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| **Local authority social work statement template for deprivation of liberty of children cases** |  | In the High Court of JusticeFamily DivisionSitting at BristolDate: DD/MM/YYYY |
|  | In the matter of the Children Act 1989 |

*Use of this template was recommended in Re A-F (Children) (No.2) [2018] EWHC 2129 (Fam) for cases that concern the deprivation of liberty of a child.*

*Legal will delete all additional guidance notes in red.*

**The child**

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| **Name**  | **Gender** | **Date of Birth** | **Child’s current placement status** | **Child’s current legal status** |
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| **Local Authority and Social Worker details** |
| Case number |  |
| Filed by [local authority] |  |
| Social work statement number for this witness e.g. 1st, 2nd, 3rd |  |
| This author/witness’s name, qualifications, experience, and office address |  |
| This author/witness’s HCPC registration number |  |

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| **Set out which court order or order/s are being sought, and summary of reasons** |

*This should include what length of order you seek. In setting out your proposal, you should discuss the likely minimum duration necessary before any change of circumstances is likely. The maximum length of order permissible is 12 months, after which the court will always need to consider whether the order can be extended or renewed.*

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***LEGAL: once the report has been completed, ensure that you update the page numbers on the table by clicking on anywhere on the table contents. The “update table” tab will appear on the top left (just outside this box). Click ‘Update Table’ and select “update page numbers only” (this should be the default) and the table will automatically update.***

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# **Case details**

## Family composition

### *This section should include family members and relationships and should specify the relationship in respect of each child subject to the application. Please set out the family members' full names, their dates of birth, their nationality, ethnicity and their current a**ddresses.*

### *Where an address needs to be kept confidential, send the information to the court.*

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| **Name** | **Relationship** | **PR** | **DOB** | **Nationality** | **Ethnicity** | **Address** |
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# **The social work chronology**

### List significant events which can be evidenced.

### Focus on the last two years unless prior events are significant.

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| **Date** | **Incident or sequence of incidents relevant to the child’s welfare** | **Significance** |
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This should include any moves that is planned for the child including school, to a new placement etc.

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| **Date** | **Significant events happening in the near future which are relevant for the child (e.g. the transition from primary to secondary school)** | **Source of evidence/document reference** | **Significance** |
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# **Current presentation of the child / professional diagnosis and prognosis**

## The child's circumstances

### Detail the child’s current circumstances, setting out their care arrangements and the legal framework (e.g., s.20, ICO, in parents’ care).

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### Set out what previous efforts have to secure the child’s safety in other placements.

### *You must be able to demonstrate as to why a deprivation is the last resort and why nothing else can secure the child’s safety. If lack of a secure bed is one of the reasons then that should be set out but only if this is the reason and that should a secure bed be available you would be looking to make that application. Provide details of the risk taking behaviour AND how it has been attempted to be managed.*

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### Identify and describe those aspects of the child's situation which are said to require that the child to be placed as proposed and be subject to the proposed regime.

*You should also set out the behaviours or issues which require each aspect of the proposed regime. You must justify each restriction. Acknowledge that efforts will always be made to impose the least restrictive regime possible.*

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## The child's current diagnosis and prognosis

### Include details of any current diagnosis and prognosis.

*This should include any health or mental health issues, and where possible, identify the diagnosis, treatment and future prognosis. Any assessments that have been completed prior to the application should be sent to legal to be filed alongside the application. Where possible (within your own expertise) set out the likely impact that the requested restrictions will have on the child’s health and wellbeing.*

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# **Analysis of confinement**

## The nature of the proposed regime

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## Features of the proposed regime that do or may involve confinement

*This should set out in detail the exact nature of the restrictions so that it can be demonstrated how those restrictions will be implemented day to day.*

*Think about the day-to-day routine which will exist within the placement and which are believed to act as a “confinement”. In completing this section, consider and explore why the regime would be a confinement for the child when compared with another ‘normal’ child of the same age.*

*Consideration must be given to the level of supervision, restraint, locked doors/windows, what happens when the child absconds or attempts to leave staff (e.g. will they be followed, will the police be called?), locked boxes for sharps/medication, restrictions of use of a mobile phone.*

*This section must cover all the specifics of the proposed restrictions that the local authority is asking for and reasons why they are necessary and no other regime will be sufficient.*

*If you have completed a checklist, consideration can be given to annexing to this statement ‘Appendix A – List of restrictions’ or pasting the restrictions from that document into this part of the statement.*

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# **The proposed care plan / analysis of restrictions**

### Describe the proposed placement and regime explaining why they are necessary and proportionate in meeting the child's welfare needs and that no less restrictive regime will do.

