**DELEGATION OF AUTHORITY – GUIDANCE NOTE**

**Principles:**

* Authority for day-to-day decision making about a child should be delegated to the child's foster carer(s), 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 the child. It should also record the reasons where any day-to-day decision is not delegated to the child's foster carer;
* Decisions about delegation of authority should take account of the child's views, and consideration should be given as to whether a child is of sufficient age and understanding to take some decisions themselves.

\*'The carer' means the foster carer or agency where the child resides.

It is essential to fulfilling the local authority's duty to safeguard and promote the child's welfare that, wherever possible, the most appropriate person to take a decision about the child has the authority to do so, and that there is clarity about who has the authority to decide what.

Decisions about delegation of authority must be made within the context of:

* The child's Permanence Plan, which sets out the local authority's plan for achieving a permanent home for the child; and
* The legal framework for parental responsibility in the Children Act 1989.

**Types of Decision**

Decisions about the care of a child are likely to fall into three broad areas:

* Day-to-day parenting, e.g. routine decisions about health/hygiene, education, leisure activities;
* Routine but longer term decisions, e.g. school/educational settings choices;
* Significant events, e.g. surgery.

#### *Day-to-day Parenting*

All decisions in this category should be delegated to the child's foster carer (and/or the child if they can make any of these decisions themselves. Any exceptions and reasons for this should be set out in the child's Placement Plan within their Care Plan.

Decisions about activities where risk assessments have been routinely carried out by those organising / supervising the activity, e.g. school trips or activity breaks, should be delegated to the child's foster carer. The child's social worker would generally not duplicate risk assessments.

Reasons not to delegate to the carer may include, if the child's individual needs, past experiences or behaviour(s) are such that some day-to-day decisions require particular expertise and judgement. For example, where a child is especially vulnerable to exploitation by peers or adults, where overnight stays may need to be limited, the foster carer may need the local authority to manage this.

#### *Routine but Longer Term Decisions*

This category of decisions will require skilled partnership work to involve the relevant people. The child's permanence plan will be an important factor in determining who should be involved in the decision. For example, if the plan is for the child to return home, their parents should be involved in a decision about the type of school the child should attend and its location, because ultimately the child will be living with them. Where the plan is for long term foster care until age 18, then while the child's parents must be involved (unless there is a Care Order and the local authority has decided not to involve them), where possible the school choice should fit with the foster carer's family life as well as be appropriate for the child.

#### *Significant Events*

This category of decisions is likely to be more serious and far reaching. Where the child is voluntarily accommodated, the child's birth parents or others with parental responsibility should make these decisions. Where the child is under a Care Order or Emergency Protection Order, decisions may be made by the birth parents or others with parental responsibility, which includes the local authority, depending on the decision and the circumstances. Such decisions should, however, always take account of the wishes and feelings of the child and their carer.

**Delegation Relating to the Child's Education**

The Education Act 1996 defines 'parent' as including a person who has care of the child in question. Therefore a child's foster carer is deemed a parent for the purposes of education law. This means, for example, that a foster carer should be treated like a parent with respect to information provided by a school about the child's progress; should be invited to meetings about the child; and should be able to give consent to decisions regarding school activities.

Young people can sometimes apply in their own right for a place at sixth form or FE College. If they are of compulsory school age their application must also be signed by a parent (which in the context of education includes foster carers) confirming their approval of the application. Once they are over compulsory school age they can apply in their own right without the need for parental consent. Young people can also appeal against the refusal of a sixth form place along these lines.

**Delegation in the Context of the Child's Health**

#### Young people aged 16 or 17

Young people aged 16 or 17 are presumed to be capable of consenting to their own medical treatment, provided the consent is given voluntarily and they are appropriately informed regarding the particular intervention. If the young person is capable of giving valid consent, then it is not legally necessary to obtain consent from a person with parental responsibility. It is, however, good practice to involve the young person's family in the decision-making process - unless the young person specifically wishes to exclude them - if the young person consents to their information being shared.

