



## **Making Placements – Matching Children to Fostering Households**

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## **1. Introduction and Legal Framework**

The Fostering Regulations 2011, Fostering Services Statutory Guidance 2011 and the Fostering Minimum Standards 2011 all emphasise the importance of matching children and young people with foster carers who can meet their assessed needs.

Regulation 11 of the Fostering Regulations sets out the duty to secure welfare

The registered person must ensure:

“the welfare of children placed or to be placed with foster carers is safeguarded and promoted at all times”

and that before making any decision to place due consideration should be given to

“the child’s wishes and feelings (having regard to the child’s age and understanding) and religious persuasion, racial origin and culture and linguistic background.”

Standard 15 of the National Minimum Standards sets out the minimum requirements that the fostering service should consider when considering an appropriate match, ensuring it is capable of meeting the child or young person’s needs and is consistent with their wishes and feelings, and is likely to maximise the likelihood of a stable placement.

This policy sets out how Worcestershire Fostering (WF) seeks to meet the requirements and ensure children are healthy, happy and safe. It covers the range of placements from placement with family and friends to non-related carers (referred to as mainstream carers) in an emergency, short term or long-term.

This policy should be read alongside WF’s

### **Smoking and Vaping Policy**

### **Bedroom Sharing Policy**

and they should be taken into consideration when making placements.

## **2. Placement with Mainstream Carers**

As part of their assessment, discussion will have taken place on what foster carers and their household are offering in terms of numbers, age, and gender. This will be annually reviewed and will take into consideration other members of the fostering household and how their needs may impact on any birth child or other young person placed.

The foster carers terms of approval will not cover everything that is required when considering an appropriate match. The fostering service needs to take into consideration the experience of the foster carers, any particular skills the foster carers have and the outcomes for children previously placed with them.

Considerations should also be given to;

- The wishes and feelings of the child or young person to be placed and their family
- Whether the fostering household will be able to meet the child or young person's culture and religious needs or any needs arising out of disability, sexual orientation or ethnicity
- Whether the geographical location of the fostering household will allow the child or young person to maintain the school, college or training placement and family and community ties while keeping children and young people safe.

### 2.1 Other Children in Placement

When seeking to place for a child or young person, consideration will be given to other looked after children already in placement. Their views and the views of their allocated social worker should be sought if possible before a decision is made to place another child or young person.

### 2.2 Foster Carers' Profile

During the assessment process foster carers will have been asked to create a "Welcome Booklet" that introduces them and their household, describes a typical day and looks at their role as foster carers. These will be shared with children when WF is considering placing a child in a fostering household.

### 2.3 Procedure for placing children with foster carers on a short term or same day basis

The child's social worker will have completed a Placement Request Form (PRF) and sent this to Worcestershire County Council (WCC) Placements and Resources team. As the inhouse fostering service for WCC, this will be forward to WF. WF's Placement team will consider the referral. The team consists of:

Duty Team Manager

Duty Social Worker

Business Support Officer

Any decision to place a child with a foster carer is a social work decision and agreement to the placement will be given by the Duty Team Manager.

WF will consider all the information available and look to see if there are any appropriate matches. It is important that the child's social worker shares all information that they have on the child and that this in turn is given to the foster carers. This allows the foster carers to carry out their role effectively and ensure that they can provide a safe and caring environment that meets the needs of the child. It enables them to keep the child, other children in the household and themselves safe. Where there is any gap in the information this will be

followed up by WF. WF recognises that some information may not be known at the time of placement, but it expects the child's social worker to share any new information with WF and the foster carer as soon as possible.

The PRF should, if possible, set out the possible duration of the placement and this will be taken into consideration when considering whether WF have any suitable placements.

WF will only suggest foster carers to WCC as a potential match if the foster carer can reasonably be expected to meet the child or young person's assessed needs as known at the time. Where there are some gaps in the foster carers experience or skills, but the foster carers could still be expected to meet the child or young person's assessed needs, WF will ensure that additional support is available to enable them to offer a placement for the child or young person.

The Duty Social Worker will discuss details of the request for a placement with the foster carer and where possible their supervising social worker. If the Duty SW and SSW are in agreement that the foster carer could offer the child or young person a placement, this will then be discussed and agreed with the Duty Team Manager.

WF will complete a matching form for each fostering household it considers could offer the child or young person a placement and return these to WCC Placement and Resources team. These will set out how foster carers will meet the assessed needs of the child and young person. Foster Carers profiles should also be sent so that they can be shared by the child's SW with the child or young person.

