



In the High Court of Justice
Family Division
Sitting at

Case no:

The Senior Courts Act 1981

The child

[Name]

Boy/Girl

DOB:

ORDER MADE BY [JUDGE] ON [DATE]

PARTIES AND REPRESENTATION

[whether parents attended]

RECITALS

Documents read

1. The judge read the following documents:
 - a. The position statements lodged on behalf of the local authority and Children's Guardian for today's hearing;
 - b. The updated court bundle;
 - c. Statements from

2. UPON the Local Authority inviting the court to extend the deprivation of liberty provisions made in the previous order of [date] and the Children's Guardian not opposing such orders;

Ofsted registration

3. AND UPON [set out position with Ofsted if unregistered];

4. AND UPON [Provider] assuring the court it will update the local authority by [date] as to the progress of its Ofsted registration application. The local authority shall then circulate this information to all parties.

Deprivation of liberty: XX House

5. And upon the court determining that the proposed living and care arrangements for X at Y amount to a deprivation of his/her liberty;

6. And upon the court determining that it may, under the inherent jurisdiction, authorise the child X's deprivation of liberty at Y in order to avoid breaching his/her Article 2 and 3 ECHR rights;
7. And upon the court concluding that the best interest tests, informed by conditions of 'imperative necessity' and the likelihood that the child's Article 2 and 3 ECHR rights would be breached if a deprivation of liberty at Y is not authorised by the court, requires that the child should remain placed there until further order and that the court should authorise the deprivation of his/her liberty to the extent required to ensure his/her safety, and on the basis this is only suitable to continue on a temporary basis and all efforts are being made to move X to a more suitable alternative, ideally a regulated placement forthwith;
8. The child X has expressed through her Children's Guardian her clear wish that [insert if something specific];
9. Insert position in respect of search for placements.
10. Education
11. Contact

IT IS DECLARED THAT:

XX House

1. It is lawful and, in the child X's best interests to be deprived of his/her liberty by the Applicant local authority at the placement provided by XX House, and accordingly the court authorises his/her deprivation of liberty there until midnight on [date].
2. The confinement which needs to be in place for the child X is necessary, the least restrictive and a proportionate response to the risk of harm which arise.
3. For the avoidance of doubt the confinement at XX House may include the following measures (these are the maximum restrictions and may be varied by agreement between the Local Authority and the Provider):

- a. X is in a secure house to which staff have keys, so that he/she is not able to leave of his/her free own will;
 - b. There are at least two members of staff on a 2:1 ratio at all times;
 - c. Areas with potential hazards are closely monitored including the kitchen and when outside of the home;
 - d. X's contact outside the home is supervised by staff at all times;
 - e. When travelling by car X is supervised by a minimum of two staff members;
 - f. X is not allowed to have access to items that he/she has used to self-harm in the past;
 - g. X's mobile phone is
4. To the extent that the restrictions in place during trips in vehicles or by foot outside XX House constitute a deprivation of the child X's liberty, such deprivation of liberty is necessary and proportionate to the risk of harm to the child and is authorised until further order.
 5. Pending its Ofsted registration, the Applicant local authority will have lawfully placed the child X at Y to avoid breaching her ECHR Article 2 and 3 rights.

Minimum force and restraint

6. In depriving X of her liberty at Y, the Applicant local authority is directed to use the minimum degree of force or restraint required. The use of such force/restraint is lawful and in his/her best interests provided always that the measures are:
 - a. The least restrictive of her rights and freedoms;
 - b. Proportionate to the anticipated harm;
 - c. The least required to ensure her safety and that of others; and
 - d. Respectful of her dignity.

IT IS ORDERED THAT:

General provisions

1. The application is listed for further review/final hearing at **[date]** time-estimate 1 hour, by Microsoft Teams.
2. [Attendance]

3. [Case Management directions]

Further applications

4. Further to the declarations set out above, if any change to X's care or living arrangements has been implemented which is required as a matter of urgent necessity and which would render it more restrictive, the Applicant local authority shall apply to the court for an urgent review of this order on the first available date after the implementation of any such change.
5. If any change to the care or living arrangements is proposed which would render it more restrictive (but is not required as a matter of urgent necessity) the Applicant local authority shall apply to the court for review of this order before any such changes are made.
6. If there is any significant change, whether deterioration or improvement, in the child's condition the local authority shall apply to the court for review of this order.
7. Permission to the local authority to apply to the court on notice either for a short extension to the deprivation of liberty authorisation granted today, alternatively for an earlier hearing if the child's circumstances require it, such application to be considered in the first instance on paper only.
8. This order is to take effect immediately and without the court's seal.
9. Costs in the application.

Ordered by
Dated

SCHEDULE

Legal Aid Agency information for the Family Advocacy Scheme

UPON the Court recording that:

- (i) in the exceptional circumstances of the current national public health emergency, this case was listed for a remote hearing by means of Microsoft Teams;
- (ii) the hearing was listed on notice to all parties;

- (iii) the advocates appeared in Court remotely today from 09.30am-09.50am;
- (iv) the Court allowed the advocates an additional 60 minutes to finalise the draft order, such that the hearing ended at 10.50am
- (v) it was not possible for the Court to endorse Family Advocacy Scheme Advocates' Attendance Forms ('FAS' forms) at this hearing; and
- (vi) in accordance with the Civil Legal Aid (Remuneration) Regulations 2013 and section 7 of the 2013 Standard Civil Contract:
 - (A) the total attendance time of the advocates was 1 hour and 20 minutes.