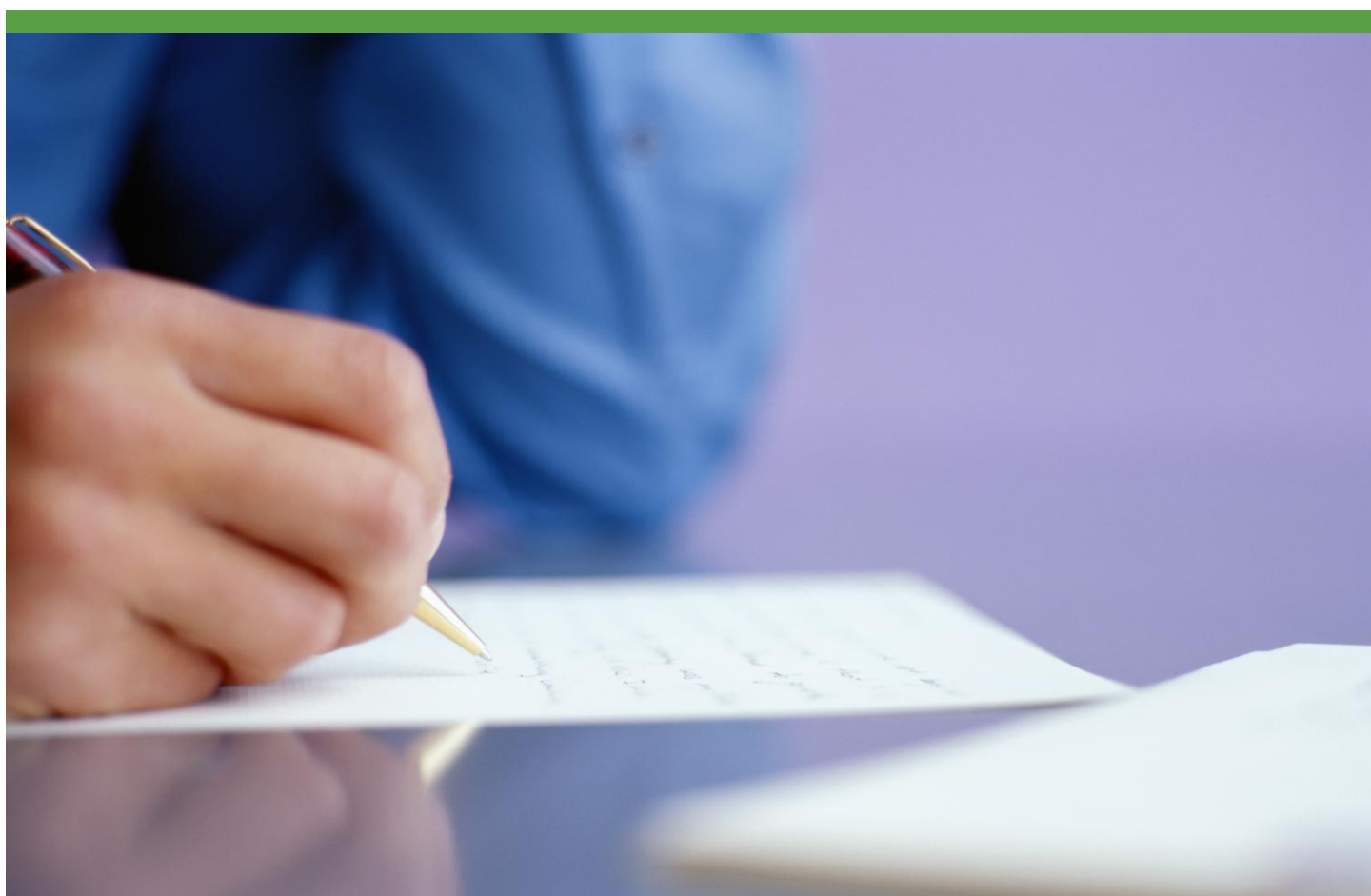


# Delegated Authority for children in foster care or residential settings



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Revised by : Peter Harrell – Improvement Consultant (November 2017)  
Approved by: Michael Bracey (Corporate Director), Cllr Zoe Nolan (Lead Member)

## **Introduction**

It is important that, at the start of every placement of a looked after child, everyone is clear about the boundaries of decision making i.e. what level of decision making has been delegated to the foster carer and which have been retained by the local authority or parents. If this is not agreed and understood at the outset of the placement it can be a source of tension, frustration and conflict possibly leading to placement breakdown so it is important that the process is given due care and attention.

