



Delegated Authority Policy

The revised statutory framework for fostering and care planning which came into force in April 2011, and the AFA Foster Carer's Charter, outline the importance of Foster Carers being given permission to make a greater range of decisions in respect of the day to day lives of the young people they care for.

Children and young people say that it is important to them that Foster Carers can take a more active role in decision making, as the previous arrangements made them feel different to children who are not looked after.

The Government has made clear that Foster Carers should have the maximum flexibility to make decisions relating to children in their care. This should be done within the framework of the Care Plan and respecting the wishes and feelings of parents.

Areas of Delegated Authority must be discussed and incorporated into the Placement Plan, which is now part of the Care Plan. It is good practice that this is regularly revised, particularly following any legal status changes or significant changes to a child's Care Plan.

The distribution and balance of responsibilities between parents, Social Workers and Foster Carers must be carefully considered during the initial placement planning process and at every LAC review.

Fostering Network has played a major part in informing practice relating to Delegated Authority. The following is a link to the Fostering Network Delegated Authority Handbook which covers all aspects of decision making for children and young people:

<https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/content/delegated-authority-handbook-2011.pdf>

Placement Plan

Details relating to Placement Plans can be found in the Placement with Foster Carers policy. However, Delegated Authority should be considered as part of the placement planning meeting and a clear record completed to cover areas of importance. For example, decisions regarding overnight stays and medical treatment.

Considering delegation of authority

The Delegated Authority document:

- Is viewed as a living document that can change over time;
- Covers all the areas pertinent to each child; and
- Is as clear and inclusive of parents and Foster Carers as possible.

The document clarifies who is best placed to make everyday decisions and this may be influenced by factors such as the young person's age, views, legal status and Care Plan, the parents' views (or the views of anyone else who holds parental responsibility) and the experience and the views of the Foster Carers. Collaboration and consultation are essential for successful partnership working.

AFA Placement Managers will refer to section 9, 'Guidance on key consents and areas of decision making', as outlined in the Fostering Network Delegated Authority Handbook. This is to ensure as much consistency as possible. Section 9 covers health care, education, leisure and everyday life as well as other areas such as photographs, participation in hazardous activities, sex education, mobile telephones and body piercing.

Some points worth noting regarding Delegated Authority:

- There needs to be transparency in the Placement Plan as to who does what and when. This document should be updated periodically;
- Timely decision making for those decisions that the Foster Carer cannot make;
- The level of delegation should be influenced by the Care Plan;
- Children's and young people's views must be sought and taken into account depending on their age and understanding;
- The wishes and feelings of the Foster Carer must be considered and recorded;
- The Local Authority can only restrict a parent's right to exercise their Parental Responsibility if there is a Care Order in place *and* if it is necessary to do so to safeguard or promote the child's welfare;
- Parents need to be clear as to what has been agreed in relation to Delegated Authority. The legal requirements in terms of good partnership working with the family apply whatever the child's legal status; and
- The functioning of the 'core team' (Social Worker, Foster Carer and Placement Manager) and their role in problem solving and conflict resolution is vital.

Areas where Foster Carers cannot give consent include taking a child abroad, applying for a passport, getting tattoos, giving permission to get married and changing a child's faith.

Delegated Authority is a sensitive subject for many parents and can be contentious. Through ensuring lines of communication are kept open and the professionals involved around the care of the child are clear as to their responsibilities, Delegated Authority can enhance the experience of children in the care system and help them to have a more "normal" childhood. This is a prime motivator for all AFA staff and carers to embrace and make it work.

Legal Framework

The Children Act 1989

Sections 2 to 4A - Parental responsibility.
Sections 20 to 23 - Looked after Children.
Sections 31 to 34 - Care Orders.

The Care Planning, Placement and Case Review (England) Regulations 2010

Regulation 9 and schedule 2 - the Placement Plan.

The Children Act 1989 Statutory Guidance Volume 2: Care Planning, Placement and Case Review (2010)

Chapter 3 - the placement + sections on the Placement Plan and shared responsibilities and consents.

The Children Act 1989 Statutory Guidance Volume 4: Fostering Services

Chapter 3 contains a section on Foster Carers' Delegated Authority and also refers to delegated authority in sections on contact with family and friends; achieving healthy outcomes for Looked after Children; and educational achievement.

The revised National Minimum Standards for Fostering Services (2011)

Standard 6 refers to delegation of decisions about health;
Standard 7 refers to delegation of decision making relating to education, leisure activities, overnight stays, holidays and personal issues such as haircuts;
Standard 9 refers to delegation of decision making about contact.

IRO handbook:

Statutory guidance for Independent Reviewing Officers and Local Authorities on their functions in relation to case management and reviews for Looked after Children (2010)

Further Guidance

Fostering Network Delegated Authority Handbook.

Section 9, 'Guidance on key consents and areas of decision making'

<https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/content/delegated-authority-handbook-2011.pdf>

Connected Policies or Guidance

Name of Policy / Guidance	Relevant for
Placement with Foster Carers Policy	Foster Carers, Placement Managers and Senior staff
Foster Carer's Handbook	Foster Carers and Placement Managers
Safeguarding Policy	Foster Carers and Placement Managers

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