**Discharge of Care Order Legal advice to DCO LPM Chair**

Head of Service will hold a Discharge of care Legal Planning Meeting (DCO LPM) (this may not be a physical meeting). An “in principal decision” will be made at that meeting. This will include any decision to seek any other orders (supervision order, SGO, CAO etc).

If at the Planning Meeting the in principle decision is to seek to discharge the care order the children’s services will send to legal services the following documents:

1. DCO LPM Minute recording in principle decision to discharge the care order

2. Most recent assessment presented to the Planning Meeting to inform decision to discharge the care order

3. Statement in support of the DCO

4. Most recent LAC review meeting

5. If plan is to seek SGO upon discharge, the final SGO Report and SGO support plan

If the chair decides that the order should not be discharged, for example the matter must return to LPM on a future date, legal services will not be instructed to advise on any papers at that stage.

Upon receipt of the correct paperwork from children’s services the case will be allocated to a fee earner for advice to be provided to the Chair of DCO LPM.

Legal Advice to Chair of DCO LPM (Service Manager)

Legal advice is to be given to the Head of Service on the decision to DCO. This will be advice as to whether the test for discharge is met, whether there are any potential issues which will affect the success of the application and legal advice in respect of any other orders sought (SGO etc).

The legal advice will be recorded in the relevant box in the DCO referral form. This DCO LPM minute form with completed legal advice will to be sent to the Head of Service only not to SW or TM. The Head of Service will then confirm the decision to issue or not, any other orders to be sought and when amended paperwork will be available.

Legal Advice on paperwork

At time of sending legal advice to the Head of Service legal advice will be provided to the social worker and team manager on the statement and any other court documents

**DCO LPM referral checklist to be completed by Social Worker**

1. Name of Social Worker

2. Name of Team manager

3. ID Number

4. No of Children

5. Name of Children

6. Are all children subject to Care Order included Yes  No

7. Is voice of the child evident Yes  No  too/young

8. Are views of parents evident Yes  No

9. Do we know where parents/respondents are Yes  No

**NB all parties to care proceedings will be party to discharge, if father has no PR and was not a party he will receive notice of application to discharge**

10. Are views of family members evident Yes  No

11. Are the views of the IRO evident Yes  No

12. Is threshold for making CO included Yes  No

13. Care plan changed and reasons for included Yes  No

14. Has LA complied with Care Plan Yes  No

15. Any change of care plan included in assessment and Head of Service approval Yes  No

16. Any risk to the LA Yes  No

17. Have you included contact, then, now, issues Yes  No

18. Parents assessed Yes  No

19. LA complied with statutory regs Yes  No

20. Parents invited/attended reviews Yes  No

21. Consulted all other agencies involved Yes  No

22. Need for ongoing support evident Yes  No

23. Seeking another order if so what? No CAO SO SGO

24. If SGO, report and support plan attached Yes  No

25. Legal advice provided to proposed carers Yes  No

**Checklist after LPM for legal advice to be sent to Legal by Children’s services business support**

1. DCO statement Yes  No

2. LAC minutes Yes  No

3. Assessment Yes  No

4. SGO report (if recommended) Yes  No

5. SGO support plan (if recommended) Yes  No

6. Minutes of LPM Yes  No