The policy applies to all care staff working in residential settings and to foster carers who care for children and young people in the home environment.

This policy must be considered in the context of the order in which the child is placed and who holds parental responsibility. If the child is placed in accordance with Section 20 of the Children Act 1989, then a greater level of consent will be required than a child placed under Section 31 of the Children Act 1989 where parental responsibility is shared between birth parents and the local authority.

The policy has been produced to

- Promote good practice
- Contribute to the placement planning process
- Comply with the statutory duty to ensure that decisions about the care of looked after children are appropriately delegated and that there is a clear understanding of when consent needs to be obtained in relation of the child or young person's care and from whom.

## **Guiding principles**

- The authority for day to day decision making should be delegated to the child's carer/s unless there is a good reason not to do so;
- The Placement Plan should record who has the authority to take particular decisions about the child or young person. It should also record the reasons why any day to day decision is not delegated to the carer;
- Decisions about delegation of authority should take into account the child or young person's views;
- Consideration should be given as to whether the child or young person is of sufficient age and understanding to take some decisions themselves.
- Delegated authority arrangements should be reviewed on a regular basis to ensure they remain appropriate.
- A Foster Carer or residential key worker never has parental responsibility for any child or young person

## **Legal context**

This document has been developed to comply with:

- The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013;
- Fostering Service: National Minimum Standards 2011;
- The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review;
- The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services.
- The Children Act 1989, Section 2 , 20-23 and 31-34

## **Decision making**

Agreements about the level of delegated authority should be based on good quality assessments of need and risk for the individual child and carer.

Carers should be given relevant support to manage risks so that their child/young person is able to engage in regular activities.

There may be occasions when it is not in the child or young person's best interest for the carer to be responsible for some decisions. For example, if there are individual needs, past experiences or behaviours where day to day decisions may require particular expertise and judgement. In instances like this, foster carers or key workers will need additional support to help them manage the situation and learn for similar situations in the future. The child's social worker must be clear on which areas not to delegate and the process for these decisions to be made in a timely manner. The attached Delegated Authority Support Tool should be used as a framework to aid arrangements for decision making.

It is imperative that social workers maintain close working relationships with parents wherever this is possible by ensuring that parents receive regular information about the everyday care of their child.

If a child or young person goes to a respite carer for example if the primary foster carers are away the aspects of the original delegated consent will need to be reviewed for the respite period.

### **Conclusion**

This policy takes account of government guidance and, in particular, the need to maximise the authority for day to day decision making that is delegated to the carers of looked after children. It is not intended to take the place of the Placement Plan which will take into account the details of the child or young person's individual circumstances.

## Appendix 1

### DELEGATED AUTHORITY - DECISION SUPPORT TOOL

This *Decision Support Tool* is to assist social workers, parents, foster carers and young people to talk to each other about who can make what decision. It can help to prepare for the initial Placement Planning meeting and each subsequent review when the Placement Plan is considered. It is an aid to good practice as it encourages and promotes discussion and it ensures that all parties are clear about the decision making process.

**It does not replace or replicate the Placement Plan which is the legal requirement for this purpose. The required content of the Placement Plan is set out in Schedule 2 of the Care Planning, Placement and Case Review Regulations 2010; relevant statutory guidance is in Chapter 2 of the Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review.**

The Decision Support Tool is supported and explained further in the Fostering Network's Handbook *Supporting Placement Planning*. It is based on consultations which suggest that the areas covered are those where it is particularly important to have clarity. The aims are to ensure that the Placement Plan:

- Is viewed as a living document that can change over time
- Covers all the areas necessary for every child
- Is as clear and inclusive of parents and foster carers as possible

The *Decision Support Tool* is not a definitive list of tasks and responsibilities: over the life of a child's placement with foster carers, other areas will inevitably arise and require clarification and not all of the elements that are included will apply to every young person. In addition to preparing for planning meetings and reviews, its other uses are:

- To assist supervising social workers to prepare fostering applicants for the tasks in foster care and to assess their needs in relation to the *Training, Support and Development Standards for Foster Care*.
- For child care social workers to use with parents who need additional support to understand delegated authority. The leaflet *Information for Parents about Delegated Authority* may also help with this.

