**Delegated Authority**

**What Decisions Can I Make?**

**Standards and Regulations**

**Training, Support and Development Standards for Foster Care:**

* [Standard 2 - Understand your role as a foster carer](https://www.fosteringhandbook.com/bradford/files/fost_care_tsd_standards_guid.pdf);
* [Standard 3 - Understand health and safety, and healthy care](https://www.fosteringhandbook.com/bradford/files/fost_care_tsd_standards_guid.pdf).

**See also:**

* [General Medical Council guidance on consent for children](https://www.gmc-uk.org/ethical-guidance/ethical-guidance-for-doctors/0-18-years).

If the authority to make certain everyday decisions is not delegated to foster carers, children who are in care can face obstacles to taking part in and enjoying day to day activities, like going for haircuts, school trips and sleepovers, and this can make children’s lives more difficult.

Delegated authority is the term used when the responsibility for making day to day decisions about a child/young person is passed to you. Poor planning around delegation of authority can delay decision-making and lead to children in care missing out on opportunities that enable them to experience a fulfilled childhood.

When deciding who should have authority to take particular decisions, this will depend usually, in part, on the long term plan for the child, for example:

* Where the plan is for the child to return home, the child’s parents should continue to have a significant role in decision-making;
* Where the plan is for long term foster care/Fostering for Adoption, the foster carers should normally have a significant say in the majority of decisions about the child’s care, including longer term decisions such as which school the child will attend.

Whatever the Permanence Plan, all foster carers should have delegated authority to take day-to-day parenting decisions, as this will enable you to provide the best possible care for the child.

An officer of the Trust such as a social worker can pass the delegated authorities onto you if they have an [Emergency Protection Order](http://trixresources.proceduresonline.com/nat_key/keywords/emerge_prot_order.html) or a [Care Order](http://trixresources.proceduresonline.com/nat_key/keywords/care_order.html). If they don’t have an order, the only person that can pass the delegated authorities on is the person with [Parental Responsibility](http://trixresources.proceduresonline.com/nat_key/keywords/parental_respons.html) which is usually the parent.

It is the social worker's responsibility to work with parents sensitively to make sure you are well prepared and clear about what decisions you can make. The Placement Planning meeting which is held when a child is placed with you should clearly state what decisions you can make about everyday life.

Bradford’s Delegated Authority Support Tool (see [Bradford Council Delegated Authority Decision Support Tool for Foster Carers, Social Workers, Parents and Young People](https://www.fosteringhandbook.com/bradford/files/deleg_auth_tool.doc)) will be completed at this meeting so everyone involved is clear on what decision’s can be made. The views of the child should also be considered. In some cases a child will be of sufficient age and understanding to make decisions themselves. For example, they may have strong views about their personal appearance, and it may be decided that they should be allowed to make these kinds of decisions themselves. The tool must be reviewed at the first Child in Care Review and the tool should be consistently monitored in cases where there is a need for change.

Delegated authority covers matters including when a child wants to stay with a friend; their use of social media, decisions around education and faith and religious observance. You can make a decision as any good parent would about whether this is safe and appropriate. All decisions to delegate authority should be recorded in the [Placement Plan](http://trixresources.proceduresonline.com/nat_key/keywords/placement_plan.html).

Delegating authority for decision making to foster carers can help in the following ways:

* Reducing delays in decisions being made;
* Reducing the emotional stress delays can cause to the child/young person;
* Reducing the stress for you and your family;
* Acknowledges you as a professional and part of a team working with the child;
* Normalises the child/young person’s experience of being in foster care;
* Better use of resources and people’s time.

The law says that the person who has care of the child (you) can do what is reasonable in all circumstances for the purpose of safeguarding and promoting the child’s welfare. This means in an emergency, even if no agreement has been made about what to do, you should do what is reasonable.

If the young person is 16, there are certain things that they can give consent to in their own right. In addition, they can also give consent to medical treatment even if they are under 16 and are able to demonstrate that they understand what the implications of treatment are. They can also consent to their own [Care Plan](http://trixresources.proceduresonline.com/nat_key/keywords/care_plan.html) if there is no court order. For example, if a child has strong views about haircuts and they are of sufficient age and understanding, it may be decided that they should be allowed to make these decisions themselves.

When deciding whether a particular child, on a particular occasion, has sufficient understanding to make a decision, the following questions should be considered:

* Can the child understand the question being asked of them?
* Do they appreciate the options open to them?
* Can they weigh up the pros and cons of each option?
* Can they express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do?
* Can they be reasonably consistent in their view on the matter, or are they constantly changing their mind?

Regardless of a child’s competence, some decisions cannot be made until a child reaches a certain age, for example, tattoos are not permitted for a person under age 18 and certain piercings are not permitted until the child reaches age 16.

Delegated authority should be consistently monitored in case there is a need for change and discussed at the child’s review or with the child’s social worker if the decision needs to be taken quickly.

Also see: [Bradford Council Delegated Authority Decision Support Tool for Foster Carers, Social Workers, Parents and Young People](https://www.fosteringhandbook.com/bradford/files/deleg_auth_tool.doc).