The Duty Social Worker or the supervising social worker and the foster carer will be available for any further discussion necessary before deciding on whether to place.

Where the child or young person's social worker has assessed that siblings need to be placed together, WF will seek to find an appropriate fostering household. In some cases, WF may not be able to provide this and placements may be sought with other agencies.

If this is a planned short term placement, where ever possible, a programme of introductions should be drawn up which allows the child or young person and their family, as appropriate, to meet the foster carers and for the child or young person to see where they are going to be living.

Where no suitable fostering households within WF are identified, this should be referred to the Registered Manager for Fostering who will review and confirm with WCC Placement and Resource team that we have no suitable fostering households available.

## 2.4 Placement Plus Placements

Placement Plus provides placements for children stepping down from residential or to preventing admission to residential. Worcestershire County Council's (WCC) Resource panel will decide which children should be referred to the scheme. A Placement Request Form will be completed and considered by the Placement Plus supervising social worker and the team manager with responsibility for Placement Plus. If a Placement Plus foster carer is identified, a matching meeting will take place which will involve the child's social worker and the Placement Plus foster carer to discuss the match and if agreed, look at a plan of introductions and what support will be needed for both the foster carer and the child.

## 2.5 Parent and Child Placements

WF's Placement and Resources team will forward the Placement Request Form for any parent and child placement. WF's placement team will need to ensure that the legal status of both the parent and the child are confirmed. This could include:

- ↗ both parent and child being looked after
- ↗ child being looked after but parent over 18 years of age or not looked after
- ↗ parent being looked after but child not looked after

If both the parent (under the age of 18) and child are Looked After Children, both will be regarded as individual foster placements and count towards the usual fostering limit. It is also possible that looked after status will only apply to either the child or the parent. In whichever circumstance, it will be necessary to clarify the respective roles of the foster carer and the parent in relation to the child and this should be further explored in the Placement Meeting.

Fostering Regulations make it clear that a person who is living with a foster carer as part of a parent and child arrangement is a member of the foster carer's household for the purposes of these Fostering Regs. This will mean for example if the parent is not looked after or over 16 years of age a DBS check will be required although the placement can commence before this is received.

As with any placement WF will look at whether they have 'in house' foster carers available who are approved to offer parent and child placements and have the relevant experience, skills and knowledge. It will consider the needs of both the child and parent and the role that the foster carer is being asked to undertake.

Annex B of the Statutory Guidance on fostering provides a fuller explanation of matters relating to arrangements for parents and children living with foster carers in different circumstances.

### 2.6 Respite Placements – Children Living at home

These will follow the same process as requests for short term or same day placements with a PRF being sent through from WF's Placement and Resource team.

### 2.7 Respite Placements – Children placed with WF foster carers

Where a need for a respite placement has been identified WF will whenever possible place the child with a WF carer. Consideration will be given to whether the foster carer and child are already known to each other, whether the foster carer can offer ongoing respite if this is requested and the ability of the carer to meet the needs of the child while on respite.

### 2.8 Temporary Change of Approval

In some circumstances a temporary change of approval may be needed to allow a foster carer to offer a placement to a child or young person outside their approval criteria. For example, to allow a foster carer to offer a placement to a sibling group where one child is outside their age range.

The Fostering Services Regulations 2011 were amended in 2013, so that in cases where the only change is to the terms of approval these can be agreed by the ADM without reference to the fostering panel on the understanding that the fostering service:

- ↗ provide a statement setting out whether the fostering service provider considers that the foster parent or members of the foster parent's household (including any children placed there) may have additional support needs as a result of the proposed revision and, if so, how those needs will be met, and
- ↗ request the foster parent's agreement in writing to the proposed revision of terms.

If the foster carer agrees to the change it is possible to implement the change of approval immediately.

If after six working days, the terms of approval have not been changed the placement must be terminated.

The supervising/duty social worker should complete the Temporary Change of Approval form and ensure that the foster carer is happy with the proposed change. If the placement is to last more than 6 days the foster carers agreement should be sought in writing.

Once agreed by the ADM the foster carers should be informed in writing and a new Notification of Approval sent.

It is WF's policy that all changes to a foster carers approval whether for less than or more than 6 days, should be notified to the fostering panel to allow them to have oversight of the process.

