**In the High Court of Justice No: [*Case number*]
Family Division
[*name of District Registry*]
sitting at [*court name*]**

**The Senior Courts Act 1981**

**The child**

**[*Name of child*] [Girl] / [Boy] [*dob dd/mm/yy*]**

**ORDER MADE BY [*NAME OF JUDGE*] ON [*DATE*]**

**The parties and representation at this hearing**

1. The applicant is[*name of local authority*], represented by [*barrister/solicitor name*] [instructed by [*solicitor name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The first respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The second respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

The third respondent is the child [*name of child*] (born on [*date of birth*]) acting by [his] / [her] guardian [*guardian name*], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [*chambers/firm name*], [*phone number*], [*email*]

1. Unless otherwise stated, a reference in this order to ‘the respondent’ means all of the respondents.

**Recitals**

1. **[Note these details should be included as an exception to the house rules]** The judge read the following documents:
	1. [*Insert details*]
2. The judge heard the following oral evidence:
	1. [*Insert details*]
3. It appears to the court that the [proposed] living and care arrangements of [*name of child*] arguably amount to a deprivation of their liberty.
4. [The solicitor for [*name of child*] has confirmed that the guardian and [he] / [she] intend to visit [*name of child*] in the near future to undertake their preliminary enquiries.]

**or**
[The solicitor for [*name of child*] and the guardian do not intend to visit [*name of child*] in the near future for the following welfare reasons:

* 1. [*set out reasons*]].
1. The local authority has confirmed that it will facilitate the guardian being able to inspect any records held by it in relation to [*name of child*] upon request.
2. The local authority informed the court that the [children’s home] / [care home] is [registered] / [unregistered] and that:
	1. [such registration is not required as it [*insert reasons why e.g. this is an unregulated provision such as supported living falling outside the scope of Ofsted or Care Inspectorate Wales*] and the local authority has taken the steps identified in paragraph[s] [*para number*] of the statement of [*name of social worker etc.*] dated [*date*] to ensure that [*name of child*] is safe and supported.]

**or**

* 1. [registration is required and:
		1. an application for registration has been delayed [*state reasons*] and the following steps [have been] / [will be] taken in respect of registration [*insert steps, including dates*] and the current status of the registration application is [*specify*];
		2. the local authority has taken the steps identified in paragraph[s] [*para number*] of the statement of [*name of social worker etc.*] dated [*date*] to assure itself that the premises, those working at the premises and the care being given are safe and suitable for [*name of child*];
		3. [*name of placement*] has confirmed by the statement of [*name*] dated [*date*] that it can meet the needs of [*name of child*].]

**IT IS DECLARED, PENDING FINAL HEARING THAT**:

1. It is lawful and in the best interest of [*name of child*] to be deprived of [his] / [her] liberty by [*name of local authority*] at [*name of placement*] pursuant to [article 5 (1)(d)] / [article 5 (1)(e)] and accordingly such [continued] deprivation of liberty is authorised.
2. The deprivation of liberty sought by the local authority are:
3. [*List precise terms*]

These provisions in place for [*name of child*] are necessary, the least restrictive and a proportionate response to the risk of harm which arise.

1. **[insert if appropriate]** In depriving [*name of child*] of [his] / [her] liberty, the 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:
	1. The least restrictive of [*name of child*]’s rights and freedoms;
	2. Proportionate to the anticipated harm;
	3. The least required to ensure [*name of child*]’s safety and that of others; and
	4. Respectful of [*name of child*]’s dignity.

**IT IS ORDERED THAT:**

1. Pursuant to s.100 of the Children Act 1989, leave is granted to the local authority to invoke the inherent jurisdiction.

