**Practice Guidance - Discharge of Care Order Accelerated Procedure.**

This guidance is taken from the agreed local procedures between the Family Court and Birmingham Children’s Trust dated 4th January 2022. It is to be used for both discharges of care order where children/young people are placed with their parents under Care Orders and for uncontested applications by relatives for Special Guardianship Orders (SGO) or Child Arrangement Orders (CAO). The children **must** be living with relatives who are approved Foster Carers.

1. **Pre-Application - Social Work Actions before the Child in Care Review:**

Firstly, discuss in supervision and at the child/young person’s care planning meeting if this is the appropriate permanency plan for the child or children. Obtain the views of the significant people involved with the child/ren:

* The child/young person and their brothers and sisters.
* The parents/other person/s with parental responsibility/kinship carers.
* Extended Family Members. A Family Group Conference should be arranged where appropriate to discuss and plan support for the child/ young person and their carers.
* Key professionals involved with the child/young person and theirfamily. Make sure that you have written reports from them as they will be part of the application.

Once you have agreed that the permanency plan of discharging the Care Order is the best one for the child/ young person, you will need to contact the legal team for the bundle from the previous care proceedings. Please read the following key documents:

* Final orders of the Court.
* Agreed threshold document.
* Any judgment.
* Final approved care plans.
* Key expert reports.

You will then need to write your report for the CiC review. Your social work analysis, conclusions and recommendations in the report should cover:

* The reasons for the Trust needing a Care Order at the time of the final hearing of the previous care proceedings.
* How have the identified needs of the child/ren/ young person been addressed?
* Have any further assessments taken place?
* Have support services been put in place and been effective?
* Has the child/young person been living with their carers for enough time to evidence that they are safe and well cared for, and do assessments indicate that this is likely to continue in the future?Were there any issues around family time between the child and a significant adult and have these been addressed?
* Are the issues no longer relevant?
* What are the views of the child/ren/ young person? Include a copy of the direct work completed with them to help them express their wishes and feelings.
* Views of all who are involved with the child/ren/ young person.
* The welfare checklist
* Included plans of support to the Child/ren/young person and Carers (eg SGO support plan, CIN Plan, family plan agreed at the Family Group Conference)
* Where professionals raise objections, these should be fully understood and considered in reports and discussions.

1. **At the Child in Care Review**

All the key documents obtained and the social work report recommending discharge should be provided to the Independent Reviewing Officer (IRO) for the review. The IRO should endorse the care plan of discharge. If IRO is not in agreement, a a problem resolution conversation should be arranged to discuss any outstanding differences and agree a way forward.

If the recommendation to discharge the Care Order has not been implemented by the next Child in Care Review the IRO will automatically issue an Amber notice. If the recommendation to discharge the Care Order has not been implemented by the following or any subsequent Child in Care Review the IRO will automatically issue a Red notice.

1. **After the Child in Care Review - Social Work to do list**

Please complete any pre – application actions identified at the Child in Care review and in the Child/ young person’s plan before drafting the documents needed for the application.

Your Head of Service will need to review all documents and the minutes of the CiC Review to approve plan of Discharge/SGO/CAO to family members.

You will find the relevant documentation in the [Pre-Proceedings and Court Work section of Trix practice guidance.](https://proceduresonline.com/trixcms2/birminghamcs/doc-library/#section10Nested3)

Please obtain the relevant consents to application to discharge, for the SGO and for disclosure of documents to Cafcass using the following templates CD1 – CD3.

Write the statement using template CD4. Your Case Progression Officer will offer you support if needed.

*When ready send the following documents to the legal team inbox requesting allocation and advice:* [*bct.legal@birminghamchildrenstrust.co.uk*](mailto:bct.legal@birminghamchildrenstrust.co.uk)

* Wishes and Feelings of the Chid/ren/young person.
* Minutes from the Child in Care review including IRO recommendation.
* Draft Social Work Statement using the agreed local template to include up to date chronology (CD4)
* Report to Child in Care Review.
* Reports from key professionals.
* Any updating assessments and plans.
* Up to date Police checks (PNC Check).
* Parental or connected carers consent.
* If SGO, the plan on discharge the SGO assessment and support plan.

1. **What will your Legal Team do?**

On receipt of the documents the Lawyer will follow the 2022 fast track process and will keep you informed of progress. They will also:

* Step 1 - Prepare a bundle and notify Cafcass by email.
* Step 2 - On receipt of the letter of recommendation from Cafcass, they will make an application with the draft order on issue.
* Step 3 - Lawyer will state that the accelerated process is appropriate for the child/ young person and involvement of a Guardian is not necessary as a result of pre proceedings management review by Cafcass and letter of recommendation.
* Step 4 - On receipt of sealed copies of application, order and notice lawyer will serve parties.
* Step 5- Lawyer will keep social work team advised of hearing dates and outcome of application.