### 2.9 Process for Exemption

Where an exemption is required to allow the foster carer to foster above the usual fostering limit (3 children unless they are all siblings) the Duty Social Worker\Supervising Social Worker will discuss this with the relevant Team Manger and will complete the request for an exemption. This will be sent to the on call Assistant Director (AD) . This request should set out how the foster carers are going to meet the assessed needs of children in placement and what additional support will be provided.

When considering whether to grant an exemption, the AD will consider:

- ↗ the total number of children who may be in the placement during the exemption period;
- ↗ the arrangements which the person proposes for the care and accommodation of the fostered children;
- ↗ the intended and likely relationship between the person and the fostered children;
- ↗ the period of time for which the exemption is required and
- ↗ whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.

Foster carers should be notified in writing, naming each of the children who may be fostered and any conditions to which the exemption is subject.

The Registered Manager should also be informed that an exemption is being requested and the outcome of the request. The Registered Manager will report on the use of exemptions in their quarterly report to WF's management board.

### 2.10 Emergency placements out of office hours

WF provides the Emergency Duty Team (EDT) with a list of fostering households with vacancies who are able to offer emergency placements to children out of office hours. The Team Manager for EDT is able to contact the on call Assistant director to agree temporary changes of approval and exemptions for foster carers as long as they are happy that the foster carers will be able to meet the child or young person's needs as well as the needs of any other child or young person already placed.



When a child has been placed in an emergency out of hours, WF will request a Placement Request Form on the next working day following placement. WF recognises that when placing a child and young person in an emergency, out of hours EDT may not have access to all the information available. As the child is likely to be becoming Looked After at a point of crisis, it may not be possible to gather all the information from the child's family. It is important that WF obtains that information as soon as possible to assess whether the foster carer with whom the child or young person has been placed can continue to meet their assessed needs.

WF will not move a child or young person if it is an appropriate match and the foster carer is able to meet the assessed needs of the child or young person. WF recognises that foster carers who may be able to meet the needs of a child or young person in an emergency may not be the most suitable placement for the short term and in those situations an alternative placement will be sought.

### **3. Permanency- Long Term Fostering**

The Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015 emphasises long term foster care as an important route to permanence.

It requires Local Authorities to have a proper planning process that ensures that the placement meets the needs of the child and that the carer (either the existing carer or new carer) has the capacity and can and will be supported where necessary to meet the child and young person present and future needs.

The foster carer needs to understand and explicitly agree that the plan is for long term foster care and this discussion should be clearly recorded on the child or young person's record.

If the child or young person's current foster carer wishes to be considered as the long term placement option and WF does not agree this it is appropriate, the child should be informed where their age and understanding permits and the carer should be told in writing.

#### **3.1 Identification of long term family**

When children looked after by WF on behalf of the LA have a plan for permanency through long term fostering, the child's social worker will discuss whether the current placement is a suitable option for permanency with their team manager. This discussion will take into consideration the views of the child and their family, foster carer and the Independent Reviewing Officer (IRO). When there is agreement that this is a placement which can meet the assessed needs of the child, this will be discussed with the Group Manager, who in

consultation with their Assistant Director, will agree that there is no need for further family finding for the child and that the present arrangement should proceed to matching.

Funding for the length of the placement is agreed in principle subject to a match being agreed.

As the inhouse provision for WCC is WF, children's profiles will be circulated to WF carers before being sent to other agencies. A clear timescale will be set to avoid any delay. There may be times when because of the complex needs of the child the profile goes out to all agencies at the same time. This should be discussed at the service request meeting.

The child's social worker and Team Manager will consider any responses and decide whether they wish to take them any further. WF's Family finder can assist with this and is available to undertake joint visits to any viable options.

Once a family is identified the process set out above should be followed with the Team Manager discussing the match with their Group Manager and the Group Manager in consultation agreeing that this is a viable option which should proceed to matching, with funding agreed in principle.

### 3.2 Matching

The matching report template should be completed by the child's social worker and the supervising social worker for the foster carers being put forward.

The report sets out the assessed needs of the child and as far as possible any future needs. The report also sets out the experience, skills and knowledge of the foster carers. It is important this report should demonstrate how the carer and their household will be able to meet the assessed and future needs of the child.

As this is about permanency for the child, the Staying Put scheme should also be discussed with the foster carer.

The support that is to be provided to the child and foster carers should be clearly identified. Any gaps in the foster carers' experience, skills and knowledge should be identified and what support or training is to be put in placement to mitigate against these.

