**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**Guidance for children and young people looked after staying overnight away from the usual care setting**

West Sussex County Council wishes to help young people looked after to lead as

normal a life as possible. We do not wish to disadvantage or exclude them by virtue of their ‘looked after’ status. Children and young people who wish to stay over night with friends should be able to do so as it arises in the course of normal life. The department will enable young people looked after to have opportunities which any other young person might, from time to time, be able to experience. In making decisions about overnight stays, social workers and carers will take the steps that any reasonable parent would take to safeguard the welfare of the child. Social workers and carers must use the following guidance as they decide whether to agree or withhold permission for overnight stays, holidays and residential school trips, and as they record the checks and decisions that are made.

Principles that underpin the giving or withholding of consent to stay with friends

* We should safeguard and promote the welfare of the child.
* We should act as a ‘reasonable parent’ taking account of the child’s needs, safety, stage of development and understanding.
* We should support carers in making appropriate decisions for and with the children in their care.
* We should allow looked after children to lead as normal a life as possible, avoiding whenever we can actions that make them look or feel “different”.
* We should take account of the child’s wishes and feelings, aiming (as far as is age appropriate) to encourage the child to reach a balanced view about whether he or she would feel safe in the proposed arrangement. This might be particularly relevant if the child is trying to fit in or be accepted by a peer group.

**Guidance**

Who is responsible for consent to stay overnight with friends and consent to going on holiday with or without the carers?

* If the young person is accommodated under s20 of the Children Act 1989, the parent(s) retain the overall responsibility for agreeing or withholding consent. However, the Placement Plan should record agreement about who will make the decisions about consent, who they should consult before making a decision and who they should inform afterwards. Where an older child has been accommodated s20 for some time in a long term placement, the Placement Plan maybe updated to address the issue of consent and to move the main responsibility for decision making from the parent to the carer. However this can only be done with the consent of the parent.
* If the young person is accommodated under s31 or s38 of the Children Act 1989, in most circumstances the child’s foster carer or residential care staff have responsibility for consent to the child staying overnight with friends or going on holiday. The arrangements for such decisions should be written into the Placement Plan and the views of all parties taken into account at that point. The tasks associated with checking the suitability of the ‘overnight stay’ arrangement will be the responsibility of either the residential or foster carer.
* If a longer visit or holiday without the carers is proposed, the carer should still consult the Placement Plan and consider whether there is a precedent e.g. did the child get invited on holiday by the same people or go on a school residential trip in the last year or two? If so, what were the arrangements for permission then?

When should the question of consent to overnight stays be addressed?

* At the start of a placement -Who the child or young person can stay with (and when) will be addressed in the Placement Plan which will have been drawn up with the young person, carers and parent(s).
* During the placement- Naturally, new arrangements may need to be considered during the course of a placement. Proposed overnight stays should be dealt with as quickly as possible, so that the young person knows where they stand. Proposed longer stays will probably take longer to agree but a looked after child should never miss the opportunity of a school trip, for example, because his carers did not know whether to agree themselves or to seek advice and/or permission. When in any doubt, carers should contact the school and explain that they wish to put the child’s name down but that there may be a short delay in the permission slip being returned.
* It is recognised that the confidence and delegated authority of carers will vary depending on the type and length of placement. The authority would expect a new carer with a short term placement to be cautious whereas a permanent carer is likely to be comfortable with a high level of delegated decision making and this would be appropriate. If in doubt a carer should discuss the issue with the child’s social worker and/or the family placement social worker. In turn the authority should support the decision made by the carer if it is in keeping with the Placement Plan and the carer has recorded reasons for their decision as set out below.

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What would a reasonable parent do?

There is no statutory duty to DBS check everyone who a child or young person may want to stay over with or who a child may accompany on a holiday. All adults accompanying a school trip will have been DBS checked. The use of DBS checks should not be the first option considered. The first consideration should always be ask: *what would a reasonable parent do?*

A reasonable parent would:

* Know the name and address and telephone number of the friend.
* Have met and spoken with the parent(s) of the friend.
* Consider the suitability of the friend’s family as temporary carers.
* Weigh up risks and benefits to the young person.
* Weigh up any risks to the friend/family being visited, in cases where the looked after young person is known to pose risks.
* Agree the practical arrangements concerning picking up, dropping off and contact arrangements should anything go wrong – say accident or illness.
* Have spoken to the child/young person about the arrangements, asking how they feel about the proposed visit, addressing any questions they have, and shared expectations of behaviour while they are staying with their friends.

In addition where there is any doubt about arrangements, carers and social workers should consider:

* Whether there are any relevant restrictions contained for exceptional reasons in the child’s care plan, including the placement plan;
* Whether there are any court orders which restrict the child from making a particular overnight stay, visit or holiday;
* Whether there are any factors in the child’s past experiences or behaviour which would preclude the overnight stay, visit or holiday;
* Whether there are any grounds for concern that the child may be at significant risk in the household concerned or from the activities proposed;
* The age and level of understanding of the child concerned;
* What is known about the reasons for the overnight stay, visit or holiday;
* The length of the stay.

The above actions are to be taken whether the proposed stay is with an established friend, a new friend or an invite to a party. If the information being provided by the young person or by the person they want to stay with is felt to be unreliable, then a reasonable response is to refuse permission to stay.

If the information being given is such that it would be advisable to conduct a police check, then this should be considered to be over and above what a reasonable parent would expect or be able to do. So, in these circumstances permission to stay over should be refused, *unless* the young person and their friend/family agree to have a police check carried out. Permission would then be given on the basis of the information received.

The child should always be consulted and if there is a good reason to refuse permission, the child should have this explained clearly unless (exceptionally) to do so would not be consistent with the child’s welfare.

What should be done about overnight parties?

For older teenagers, being invited to stay over at a friend’s for a party is a normal part of social life for the age group. However, a reasonable parent would still need to know:

* The home address and telephone number of the friend
* The practical arrangements concerning who else will be there, and time of return.
* That the young person has understood the expectations of behaviour whilst they are away.
* With older teenagers there is a greater risk to their safety and wellbeing as they explore and test greater levels of independence. It is possible that, in spite of the care taken in making a decision to allow a stay over, things can go wrong.

It is the obligation of the department, acting as a reasonable parent would, to protect young people who are looked after. It is also our obligation to demonstrate that those responsible for the young person have taken reasonable precautions in protecting welfare.

How will the information, checks and decision about staying overnight be recorded?

It must be clear, and be recorded in the Placement Plan, who is responsible for carrying out the checks noted in this guidance and for recording the information gathered and the decisions made. Social workers must agree with carers what will be recorded and where this information will be held.

**Reference Points;**

[The Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/contents)

[The Fostering Services (England) Regulations 2011](http://www.legislation.gov.uk/uksi/2011/581/made)