*Include details of the legal framework for the placement and any contact arrangements.*

*Ensure that the following documents are filed with the court the most recent:*

* *minutes of the most recent LAC or other statutory review and*
* *any recent reports in relation to the child's physical and/or mental health*

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* The placement of the child

*Identify the placement of the child and whether that placement is regulated/registered or not. Who is in that placement to supervise the child – if possible how many different staff will be involved with the child?*

*If the placement is not a regulated placement, what is the longer-term plan for the child? Confirm what searches have taken place to date, what the outcome of those searches have been and the plan in the short and longer term.*

*You must confirm that that the accommodation is suitable for the child.*

*Has the child been able to visit the placement in advance?*

*What will be the impact of the restrictions on the child?*

*You must be balanced and acknowledge any negative effects of the restrictions sought and seek to explain why on balance it is necessary, and in the child’s best interests for them to be made.*

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* The long term plan for the child

*Are there any plans to issue care proceedings or generally the longer term care planning decisions for the child? Are the local authority considering making an application for a care order for PR if the child is not living at home?*

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* Education arrangements

*Has the child been attending education? If not, provide more information about why not. If so, provide more information about this.*

*If the child has not been attending education, provide information as to what the plan is for education. If there are short term difficulties with formal education how will the child be kept occupied and stimulated – examples might be trips to places of educations value – in which case, will the restrictions sought be sufficient to manage this? Are there ‘life-skills’ that can be furthered in placement such as cooking? On top of formal education, you should be giving thought to overall stimulation (particularly if the child is spending significant time in the home) such as board games, films, craft etc. It is important to remember that if the court is going to authorise such a significant imposition on the child’s life, they must be satisfied even more than in other cases that every effort is being made to ensure the child’s needs are being met.*

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# **The child's level of understanding / *Gillick* competence**

## Is the child able to consent?

*Detail the child’s understanding and capacity and consider whether the child is able to consent, having regard to their age and understanding. You must also set out what steps you have taken to ascertain their capacity. It is important that you reference any expert assessments which have been completed and which explore this issue.*

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## Steps taken to ascertain the child's understanding and competence

### Include details as to any expert assessments which have been undertaken in this respect.

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# **The proposed duration of the order sought (maximum 12 months)**

### What is the minimum duration for which an order is said to be necessary before any change of circumstances is likely?

*Think carefully about this. The Court is not likely to agree a lengthy order without review. What are the natural review points e.g. change of placement, conclusion of an assessment? You must justify the length of the order. If the restrictions are likely to be long term (e.g. long term health need) what is the plan for review?*

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# **Details of consultations with the child and other relevant persons**

## Child's views

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## Mother's views

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## Father's views

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## Views of wider family members

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## Independent Reviewing Officer's views

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## Views of any other parties or significant others

*This could include staff at an existing placement which no longer feels able to keep the child safe and/or education professionals, medical professionals, etc*.

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# **Need for further evidence / assessments**

### What, if any further evidence or assessments are required in order to determine whether an order should be made?

*Also consider what further evidence you may need to enable less restrictive measures to be put in place in the future.*

*Consideration for psychological/psychiatric etc assessments of the child*

*Think about the ‘exit plan’ i.e. Where is this heading, how are we going to try and improve the situation to enable the restrictions to be lessened? If they are unlikely to change (e.g. Long term health issue) you need to say so.*

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# **Transition plan (if child due to turn 17)**

### Where the child will be 17 by the time of the next review, detail the steps being taken for the transition to the adult social care team and the name of the social worker who will be responsible for the transition.

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# **Any other matters**

*Have you considered if any additional restrictions are required for transporting the child to placement.*

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# **Signature**

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| Print full name |  |
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| Role/position held |  |
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|  | **The facts in this statement are true to the best of my knowledge and belief and the opinions set out are my own.** |
| Signed |  |
|  |  |
| Date |  |  |