Once the matching report has been completed this will be sent to the Business Support Officer (BSO) with responsibility for tracking long term matches. The BSO will then send to an Assistant Director (AD) of WCC. This will be a different AD from the one who was involved at the identification stage to allow for better scrutiny of the proposed match.

The AD will complete the decision template setting out the reasons for agreeing the placement and what support will be available to the child and the carers. This will be returned to the BSO who will complete the long term match episode on Liquid logic (WCC database) and upload the documents onto the child's file. The BSO will also send out a letter to the foster carers confirming the match and attaching the decision template.

If the AD does not agree the match the foster carers will be informed verbally and in writing, explaining the reasons that the match was not agreed, and this will also be explained to the child.

The AD may ask for additional information or a specific piece of work to be undertaken with the child, foster carers or both and there will be no need for further family finding. Where there is a need for further family finding an initial service request meeting should be held if this has not already happened or a review meeting to look at what further steps are needed to identify a suitable family.

### 3.3 Introductions and Moving in

Where the child is not already placed there is a judgement to be made about when introductions should commence and when the child should move into their new family.

This needs to be done on an individual basis and through discussion between the child's social worker, their Team Manager, Group Manager and the fostering service. It needs to balance the risk of moving a child to a placement where they are not yet matched to waiting for a match before beginning introductions and therefore building in delay. However, the risk here is the child moving in and then there are professional concerns that it is not a suitable match. The discussion needs to focus on the information available and the strength of the identified match.

Whatever the plan, there needs to be a clear schedule of introductions where the child and carers have time to get to know each other and are given time to consider whether they are happy to continue.

### 3.4 Review of Placement

The child's statutory (LAC) Review will continue to monitor the child's placement. The child's social worker will undertake statutory visits at a minimum of once every 12 weeks. Any proposal to increase the timescale between visits should be discussed in line with the guidance set out in The Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015 at the child's Review, and referred to the relevant Assistant Director.

## 4. Family and Friends Foster Carers

The initial process for placing children with Family and Friends carers is different to that of placing with mainstream carers. While mainstream carers are approved for a range of children, family and friends foster carers will have been assessed and approved for a specific child. Part of the assessment process will have been to look at the ability of the prospective carers to safeguard the child and meet their assessed needs both now and in the future. The fostering panel and the Agency Decision Maker (ADM) in reaching their decisions will have taken into consideration whether, with the right support, the family and friends can offer a short term or a long term placement to the specific child. There is therefore no need for the child's social worker to complete a Placement Request Form or refer the child to WCC's Placements and Resources team.

Where a child is placed with family and friend carers under Regulation 24, which temporarily approves the family or household as foster carers, the social worker completing the suitability report, if positive, is, recommending to the ADM that this is a suitable placement for the child pending full assessment.

For more information on the assessment of family and friends carers please see WF's **Assessment of Connected People and Approval of Family and Friends Foster Carers.**

Once the placement of a child has been agreed the procedure that is followed is the same as the procedure for children placed with mainstream carers and is set out below.

## 5. Placement Meetings

All Looked after Children are required to have a Placement Plan, which forms part of their overarching Care Plan and this will be drawn up at the Placement Meeting. Regulations 9 of the Care Planning Regulations sets out the timescale for these. They should happen whenever possible before the child is placed as part of the introductions but if this has not happened then the meeting must take place within 5 working days of the child being placed.

### 5.1 Convening Placement Meetings

The Placement meeting should be booked in conjunction with the child's social worker. WF expects the supervising social worker to ensure that this happens prior to placement or within five working days of the child being placed.

The foster carer's supervising social worker in discussion with the child's social worker, should consider who needs to attend these meetings. The normal expectation would be:

↗ the foster carer

- ↗ the foster carer's supervising social worker or duty worker if the foster carers own worker is not available
- ↗ the child's social worker
- ↗ The child's parents or any one else with PR. Children's parents should continue to be involved with the planning for their children when they become looked after. Parents may also have important information about their child to share with foster carers which may help the child to settled in the foster home. Where there are identified risks to the parents attending the placement meeting the supervising social worker should discuss with the child's social worker how the parent's wishes will be reported to the meeting.