#### Children under 16 - the concept of Gillick competence

* **Child 'Gillick Competent'**
A child of under 16 may be Gillick Competent to consent to medical treatment, i.e. they have sufficient understanding to enable them to understand fully what is involved in a proposed intervention. Deciding whether or not a child is Gillick Competent can be a difficult judgment, and legal advice should be sought as necessary. It has a wider meaning than the term Fraser Competent which specifically refers to contraceptive advice.

The understanding required for different interventions will vary considerably. Thus a child under 16 may have the capacity to consent to some interventions but not to others. The child's capacity to consent should be assessed carefully in relation to each decision that needs to be made.

In some cases, for example because of a mental health issue, a child's mental state may fluctuate significantly, so that on some occasions the child appears Gillick Competent in respect of a particular decision and on other occasions does not. In such cases, legal advice may be sought.

If the child is Gillick Competent and is able to give voluntary consent after receiving appropriate information, that consent will be valid and additional consent by a person with parental responsibility will not be required. It is, however, good practice to involve the child's family in the decision-making process, if the child consents to their information being shared;
* **Child Not 'Gillick Competent'**
Where a child under the age of 16 lacks capacity to consent (i.e. is not Gillick Competent), consent can be given on their behalf by any one person with parental responsibility. Consent given by one person with parental responsibility is valid, even if another person with parental responsibility withholds consent. However, legal advice may be necessary in such cases

**DELEGATION OF AUTHORITY (HEALTH)**

|  |  |
| --- | --- |
| **Child / Young person:** |  |

|  |
| --- |
| **Health:** *NB***:** *Health consent* *document must be signed separately and regularly reviewed i.e. at each CiC review meeting. This section must also be sent in with the CoramBAAF consent forms for the Initial Health Assessment*  |
| **Consent / Agreement / Task** | **Delegated to Carer** | **Retained by Local Authority** | **Retained by Birth Parents** | **Young Person is ‘Gillick competent’** |
| Consent for urgent emergency medical treatment |  |  |  |  |
| Consent for administration of medication (i.e. inhalers) as prescribed |  |  |  |  |
| Consent for use of over the counter medicines (e.g. calpol) |  |  |  |  |
| Other – specify (e.g. homeopathic) |  |  |  |  |
| Consent for routine health and developmental checks including the healthy child programme 0-19  |  |  |  |  |
| Consent for the childhood immunisation programme (0-18) |  |  |  |  |
| Consent for Initial and thereafter regular statutory CiC health assessments during the time that the child is in care *(i.e. 6 monthly for under 5’s and annually for over 5’s)**\*\* not including Permanence Medicals which will require separate consent from a person with PR* |  |  |  |  |
| Decisions in relation to involvement in therapy services i.e. Occupational Therapy, Physiotherapy, Speech and Language Therapy, hearing and vision testing |  |  |  |  |
| Decisions in relation to dental treatment  |  |  |  |  |
| **I, as person with PR, give permission for the tasks above which have been ticked as ‘Delegated to Carer’ to be given to who ever is named overleaf. Or I as a young person who can consent myself, give permission to the above**  |
| **Signatures and printed names:** |
| **Parent/s (or person with PR) name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Parent/s (or person with PR) signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Foster Carer(s) details**

|  |  |
| --- | --- |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

***(NB for social workers – if there is a change to the foster carer(s), please print off a new blank back page)***

**DELEGATION OF AUTHORITY (EDUCATION)**

|  |  |
| --- | --- |
| **Child / Young person:** |  |

|  |
| --- |
| **Education and Day Care *(Copy to be given to designated teacher in school or to the day care provider)***  |
| **Consent / Agreement / Task** | **Who has authority** | **Notes***N.B. More than one than one person could have authority to give a particular consent/agreement or undertake a particular task, e.g. both the parent and foster carer may be attending parents’ evenings. If this is the case, the individuals’ respective roles should be clarified in the “Notes” column.*  |
| Choice and timing of child attending any type of pre-school/nursery provision |  |  |
| Liaison with local education authority regarding choice and timing of start of new school |  |  |
| Appeal in respect of the allocation of a school place |  |  |
| Appeal or advocacy for the child in relation to any special education provision |  |  |
| Signed consent for school day trips  |  |  |
| Signed consents for school trips of up to 4 days  |  |  |
| Signed consents for school trips of over 4 days  |  |  |
| School trips abroad  |  |  |
| School photos  |  |  |
| Attendance at parents’ evenings  |  |  |
| Attendance at PEP meetings  |  |  |
| Attendance at unplanned meetings re incidents or immediate issues  |  |  |
| Registering at a school |  |  |
| Changing a school  |  |  |
| Referral/consent for YP to access another service (please specify the service) |  |  |
| **I, as person with PR, give permission for the tasks above which have been ticked as ‘Delegated to Carer’ to be given to who ever is named overleaf.** |
| **Signatures and printed names:** |
| **Parent/s (or person with PR) name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Parent/s (or person with PR) signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Foster Carer(s) details**

