptable level.
2. The case will be presented to Rochdale's Permanence Panel, chaired by a Head of Service. An "*in principle decision*" will be made at that panel. This will include any decision to seek any other orders (supervision order, SGO, CAO etc). The C&F assessment, Permanence Panel report and any other appropriate documents (SGO assessment/ support plans etc) must be presented at the panel to support decision making.
3. If at the Permanence Panel the "*in principle decision*" is to seek to discharge the care order then children's services will send to legal services, within 5 working days, of the permanence panel the following documents:
 - a) The minutes of the Permanence Panel meeting recording the "*in principle decision*" to discharge the care order
 - b) Most recent assessment presented to the Panel to inform decision to discharge the care order
 - c) Statements from professionals involved with the child/ ren and parents supporting the discharge of the care order
 - d) Statement in support of the DCO

- e) Most recent Cared for Child review meeting minutes; and
 - f) If plan is to seek SGO upon discharge, the final SGO assessment report and SGO support plan
4. If the Permanence Panel outcome is that the care order should not be discharged at this time, for example the matter must return to Permanence Panel on a future date, legal services will not be instructed to advise on any papers at that stage. All documents to be sent to Legal Services within agreed timescales.
 5. C&F assessment/ DCO statement and permanence panel report (including minutes) will be considered by legal. Legal advice and comments regarding the C&F assessment and DCO statement should be provided by legal to the social worker and practice manager within 14 days of the documents being sent to legal.
 6. The Legal advice sent by legal services solicitor will be sent to the Head of Service for confirmation of:
 - The decision to discharge the care order or not;
 - Any other orders sought (CAO, SGO);
 - Date amended paperwork will be available from the social worker team (this should be no more than 7 days).
 7. The Head of Service should respond to legal copying in the practice manager.
 8. The updated (if required) C&F assessment and DCO should be sent to legal by the Social Worker/ Practice Manager by date agreed by Head of Service above.
 9. Once the updated C&F assessment and DCO statement are received by legal services, the DCO application should be made to the court (this should be within 4 weeks of the original Permanence Panel date).
 10. 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.
 11. 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.
 12. 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.

13. The Social Worker changes the Child's legal status on ICS.
14. The Social Worker should inform the Finance Department to end any payments being made.
15. The Social Worker should inform the Local Authority where the children reside (if not Rochdale), including the date of the order, by letter.
16. Final plans agreed by the court should be implemented.

APPENDIX 1 – Discharge of care order flow chart



APPENDIX 2 – Statement of Professional for Discharge of Care Order Statement

ROCHDAL BOROUGH COUNCIL CHILDREN'S SOCIAL CARE

REQUEST FOR PROFESSIONAL'S COMMENT ON PROPOSED DISCHARGE OF CARE ORDER

1. Professionals Details:

Name of professional	
Role	
Relationship to the child/ren	
Date	

2. Details of child/ ren:

Name of child	Date of Birth	Gender	Ethnicity	Address

3. Details of Parents:

Name of Parent	Date of Birth	Gender	Ethnicity	Address

4. Notice of intention to discharge Section 31 Care Order

The above child/ ren are subject to Placement with Parents Regulations in that they reside with their parents under a section 31 Care Order. The Local Authority is proposing to discharge the care order on the above child/ ren.

In making the decision to discharge the Care Order, the Department will have regard to the needs of the child, the safety and welfare of the child and any current risk associated with the Local Authority no longer sharing parental responsibility with parents.

The decision to discharge the care order needs to take into account the wishes and views of the child and of those involved with the child and parents who have information and observations which are relevant.

As a member of the multi agency support group around this family you are invited to provide your views regarding the proposal to discharge the care order. Your statement should be shared with the family and will be provided to the Local Authority Permanence Panel and will be shared with the court alongside the discharge application if discharge of care order is agreed.

Please return your statement to the address given below within 14 days of this notification.

5. Professionals views/ statement:

Please indicate clearly if you are in agreement with the discharging of the care order or not. Please state your reasons.

6. Signatures:

NAME	
SIGNATURE	
DESIGNATION	
DATE	

Please return this form to [insert name and email address] by [insert date]