**Please note that when the child is accommodated under Section 20 (at the request of the parents) the parent remains the decision makers for their child.**

- ↗ The child if of appropriate age and understanding
- ↗ Any other relevant agency

Many parents will be reassured by meeting foster carers and seeing where their child is going to live, and Placement Meetings should normally take place at the foster carers' home. If parents are invited and there is an identified risk to them attending the foster carers' home, discussion with the child's social worker should consider, holding the meeting elsewhere so that parents can still contribute to the Placement Plan.

WF expects the foster carers supervising social worker to chair the Placement Meetings to ensure that all information is shared and all areas for discussion set out below are covered.

The Placement meeting will focus on 3 main areas:

- ↗ The Placement Plan
- ↗ Delegated Authority
- ↗ Safer Caring\Individual Risk Assessments.

## 5.2 Placement Plans

An effective Placement Plan should set out all the information available on the child including their health, educational, emotional and behavioural needs, how these affect the child and how the foster carers will respond to meet these. It should set out how on a day-to-day basis the child will be cared for by the foster carers and their welfare safeguarded and promoted. In additional it will look at the arrangements for matters such as family time (contact), medical care, education/training, as well as the contact details of the child or young person's social worker and the IRO.

The placement plan should record who has the authority to take particular decisions about the child, and the information recorded on the Delegated Authority Tool (document). The carer must be given a copy of this document during, or as soon as possible, after the meeting. Day to day decisions that can be taken by the foster carers should also record, as well as the reasons why any day to day decision is not delegated to the child's foster carers. For more information please see section below on Delegated Authority.

Foster carers should familiarise themselves with WF policies which set out the expectation of foster carers, and the support available, as these are areas which will be covered in the Placement Plan:

### **Promoting the Education of Looked after Children**

### **Promoting the Health and Wellbeing of Looked after Children**

Once completed the foster carer should receive a signed copy of the child's Placement Plan and a copy will be retained on the foster carer's file.

It is the responsibility of the child's social worker to complete the Placement Plan, but it is the responsibility of the supervising social worker to ensure that the foster carer receives this in a timely way and escalate through their line manager if this does not happen.

## 5.3 Delegated Authority

Since 1st April 2011 the law has required local authorities to ensure that the placement plan should set out the specifics of any arrangements for the delegation of authority to foster carers.

The Amendments to the Children Act 1989 (July 2013) section on Delegated Authority included the following requirements:

- ↗ Authority for decision making about a Looked after Child should be delegated to the child's foster carer unless there is a valid reason not to do so
- ↗ A child's placement plan should record who has the authority to take particular decisions about a child. It should also record the reasons where any day to day decision making is **not** delegated to the child's foster carer.
- ↗ Decisions about delegated authority should take the child's view into account subject to their age and understanding.
- ↗ Consideration should be given as to whether the child is of sufficient age and understanding to take some decision themselves.

WF use the Delegated Authority Decision Support Tool (document) is to assist social workers, parents, foster carers and young people to talk to each other about delegated authority. It is an aide to good practice in working with delegated authority. **It does not replace or replicate the Placement Plan which is a legal requirement.**

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 in the decision support tool will apply to every young person.

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

The Decision Support Tool should be completed at the Placement Meeting and a signed copy given to the foster carers. A copy should also be uploaded by the supervising social worker onto the foster carer's file. As with the placement plan it is the responsibility of the supervising social worker to ensure that carers have a copy of the Decision Support Tool and should escalate to their team manager if there is an issue with obtaining this.

If a foster carer is unsure whether they have the authority to make a decision, they should check with their supervising social worker or the child's social worker.

Frequently asked question for Foster Carers on Delegated Authority is attached. (Appendix 1)

#### 5.4 Safer Caring/Individual Risk Assessments

Each fostering household will have developed a household Safer Caring policy as part of their fostering assessment. When a child is placed it is important that using this as a basis, an individual Safer Caring\Individual Risk Assessment plan is drawn up which looks at the individual needs of the children and young people any risks they may face and whether they are a risk to themselves and others.

The Safer Caring\Individual Risk Assessment should set out the strategies that foster carers will put in place to manage risk. These need to be proportionate to the assessed risk and the aim should be to reduce the risk. As such the Safer Caring\Individual Risk Assessment should be revisited on a regular basis with the foster carer in supervision, in preparation for the child's review and at any time that new or increasing risk is identified. Where there is no longer a risk, for example the child is no longer going missing it is important to recognise this and celebrated with the child.

For more information on Safer Caring\Individual Risk Assessments please refer to WF's **Safer Caring for Foster Carers**.

