



## **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 Parents being able to make a greater range of decisions in respect of the day to day lives of those they care for. This is in line with the views of children and young people who wish for their Foster Parents to 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 1<sup>st</sup> July 2013 Local Authorities have been required to have a Delegated Authority Policy, which should set out what they are going to do to make sure those in their care enjoy as normal a childhood and family life as possible. Areas of delegated authority must be discussed and incorporated into the Care Arrangement Plan (aka Placement Plan), which is now part of the Care Plan.

The distribution and balance of responsibilities between Parents, Social Workers and Foster Parents must be carefully considered during the initial care arrangement planning process and at every review. The ideal is for Foster Parents to have maximum flexibility in making decisions within the context of the framework of the Care Plan while respecting the wishes and feelings of Parents.

The Fostering Network has played a major part in informing practice relating to delegated authority. The following are links to their information, Handbook and relevant tools which cover all aspects of decision making for children and young people:

[Handbook cover.indd \(thefosteringnetwork.org.uk\)](#)

[Delegated authority | The Fostering Network](#)

[DELEGATED RESPONSIBILITY \(thefosteringnetwork.org.uk\)](#)

The following is a link to a the DfE's guide explaining, for young people, the delegation of authority to their Foster Parents:

[Department for Education \(publishing.service.gov.uk\)](#)

### **Care Arrangement Plan (aka Placement Plan)**

Details relating to Care Arrangement Plans can be found in the Care Arrangements with Foster Parents Policy. However, Delegated Authority should be considered as part of the Care Arrangement Planning Meeting and a record completed to ensure there is clarity 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 children or young people as individuals.
- is as clear and inclusive of Parents and Foster Parents as possible.

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

To ensure consistency as possible, AFA Fostering Social Workers will refer to the guidance at Section 9 of the Fostering Network Delegated Authority Handbook which relates to key consents and areas of decision making. This Section 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 are:

- There needs to be transparency in the Care Arrangement Plan as to who does what and when.
- There should be timely agreement about those decisions that Foster Parent cannot make, for instance to take a child abroad, applying for a passport, giving permission to get a tattoo, to get married and with regards to a child's faith.
- The level of delegation should be influenced by the Care Plan.
- The views of children and young people must be sought and taken into account depending on their age and understanding.
- The wishes and feelings of Foster Parents 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', that is the Social Worker, Foster Parent and Fostering Social Worker, and its role in problem solving and conflict resolution is vital.

Delegated Authority is a sensitive subject for many Parents and can be contentious. However, by ensuring lines of communication are kept open and that professionals involved with the care of the child and young people are clear as to their responsibilities, it 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 Foster Parents to embrace.

### Legal Framework

<b>The Children Act 1989</b>	Sections 2 to 4A - Parental Responsibility. Sections 20 to 23 - Looked After Children. Sections 31 to 34 - Care Orders.
<b>The 2010 Care Planning, Placement and Case Review (England) Regulations</b>	Regulation 9 and schedule 2 - The Placement Plan.
<b>The Children Act 1989 Statutory Guidance Volume 2: Care Planning, Placement and Case Review (2010)</b>	Chapter 3 - sections on the Placement Plan and shared responsibilities and consents.
<b>The Children Act 1989</b>	Chapter 3 contains a section on Foster Parents'

<b>Statutory Guidance Volume 4: Fostering Services</b>	delegated authority and also refers to this in sections on family time with family and friends; achieving healthy outcomes for those looked after; and educational achievement.
<b>The revised National Minimum Standards for Fostering Services (2011)</b>	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 family time.
<b>IRO handbook:</b>	Statutory guidance for Independent Reviewing Officers and Local Authorities on their functions in relation to case management and reviews for children looked after (2010)
<b>Further Guidance</b>	Fostering Network Delegated Authority Handbook. Section 9, 'Guidance on key consents and areas of decision making'.

### Connected Policies or guidance

<b>Name of policy / Guidance</b>	<b>Relevant for</b>
Care Arrangement with Foster Parents Policy	Foster Parents, Fostering Social Workers and Senior staff
Foster Parents Handbook	Foster Parents and Fostering Social Workers
Safeguarding Policy	Foster Parents and Fostering Social Workers

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