|  |  |
| --- | --- |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

***(NB for social workers – if there is a change to the foster carer(s), please print off a new blank back page)***

**DELEGATION OF AUTHORITY (WIDER DECISIONS)**

|  |  |
| --- | --- |
| **Child / Young person:** |  |

|  |
| --- |
| **Personal, Leisure and Home Life**  |
| **Consent / Agreement / Task** | **Who has authority to give consent / agreement or undertake the task** | **Notes (Inc. notifications, prior consultation****/recording requirement/conditions)** | **Date** |
| Passport application  |  | *Can only be applied for by someone holding PR* |  |
| Overnight with friends (‘sleep overs’)  |  |  |  |
| Holidays within the British Islands  |  |  |  |
| Holidays outside the British Islands  |  |  |  |
| Sports/ social clubs |  |  |  |
| More hazardous activities- e.g. horse riding, skiing, rock climbing  |  |  |  |
| Haircuts/colouring  |  |  |  |
| Body piercing  |  | *In English law, it is illegal for under 16s to have their genitals pierced.**It is also illegal for females under 16 to have their breasts pierced, although this does not apply to males under 16.* |  |
| Tattoos - SEE NOTE |  | *It is illegal for anyone under the age of 18 to have a tattoo*  |  |
| Mobile phone |  |  |  |
| Part time employment  |  | *When a child of*[*compulsory school age*](https://www.gov.uk/school-attendance-absence)*is employed to work after school, at weekends or during school holidays, the law states that they must be registered for work with their local authority, who will issue a work permit. Similarly, if they are involved in entertainment, which includes television, film, theatre, modelling and paid sport, they may require a*[*performance licence*](https://www.gloucestershire.gov.uk/education-and-learning/apply-for-a-child-performance-licence/)*and a licensed chaperone.* *Work permits and performance licences are issued by: Education Performance & Inclusion Team. For enquiries email**childemp@gloucestershire.gov.uk* *or phone 01452 427800/427360/427274* |  |
| Accessing social networking sites e.g. Facebook, Twitter, Snapchat |  | *There are ages restrictions on these sites* [*https://www.net-aware.org.uk/*](https://www.net-aware.org.uk/) |  |
| Photos or other media activity  |  |  |  |

|  |
| --- |
| **Faith and Religious Observance**  |
| **Consent / Agreement / Task** | **Who has authority to give consent / agreement or undertake the task** | **Notes** | **Date** |
| New or changes in faith, church or religious observance  |  |  |  |
| Attendance at a place of worship  |  |  |  |
| **Identity and Names**  |
| **Consent / Agreement / Task** | **Who has authority to give consent / agreement or undertake the task** | **Notes** | **Date** |
| Life story work  |  |  |  |
| New or changes in ‘nicknames’, order of first names, or preferred names.  |  |  |  |
| **Contact** |
| **Consent / Agreement / Task** | **Who has authority to give consent / agreement or undertake the task** | **Notes (Inc. prior consultation/ notification /recording requirement/ conditions)** | **Date** |
| Transport  |  |  |  |
| Arranging contact |  |  |  |
| Facilitation  |  |  |  |
| Formal supervision  |  |  |  |

|  |
| --- |
| **Any Additional notes or questions**  |
|  |

|  |  |
| --- | --- |
| **Parent/s (or person with PR) name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Parent/s (or person with PR) signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Social Care Team Manager signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**Foster Carer(s) details**

|  |  |
| --- | --- |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** | **Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |
| **Carer/s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

***(NB for social workers – if there is a change to the foster carer(s), please print off a new blank back page)***