## **6. Post Placement**

### 6.1 Visits - Supervising Social Worker

The foster carer's supervising social worker will visit and support the placement on a regular agreed schedule. The expectation is that foster carers will have face to face contact with their supervising social worker on a monthly basis, with formal supervision every 3 months unless otherwise agreed.

For more information please see WF's **Post Approval Supervision and Support to Foster Carers**.

### 6.2 Visits - Child's Social Worker

There are legal requirements with regards to visits by the child's social worker to the child. These include frequency of visits and the requirement that the social worker should see the child or young person on their own, for at least part of the visit unless the child refuses or the social worker considers that it is inappropriate. The foster carer should support the child to prepare for visits and help them to think of any questions they have for their social worker or anything that they want to tell them. The social worker is likely to want to see the child with the foster carer so that there is a 3-way discussion on how things are going, and they can observe the relationship between the foster carer and child. They may also wish to speak to the foster carer alone.

For children in foster care (not with temporary approved foster carers) their social worker should visit them within one week of the start of any new placement, whether or not it is the child's first placement.

After this time the child must be visited at intervals of not more than every six weeks for the first year of the placement. In subsequent years the minimum 6 weekly visiting should continue unless the placement has been formally agreed as permanent which is intended to last until the child is 18 years of age. In these circumstances the legal requirement allows for the intervals between visits in the second and subsequent years to be no longer than every 12 weeks.

These timescales are minimum timescales and more frequent visiting can take place or be requested.



Where the child has been placed under Regulation 24 and their carers temporarily approved, their social worker should visit at least weekly until the time of the first review. After this, visits should take place at not more than four weekly intervals until the carer is approved.

### 6.3 Visits – Others

There are a number of other professionals who may wish to visit the child in the foster home. This includes Independent Reviewing Officer (IRO), Health Visitors and if the child is subject to proceedings, the child's Guardian. If foster carers are unsure about who someone is, or their role with the child in placement, they should ask their supervising social worker or the child's social worker.

### 6.4 Meetings - Statutory reviews for children

All children and young people who are looked after have a Care Plan which is reviewed by their IRO. Time scales for reviews are as follows:

- ↗ 1st Review – within 20 working days of the child becoming looked after
- ↗ 2nd Review – within 3 months of the first review
- ↗ 3rd and subsequent reviews take place every 6 months.

Foster carers are expected to attend these meetings and report on how the child placed with them is doing. The purpose of the review is to monitor the progress in achieving the outcomes set out in the child's care plan and to make decisions to amend if necessary. There cannot be any significant changes to the care plan unless it has been considered at a review unless this is not practicable, and then the IRO should be consulted.

### 6.5 Meetings - Personal Education Plans (PEP)

Every child in care from the end of the first full term after age 3 years up to, but not including, age 18, must have a Personal Education Plan. This is part of the Care Plan that is reviewed through the statutory process by the IRO. The child's social worker has responsibility for setting up the PEP meeting and this will normally take place at the child's education setting. Foster carers are expected to attend and contribute to the child's educational plan. The plan may have specific actions for the foster carers and their supervising social worker will discuss these with them during supervision. The Virtual School has responsibility for monitoring and supporting the education of looked after children. They offer training to WF foster carers and the details of this can be found in the Training Programme. In addition to this the Virtual School can offer advice to carers on individual children and contact details can be found in the Foster Carer set up box and Useful Contacts in the foster carer handbook.

## 6.6 Other meetings

There are a range of other meetings that foster carers may be expected to go to as a foster carer, these can include:

- ↗ multi-agency meetings
- ↗ meetings with the social workers
- ↗ meeting with the Health and Wellbeing Team (ISL)
- ↗ meeting with school

If foster carers are asked to attend a meeting and they are unsure what their role is, they should discuss it with their supervising social worker.

## 6.7 Health

If a child is becoming looked after and this is their first placement, they will also need an initial health assessment. For details of the procedure for this and other information on promoting the health of looked after children please see WF Policy on **Promoting the Health and Wellbeing of Looked after Children**.

