

Practice Guidance: Delegated Authority to Foster Carers

1.1 Foster carers say that they are often uncertain about who makes the decisions about everyday activities for the young people they care for and, sometimes, supervising and child care social workers are not sure either. Foster carers, in their own right, do not have a legal status to make decisions and **delegated authority** is the term used for all the responsibilities, consents and decisions that foster carers are authorised to undertake on behalf of a young person's birth parents (if they are the sole holders of parental responsibility) or the birth parents and the local authority (if parental responsibility is shared). Holders of parental responsibility can delegate authority to foster carers to make decisions but parental responsibility, in itself, cannot be delegated.

1.2 The Government is very keen for foster carers to be authorised to make as many everyday decisions as possible, where it is consistent with the young person's care plan to do so. The Government wants to ensure that a fostered young person's life feels more natural. Foster carers have different levels of expertise and experience and it would neither be safe nor appropriate for Nottinghamshire to have a "one size fits all" position on delegated authority. Delegated authority means having discussions at planning meetings and reviews about the **quality** of a young person's everyday life. Things change over time and what might be safe and appropriate for a seven year old, when s/he is placed with foster carers, may not be appropriate when he is twelve.

1.3 Everyday activities require everyday decisions and it is important that those with parental responsibility are **clear about the responsibilities, consents and decisions that are delegated to foster carers**. Activities such as allowing a young person to go a friend's house for a sleepover or signing a consent form for a school trip or making arrangements for a haircut are all everyday activities that should be discussed at planning and review meetings.

1.4 Appendix A is the tool that should be used, at planning meetings and at reviews, to record the responsibilities, consents and decisions that are delegated to the foster carer. (This tool can be found in **Documents** on the young person's Frameworki records). This tool does not replicate or replace the placement plan which is the key document and legal requirement for recording who is responsible for consents and decisions (Regulation 9; Schedule 2; Care Planning, Placement and Case Review Regulations 2010)

1.5 The placement planning meeting is the forum to share information and to sort out who does what when a young person is placed in foster care. Birth parents, foster carers and fostered young people (subject to their age and understanding) should attend a placement planning meeting. Ideally, a placement planning meeting should take place prior to placement but, where this is not possible, one should take place no more than **three** days after the foster placement has been made. The placement planning meeting should be

chaired by the young person's team manager. Birth parents should be given all the information they need to reach a decision about the delegation of authority and should be kept informed about decisions made about their child.

1.6 This Practice Guidance should be read in conjunction with the following policies: 1.5.13 (Consent to Placement and Medicals); 6.4 (Contact and Overnights Stays; Ofsted Letter to Director 2009); 6.5 (Education, School Trips and Holidays); 6.7 (Change of Name/ Marriage of Looked After Child).