

POLICY AND PROCEDURE



CHILDREN & FAMILIES SERVICES

DELEGATION OF CONSENTS

FORUM APPROVED BY :
Heads of Children's Services Group
DATE : 15 July 2004

Effective From: 15 July 2004
Review Date : 15 July 2007

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Permissions and consents for overnight stays and school activities

Introduction

The overall aim of these procedures is to ensure that, through a process of responsible parenting, looked after children are granted, as far as possible, the same permissions and opportunities to maintain acceptable and age appropriate peer activities as would reasonably be granted by the parents of their peers.

Legal Context

The procedures reflect government guidance on the delegation of decisions on overnight stays for looked after children – LAC(2004)4.

The issue of medical consent is not covered by these procedures since a process for delegating medical consent to foster carers or residential staff is already an established part of the Looked After Children System (e.g. Placement Plan Part 1).

Delegation of consents procedure

The issue of consents for overnight stays, school trips and other activities requiring parental permission must be considered for **all** children looked after as part of the Placement Plan Part 2 meeting, where the day to day arrangements with respect to the child are agreed. The meeting should include child's parent(s)/person(s) with parental responsibility (unless there are exceptional reasons not to include them), foster carer, the child (age appropriate), and the child's social worker. The placement Plan Part 2 agreement should be undertaken prior to the placement (if a planned placement) and within 2 weeks of the child becoming looked after if the placement is unplanned.

The level of delegation with respect to decision-making concerning looked after children's requests for overnight stays, school trips and other activities must be based on a good understanding of the child's needs and their circumstances. This understanding should be based upon the knowledge of the child from their parents/persons with parental responsibility, the child's carers in addition to the social workers assessment of the child's needs and their circumstances. The child's views (taking into account their age and understanding) should also be taken into account.

It would normally be expected that delegation of day to day decision making regarding consents for overnight stays, school trips and other activities linked to a child's clubs/hobbies would be given by the child's foster carers or residential staff. The exceptions to this are:

- Where the placement is an emergency placement and there is insufficient information about the child and his/her family available to inform the decision;
- If the child is accommodated under section 20 (The Children Act 1989) and a parent(s) objects to decisions for consents (either generally or in relation to specific requests i.e. such as from the school) being delegated to the child's foster carer/residential staff. In this circumstance, the parents wish to maintain the final say in the decision making process must be respected;
- Where the assessment of the child's needs and their circumstances identifies that they are **especially** vulnerable to being abused or abusing others which make it necessary for the foster carer or residential staff to seek permission from the local authority through the child's social worker. This might only be required for a limited period and should be re-considered at the next statutory LAC review to decide whether authority for granting permissions for consents should be delegated back to the child's foster carers or residential staff;
- Where the child's foster carers request that the local authority (through the child's social worker or team leader if the case is unallocated) should take on a decision making role with respect to granting permission for a looked after child to have an overnight stay or other activities (this might be in relation to a specific request or all requests). This is only likely to occur in circumstances where carers are concerned about violence or threatening behaviour from the child or the child's parents in the event that they disagree with the decision about whether an overnight stay should go ahead;
- Where the trip involves remaining outside of the United Kingdom for more than one day. Consent for such trips should be sought through the child's social worker (team leader if the case is unallocated) in order to ensure that everyone with parental responsibility for the child can be properly informed and consulted.

Any restrictions to the role of the child's foster carers or residential staff in consenting to overnight stays, trips/activities must be clearly stated in the child's Care Plan and the Placement Plan Part 2 agreement.

Foster carers and residential staff should base their decision to give or not to give consent for a looked after child for an overnight stay or to participate in a trip/activity on the following criteria:

- Are there any relevant restrictions contained for exceptional reasons in the child's care plan, placement plan part 2 (day to day arrangements) agreement or any court orders which would restrict the child from participating in the trip?
- What are the child's views? Do they want to go on the trip and if not would it be appropriate not to give consent?
- Are there any factors in the child's past experiences or behaviour, which would preclude consent being given for an overnight stay or particular school trip?
- Are there any grounds for concern that the child may be at significant risk if they were to have an overnight stay or take part in the trip/activity requiring consent?
- How long is the child going to be away from the foster home?

For overnight stays the following should also be considered:

- Are there any grounds for concern that the child may be at significant risk in the household concerned or from the activities proposed?
- Is the child staying in the household with another child or children, rather than staying solely with an adult or adults?
- The age and level of understanding of the child concerned
- What is known about the purpose of the overnight stay?

Foster carers and residential staff should also make contact with the household beforehand to assist in assessing the request for an overnight stay and to confirm arrangements, and ensure that the adults in the household supervising the overnight stay have the carers contact details.

For school trips and other activities the following should also be considered:

- Who will be supervising the child during the trip/activity?
- Are those supervising the trip suitably qualified to ensure the child's safety while participating on the trip/activity?
- Have the organisers of the trip/activity obtained appropriate insurance against medical and/or legal liability should the child be injured or killed?
- The financial cost of the trip (if any) and who is expected to pay for this (if the foster carers/residential staff expects this to be paid for by the local authority authorisation must be obtained through the child's social worker (team leader if the case is unallocated) prior to any consent being given.

As part of the delegation process the child's social worker (team leader if the case is unallocated) must ensure that the child's foster carers or residential key worker are made aware of any individuals, addresses or areas which may place a child at risk.

In exceptional circumstances, where there is good reason to consider a child will be at specific risk from taking part in a trip/activity, the foster carer or residential staff should consult with the child's social worker (team leader if the case is unallocated) before deciding whether to give consent.

Once consent has been given:

- The foster carers/residential staff should inform the child's social worker of any consent provided for the child to go on a trip/activity as soon as this is practicable.
- The child's social worker (team leader if the case is unallocated) should ensure that the child's parent(s)/person's with parental responsibility (where appropriate) are made aware that consent has been given for a particular trip/activity (if this has not already been undertaken by the foster carers/residential staff. A record of the school trip/activity should be placed on the child's file.
- Foster carers and residential staff should ensure that they obtain contact details in the event of an overnight stay or a trip/activity involves more than one day away from the foster home.

- The foster carers/residential staff must ensure that the child has their contact details (i.e. telephone number and address) in order for the child to be able to contact them should they need to.

Criminal Records Bureau (CRB) checks

There is no statutory requirement for CRB checks to be made on adults in a household the child wishes to stay overnight at in order for permission to be given.

In exceptional circumstances, where there is good reason to consider that a child would be at specific risk in staying at a particular household the local authority may decide that a Criminal Records Bureau (CRB) check or checks should be carried out before the child is allowed to stay overnight at the household(s) concerned.

June 2004