## **Appendix 1**

### **Frequently Asked (Legal) Questions about Delegated Authority For foster carers:**

#### **1 What is parental responsibility (PR)?**

- Parental responsibility (PR) is defined in law as: 'All the rights, duties, powers, responsibilities and authority, which by law a parent of a child has in relation to the child and his property'.
- This means that a person with parental responsibility is responsible for the care and wellbeing of the child and, unless a court order says something different, that person, and anyone else that also has parental responsibility, can make important decisions about the child's life (subject to important exceptions)

#### **2 Who has PR?**

- A child's foster carer never has PR.
- The child's mother has PR from birth.
- The child's father, if married to the mother at the time of the child's birth, has PR.
- Where a child's father was not married to the mother at birth, he can acquire PR if he subsequently marries the mother or:

- *he becomes registered on the birth certificate as the child's father (for a child born after December 2003)*
- *he and the child's mother make a parental responsibility agreement providing for him to have PR for the child*
- *the court makes a parental responsibility order in favour of the father.*
- The local authority also has PR if the child is subject to a Care Order, Interim Care Order or Emergency Protection Order.

Note that when a child is accommodated by agreement (s20 CA1989), the parents (and others with PR) retain their PR and the local authority does not have PR.

- A person with a Child Arrangement Order or Special Guardianship Order from the court has PR.
- Prospective adopters who have a child formally placed with them for adoption by the court have PR, although the adoption agency may restrict their exercise of PR.
- An adoption agency has PR throughout the time that a child is authorised to be placed for adoption.
- Adoptive parents have PR and the birth parents cease to have PR from the moment the adoption order is made.
- A step-parent or civil partner may obtain PR by agreement with all the people who have PR, or via a Court Order.
- A guardian who is appointed after the death of a parent or other person with PR has PR, provided the proper legal formalities have been followed.
- A second female parent can acquire PR in a similar way to an unmarried father.

### **3 Can anybody else share PR with the parent(s)?**

- PR can be shared by more than one person at the same time.
- In certain situations, one party with PR may limit the other holder's exercise of their PR.
- When a child is in care under a care or emergency protection order, the parent retains their PR but the local authority also has it and may limit the extent to which the parent (or others with PR) may exercise their PR.

● When there is a Special Guardianship Order in force, the special guardian can, for the most part, exercise PR to the exclusion of anyone else with PR (apart from another special guardian) – although parents/others with PR could still apply to challenge a special guardian's decision about the child in court.

● When a child is placed for adoption the parent and the prospective adopters have PR in certain circumstances, but the adoption agency can limit the extent to which either may exercise their PR.

#### **4 What does it mean to delegate authority?**

● A person with PR may not surrender or transfer any part of it to another person; however, a person who has PR may arrange for all or some of their responsibilities to be met in certain circumstances by someone else (including someone else who also has PR for the child). This is called 'delegating authority' and may be given for a particular event or arrangement (such as a medical appointment or a school trip).

● *The law also says that the person who does not have PR for a child but has care of the child (e.g. a foster carer) may 'do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare'. This means that in an emergency, if no agreement has been made about what to do, the foster carer may do what is 'reasonable' in order to safeguard the child. Statutory guidance states that what is reasonable will depend upon the urgency of the situation and how practical it is to consult a person with PR.*

● Foster carers often find they need the authority to make certain day-to-day decisions, such as whether the child they are caring for is allowed to stay overnight with a particular friend, or whether she or he can go on a school trip.

The Children Act 1989 Volume 2 Statutory Guidance on Care Planning, Placement and Case Review, which came into force on 1 April 2011, requires local authorities to ensure that the placement plan, which sets out the arrangements for the child to live with and be cared for by the foster carers, specifies any arrangements for the delegation of authority from the parents to the local authority. This should include any arrangements for further delegation from the local authority to the foster carer.

**Amendments to the Children Act 1989. (July 2013)** gave further authority for decision making about a LAC to be delegated to the child's carer unless there is a valid reason not to do so

The placement plan should help the foster carer understand what decisions they can make. Where there are issues that a foster carer believes it would be in the child's interests for them to decide, and these are not covered in the placement plan, then the foster carer should discuss this with the child's social worker during the statutory visits.

#### **5 Are there some situations where authority cannot be delegated?**

There are a number of situations in which consent of those with PR for the child is essential and therefore cannot be delegated to another person. For example, consent to removal from the jurisdiction (UK) must be given by all the people who have PR, unless the child is in the care of the local authority (under a Care Order, Interim Care Order or Emergency Protection Order), in which case it can be specifically authorised by the local authority for up to one month.

Other examples of where authority cannot be delegated are outlined in the *DA Handbook*.

