**In the High Court of Justice**

**Family Division
Sitting at [the Royal Courts of Justice] /
[[*name*]District Registry] Case No: [*Case number*]**

**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**

The applicant is[*name of local authority*], represented by [*barrister/solicitor name*] [instructed by [*solicitor name and Firm name*]] whose contact details are [ref, *phone number* and *email*]

The 1st respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [ref, *phone number* and *email*]

The 2nd respondent is [*name*], the [*relationship to child*], [in person], represented by [*barrister/solicitor name*] [instructed by [*solicitor firm name*]] whose contact details are [ref, *phone number* and *email*]

The 3rd 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 [ref, *phone number* and *email*]

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

**Recitals**

**(Note these details should be included as an exception to the house rules)**

1. The judge read *[all documents within the court bundle for this hearing]* the following documents:
	1. [*Insert details*]
2. The judge heard the following oral evidence:
	1. [*Insert details*]
3. Upon [*set out whether the placement is registered/unregistered and if unregistered the position with Ofsted/Care Inspectorate Wales*].
4. In accordance with the President’s Guidance dated 12 November 2019 and Addendum Guidance dated 1 December 2020 [*record framework to comply with paragraphs 19, 20 and 21 of the Guidance and a date when the local authority will inform Ofsted/Care Inspectorate Wales (if relevant)*].
5. It appears to the court that the [proposed] living and care arrangements of [*name of child*] may amount to a deprivation of [his] / [her] liberty.
6. [*Name of child*] has expressed through [his] / [her] Children’s Guardian [his] / [her] clear wish that [*specify*].
7. [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.

**IT IS DECLARED THAT**:

1. It is lawful and in the best interest of [*name of child*] that the local authority [*name of local authority*] is permitted to deprive [*name of child*]of [his] / [her] liberty by placing [him] / [her] at [*name of placement*] pursuant to article 5 EHCR and accordingly such deprivation of liberty is authorised until [*date and time*].
2. The deprivation of liberty sought by the local authority and permitted by the court is necessary to avoid breaching [*name of child*]’s EHCR Article 2 and 3 rights, the least restrictive and most proportionate response to the risk of harm which arises and may include:

**(List precise terms, including any relevant reference to restraint training, for example)**

* 1. The external doors of [*name of placement*] are locked and [*name of child*] is not able to leave of [his] / [her] free own will;
	2. There are at least two members of staff on a [*insert*] ratio at all times;
	3. [*Name of child*]’s contact outside the home is supervised by staff at all times;
	4. When travelling by car [*name of child*] is supervised by a minimum of [*insert*] staff members.

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. In depriving [*name of child*] of [his] / [her] liberty, the local authority is directed to use the minimum degree of force or restraint required only in circumstances that these are necessary. 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.

**(Insert other case management directions (including the below, if relevant)**

**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*] is 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*] / [a s. 9 judge], sitting at [*court name*], for a review 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.

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*]