**Unregistered placement**

1. The local authority shall immediately notify [Ofsted] / [CIW] that [*name of child*] has been placed in an unregistered placement, including the full details of that placement, and provide to [Ofsted] / [CIW] a copy of this order and the judgment in support.
2. **[If** **no application for registration was made at the time of the order]** An application for registration of [*name of placement*] shall be submitted to [Ofsted] / [CIW] by 4.00pm on [*date – within seven working days of the date of this order*]. The terms of this paragraph may be reviewed at the next review hearing as listed below and any person (corporate or otherwise) to whom this paragraph applies may apply to vary or set aside the terms of this hearing.
3. The local authority shall by 4.00pm on [*date – within 10 working days of the date of this order*] inform the court by email that the application for registration has been received by [Ofsted] / [CIW], confirmed as complete, the necessary fee paid where applicable and is capable of determination by [Ofsted] / [CIW], with the following directions to apply:
	1. the court shall hold a review on [*date – in 12 weeks*] with that review to take place [on paper] / [at a hearing];
	2. in the event that the local authority is unable to confirm para 14, an urgent hearing shall be listed;
	3. if the application for registration is withdrawn, or the registration refused, the local authority shall immediately inform the court and an urgent hearing shall be listed.
	4. [*insert if appropriate – e.g. if there is an issue in relation to the child’s capacity*]

**Experts**

1. [The court being satisfied that it is necessary for the following expert to be instructed,] [permission] to [*name*] to instruct an expert [*type of expert*], namely [*name*], as a single joint expert is [given] / [refused].
2. [The court being satisfied that it is necessary for the following expert to be instructed,] [permission] to [*name*] to instruct the following experts is [given] / [refused]: [*name and discipline of expert*].
3. The application by [*name*] for permission to instruct an expert [*type of expert*] is adjourned pending compliance with Part 25C. Upon compliance the court will consider the application [at a hearing] / [on paper].
4. The following directions shall apply to the instruction of [*name or discipline of expert*]:
	1. The lead for the instruction of the expert shall be [*name*].
	2. The letter of instruction to the expert [as approved by the court today] / [to be agreed by the parties by 4.00pm on [*date*] and sent to the court] must be sent the expert by 4.00pm on [*date*].
	3. The questions to be dealt with by the expert are as follows: [*insert*].
	4. Permission is [not] given for the expert to see and assess [*name of child*].
	5. The expert’s report must be sent to the court and to the parties by no later than 4.00pm on [*date*].
	6. Permission is [not] given to call [*name*] to give oral evidence at the hearing.
5. Questions of the expert must be dealt with in accordance with FPR rule 25.10.
6. Experts can request the court (by letter or email) to give directions pursuant to FPR rule 25.17 for the purpose of assisting in the carrying out of the expert’s functions.

1. Any application for permission to call an expert to give oral evidence shall be made no later than 1 working day before the pre-IRH advocates meeting. Any party making such an application will be expected to have raised written questions in accordance with FPR rule 25.17.

1. [*Name of expert(s)*] shall give evidence by live link. [*Name*] shall send a witness bundle to the expert no later than 2 working days before the hearing.
2. The costs of the expert[s] [attending] shall be paid by the parties [equally] / [in the same proportions as the costs of the original instruction of the expert, subject to any further order made by the court].
3. The reports by [*name*] may be disclosed to any person or agency providing professional therapy, counselling or treatment to [*name of child*].

**Statements**

1. The respondents may by 4.00pm on [*date*] send to the court and to the other parties a statement setting out their response to the local authority’s application.
2. In the event that [*name of child*] is separately represented, by 4.00pm on [*date*] a statement shall be sent to the court and to the other parties in response to the application.
3. The guardian shall by 4.00pm on [*date*] send to the court and to the other parties a final analysis and recommendations report.
4. In the event that [*name of child*], if of an age to express wishes and feelings, indicates a wish to meet with the judge, the solicitor for [*name of child*] shall notify the court so as that appropriate arrangements can be made in this regard.

**Listing**

1. The matter be listed before [*name of judge*], sitting at [*court name*], for a [review hearing] / [case management hearing] / [issues resolution hearing] / [final hearing] on [*date*] at [*time*] allowing [*time estimate*]. The parties and their representatives shall attend no later than one hour before the time the hearing is listed. [All parties should note that this is a hearing at which final orders may be made.]

Dated [*date*]

**Communications with the court**

All communications to the court about this order should be sent to:

[*Insert the address and telephone number of the appropriate Court Office*]

If the order is made at the Royal Courts of Justice, communications should be addressed as follows:

The Clerk of the Rules, Queen’s Building, Royal Courts of Justice, Strand, London WC2A 2LL quoting the case number. The telephone number is 020 7947 6543.

The offices are open between 10.00am and 4.30pm Monday to Friday.

**Name and address of applicant’s legal representatives**

The applicant’s legal representatives are:

[*Name, address, reference, fax and telephone numbers (both in and out of office hours) and email*]