## **6 What is the difference between having PR and having delegated authority?**

- A person with PR may not surrender or transfer their PR.
- A person with delegated authority may only do what they are authorised to do (*unless it is an emergency, in which case they can do what is reasonable to keep the child safe*), whereas a person with PR can make almost any decision about a child's upbringing.
- Any arrangement with a temporary carer is not legally binding and a person who holds PR may take back their child, and/or the authority they have delegated, at any time, unless a court order says they may not.
- Any delegation does not relieve the parent, or other person delegating, of any liability that may arise as a result of a failure to meet that parental responsibility.
- Where PR is shared, and the parties cannot agree how to exercise PR, the parties may go to court to decide the issue. Even where one party with PR has the right to limit the extent to which the other exercises their PR, e.g. the local authority when the child is under a Care Order, the parent may challenge the local authority decision in court if they think they are acting unlawfully.

## **7 Who takes legal responsibility for decisions made by a person with delegated authority?**

- Where authority has been delegated, the person who has PR still remains liable in law for any failure to meet any part of his parental responsibility.
- A person to whom authority has been delegated may also be liable in law if the decision they made was negligent or criminal.

## **8 How does a foster carer know if the person delegating authority is able to make that decision?**

- If the local authority has an Emergency Protection Order or Care Order, the foster carer may assume that any officer of the local authority has the authority to delegate responsibility. However, if the local authority does not have such an order, it is the parent or someone else with PR who has to agree to delegate any authority to the foster carer.

- A written record should be kept in the Placement Plan of all decisions to delegate authority.

### **9 What happens if the foster carer disagrees with what the local authority is proposing?**

● The Placement Plan will set out some circumstances in which authority will be delegated to the foster carer. Where there is disagreement, it is helpful to discuss the issue with the supervising social worker to understand the reasons that have led to the decision and to be clear about what options are available to the foster carer to take the matter further. Depending on the circumstances, the foster carer could, in the first instance, discuss matters with the child's independent reviewing officer (or an advocate, if the child has one) if the foster carer feels that decisions taken are not in the child's best interests.

### **10 What should I do if there is no one with PR for the child?**

● The local authority has primary responsibility for a child that they have placed with a foster carer, regardless of whether anyone has PR for the child.

● A foster carer should therefore be guided by the local authority when making decisions for, or on behalf of, the child.

● However, a person with care of a child who does not have PR may do what is reasonable in the circumstances for the purpose of safeguarding or promoting the child's welfare. This applies equally if the person with PR cannot be contacted within the timescale necessary. This means that in an emergency, if it is not possible to refer back to the local authority, the foster carer can do what is necessary to keep the child safe.

### **11 What happens if the young person is 16?**

● There are some things that a young person who is 16 or over, or under 16 but mature, can consent to in their own right, for example:

● *A young person aged 16 (or a young person under that age who is considered by medical staff to have sufficient understanding of the implications of treatment) can consent to their own medical treatment.*

● *From the age of 16 a young person can consent to their own care plan when they are looked after by the local authority and there is no court order in place.*

### **12 Who is included in the definition of parent in the Education Act 1996?**

● The Education Act 1996 (section 576) defines 'parent' to include anyone who has parental responsibility for a child, or who has day-to-day care of him or her. This means that someone, including a foster carer, can be a 'parent' for education purposes without having parental responsibility for the child in question. Because of this, it is important that foster carers understand their responsibilities and rights.

● Education law makes parents responsible for a child's regular attendance at school. If a fostered child does not attend school regularly, his or her foster carer may be requested to enter into a parenting contract. If the child's attendance does not improve, and the foster carer is unwilling to work with the school or the local education authority to improve the child's attendance, it is possible that the foster carer may be prosecuted or fined.

● A significant number of children who are looked after have special educational needs (SEN), or would benefit from being assessed for SEN as a route to gaining appropriate education support. If a child has a Statement of SEN or from September 2014 an Education, Health and Care Plan (EHCP), his or her foster carer/s should have a copy of this. An appeal to the Special Educational Needs and Disability Tribunal (SENDIST) on issues such as refusal to assess whether a child has SEN, or disagreement about the school named in a Statement or EHCP of SEN, may be made by a foster carer.

● Despite these legal rights, foster carers are advised not to act without consulting the parties who have parental responsibility for the child (the local authority and/or the child's parents, as appropriate). Equally, the local authority and the child's school and SENDIST should ensure that foster carers are consulted and involved in decisions about a child's education, alongside those who have PR for the child.