



Delegated Authority Policy

The revised statutory framework for fostering and care planning which came into force in April 2011, and the Foster Carer's Charter, outline the importance of Foster Carers being able to make a greater range of decisions in respect of the day to day lives of the young people they care for. This is in line with the views of children and young people who express the importance of their Foster Carers can take a more active role in this regard as the previous arrangements made them feel different to those children who are not looked after.

Since 1st July 2013 Local Authorities have been required to have a delegated authority policy, which should set out what they are going to do as an authority to make sure young people in their care enjoy as normal a childhood and family life as possible. Areas of delegated authority must be discussed and incorporated into the Placement Plan, which is now part of the 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 review. The ideal is for Foster Carers to have maximum flexibility in making decisions within the context of the framework of the child or young person's Care Plan and respecting the wishes and feelings of parents.

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:

http://www.fostering.net/sites/www.fostering.net/files/resources/good_practice_guidance/delegated_authority_handbook_2011.pdf

The following is a link to a Young's People's guide explaining the delegation of authority to their foster carers:

[Department for Education \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

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 record completed to ensure clarity which is needed with particular regard to decisions such as 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 or young person as an individual.
- is as clear and inclusive of parents and Foster Carers as possible.

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

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
- there should be 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 requirement in terms of good partnership working with the family apply whatever the child's legal status
- the functioning of the 'core team' (social worker, Foster Carer and Placement Manager and its 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, giving permission to get a tattoo, to get married and to a child's faith.

Delegated Authority is a sensitive subject for many parents and can be contentious. By ensuring lines of communication are kept open and the professionals involved with the care of the child and young people are clear as to their responsibilities, Delegated Authority can enhance the experience of those in the care system, helping 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 Carers Handbook	Foster Carers and Placement Managers
Safeguarding Policy	Foster Carers and Placement Managers

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