Clarifying who is best placed to take everyday decisions depends on many factors: the child or young person's age, views, legal status and care plan, the parents' views and the experience and the views of the foster carer/s or key workers.

The chart indicates who can be delegated authority.

HEALTH	Foster carer/key worker	Social Worker	Team Manager	Service Manager	Director	Notes
Routine health and development checks	Yes					
Consent to urgent medical treatment	Yes					
Consent to routine immunisations		Yes				
Consent to specific immunisations			Yes			

Consent to planned operation/ongoing treatment that requires general anaesthetic including dental treatment				<b>Yes</b>		
Decision in relation to involvement in counselling or therapeutic intervention including educational psychologists assessments		<b>Yes</b>				

<b>EDUCATION</b>	<b>Foster carer/key worker</b>	<b>Social Worker</b>	<b>Team Manager</b>	<b>Service Manager</b>	<b>Director</b>	<b>Notes</b>
Choice and timing of attendance at any type of education provision		<b>Yes</b>				
Non residential off site activities	<b>Yes</b>					
Educational residential trip of one night	<b>Yes (and inform social worker)</b>					
Educational residential trips of more than one night		<b>Yes</b>				
Liaison with school/attendance at school or college meetings/receipt of reports	<b>Yes</b>					

<b>EARLY YEARS</b>	<b>Foster carer/key worker</b>	<b>Social Worker</b>	<b>Team Manager</b>	<b>Service Manager</b>	<b>Director</b>	<b>Notes</b>
Attendance at nursery or preschool provision		<b>Yes</b>				

<b>RELIGION</b>	<b>Foster</b>	<b>Social</b>	<b>Team</b>	<b>Service</b>	<b>Director</b>	<b>Notes</b>
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	<b>carer/key worker</b>	<b>Worker</b>	<b>Manager</b>	<b>Manager</b>		
Involvement of child in regular religious activities		<b>Yes</b>				
Personal faith ceremonies (for example Baptism)	<b>Parent only</b>					

<b>HOLIDAYS AND SOCIAL ACTIVITIES</b>	<b>Foster carer/key worker</b>	<b>Social Worker</b>	<b>Team Manager</b>	<b>Service Manager</b>	<b>Director</b>	<b>Notes</b>
Consent to attendance at recognised social organisations or activities e.g. scouts, guides, youth groups	<b>Yes</b>					
One night stay with friend	<b>Yes</b>					
Extended stay with friend		<b>Yes</b>				
Decision to leave child in care of another responsible adult on a regular basis		<b>Yes</b>				
Agreement for child to take part in adventure activities with the foster family that would require consent	<b>Yes</b>					
Agreement for child to take part in activities that involve risk e.g. rock climbing	<b>Yes (with a copy of the risk assessment)</b>					
Passport application			<b>Yes</b>			
Agreement to take child away from the placement for longer than a weekend		<b>Yes</b>				
Agreement to take child out of the country (no longer than 28 days)				<b>Yes</b>		

<b>CONTACT</b>	<b>Foster</b>	<b>Social</b>	<b>Team</b>	<b>Service</b>	<b>Director</b>	<b>Notes</b>
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	<b>carer/key worker</b>	<b>Worker</b>	<b>Manager</b>	<b>Manager</b>		
Decision of contact arrangements with birth family over and above those already agreed as part of the child's care plan		<b>Yes</b>				
Decision in respect of contact arrangements with previous foster carers		<b>Yes</b>				

<b>OTHER</b>	<b>Foster carer/key worker</b>	<b>Social Worker</b>	<b>Team Manager</b>	<b>Service Manager</b>	<b>Director</b>	<b>Notes</b>
Haircuts – if agreed by parent at Placement Planning then foster carer can arrange	<b>Yes</b>					
Child having a mobile phone	<b>Yes</b>					
Young person involved in part time employment (whilst at school)		<b>Yes</b>				
Child's image being used in the media e.g. newspaper/TV)						<b>Yes</b>
Child using computer/internet	<b>Yes</b>					
Sex education	<b>Yes</b>					