

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CORPORATE PARENTING CABINET COMMITTEE

28TH OCTOBER 2013

REPORT OF THE INTERIM CORPORATE DIRECTOR – CHILDREN

DELEGATION OF AUTHORITY TO FOSTER CARERS AND RESIDENTIAL CHILD CARE STAFF

1. Purpose of Report

- 1.1 To report to the Corporate Parenting Cabinet Committee on the proposed Delegated Authority policy (Appendix 1) for Bridgend County Borough Council in relation to foster carers and residential child care staff invested within the responsibility of looking after children in the care of Bridgend County Borough Council.
- 1.2 Welsh Government produced a paper for all fostering agencies in 2011 entitled 'Delegated Authority for Foster Carers. (Appendix 2). It is this document that has informed the development of BCBC's draft policy.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The report links to the following corporate priorities:
 - working together to raise ambitions and to drive up educational achievements;
 - working with children and families to tackle problems early;
 - working together to help vulnerable people to stay independent;
 - working together to tackle health issues and encourage healthy lifestyles.

3. Background

- 3.1 The guidance attached as Appendix 2 supplements the provisions in the Fostering Services Wales Regulations 2003 (Part V, Regulations 34(3), 40 and Schedule 6 paras 3,4,6, 7 & 8) (SI 2003 / 237 (W.35)). Regulation 4 of The Placement of Children Wales Regulations 2007 (SI 2007 / 310 (W.27)) and Key Topic 4 - Securing and Promoting Welfare, of the National Minimum Standards for Fostering Services (2003 ISBN 0 7504 3147 4).
- 3.2 Within society parents have the 'parental responsibility' for their children which empowers them to make all welfare decisions in respect of their children, i.e. what they can and can't do, where they go etc. When children come into foster or residential care on a voluntary basis (S.20 Children Act 1989) the parents maintain all of their parental responsibility. If the child/ren are the subject of an Interim Care

Order (S.38 Children Act 1989) or a full Care Order (S.31 Children Act 1989) the parental responsibility is shared with the relevant local authority.

- 3.3 Foster carers/residential providers therefore, have to consult with the parent, usually via the children's social worker, before they can make any day to day decisions for the children. 'Delegated Authority' means the parent or the local authority agree to let the foster carer/ residential provider make some of those day to day decisions on their behalf without having to consult first.

4. Current situation

- 4.1 The Children Act 1989 Volume 2 Statutory Guidance on Care Planning, Placement and Case Review Amendments, 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 and be cared for by foster carers/residential providers and specifies any arrangements for the delegation of authority from the parents to the local authority.
- 4.2 At present BCBC foster carers/residential staff do not currently have any 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, school photographs, routine medicals and hair-cuts.
- 4.3 Formal consultation has been undertaken in respect of 'delegated authority' with a representative group of all Bridgend Fostering Services' carers this includes, Bridgend Foster Care general and relative carers, Family Link carers and Resolutions foster carers. This consultation has provided the opportunity for carers to be fully informed of the proposed changes and their feedback and views have assisted in developing this policy.
- 4.3 In order to address the issues raised in 4.2 above and to ensure that decision making is made at the appropriate agreed levels it is proposed that formal discussion and agreement regarding the delegation of authority to foster carers/residential providers should be part of the care planning process. The Initial Looked After Childrens review will therefore become the appropriate forum to enable children/young people, parents and foster carers/residential staff to understand, discuss and agree what decisions they can make, this will then be formalised by completing the 'Delegated Authority' consent document.
- 4.4 It is also proposed that the 'Delegated Authority' consent will be reviewed at every statutory review and any changes will subsequently be recorded and made part of the placement plan. (Appendix 3).

5. Effect upon Policy Framework& Procedure Rules

- 5.1 None.

6. Equality Impact Assessment

6.1 There is no detrimental affect on any priority group.

7. Financial Implications

7.1 None.

8. Recommendation

8.1 That the Corporate Parenting Cabinet Committee adopts the local authority's proposed Delegated Authority Policy document.

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30th September 2013

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Background documents

No background papers were used in the preparation of this report.

Appendices

Appendix 1 – Delegated Authority Draft Policy
Appendix 2 – Welsh Government 'Delegated Authority for Foster Carers' 2011
Appendix 3 – Delegated Authority Consent Form