

## Guidance for Child Care Arrangements under Delegated Authority

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**Agreed by:** Fostering Management Team

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**Responsible Service Area/Team:** Fostering & Sufficiency Service  
Corporate Parenting Service

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### Document Summary

This guidance relates to arrangements for children in care, who are placed with Suffolk County Council (SCC) foster carers, being left in the care of other adults under delegated authority. It should be used by:

- social workers and their managers in fostering and fieldwork services,
- foster carers - kinship and mainstream foster carers.
- children and young people

to talk to each other about this area of decision-making for the child whilst in foster care.

The guidance is based on the National Minimum Standards (NMS 2011) and other statutory guidance for Fostering Services. It should be read in conjunction with the SCC policies on ***Delegating Authority to Foster Carers and Children's Homes v.2*** (2018) and ***Placement Planning for Children in Care v.1*** (2023).

Version Control	Reason for revision and summary of changes needed	Date
2	Updating links, references to Kinship Care and new sections re. Foster Carer to Foster Carer arrangements.	31.07.24

*If requested, we will translate this policy, or particular parts of it, into other languages and formats, so that everyone can use and comment upon its content.*

## 1. Introduction

Standard 7.3 (NMS 2011) states that *“Foster carers understand what is in the child’s placement plan and have clarity about decisions they can make about the day to day arrangement for the child, including such matters as education, leisure activities, overnight stays, holidays and personal issues such as haircuts”*.

It is expected that foster carers should be given the maximum appropriate flexibility to take decisions relating to children in their care, within the framework of the agreed placement plan and the law governing parental responsibility.

## 2. Making the decision

The Placement Planning Meeting (PPM) is the opportunity to discuss who will be making which decisions for the care of the child. Whatever is agreed will be set out in the Placement Plan and updated at each Child in Care Review, as necessary. The PPM should take place prior to the child being placed with foster carers or within 5 working days of the start of the placement e.g. if it was made in an emergency.

Child care arrangements, overnight stays and holidays for the child must be agreed at the PPM by the child’s social worker, those with parental responsibility and the foster carer, with support from their supervising social worker. If any party is unable to attend the PPM, their agreement should still be sought and recorded in the Placement Plan.

Standard 7.7 (NMS 2011) states that:

*“Children can stay overnight, holiday with friends, or friends and relatives of their foster carer, or go on school trips, subject to requirements of the care/placement plan, if foster carers consider it appropriate in individual circumstances. [DBS] checks are not normally sought as a precondition.”*

If in doubt about the best decision to make or if there is reason to think that a child may be at a specific risk in staying in a particular household, the foster carers should consult the local authority for advice.

The child and their carers must be told the criteria that will be used to make decisions about overnight stays with a friend, having a holiday with their friends or with relatives of their foster carers or to go on a school trip or other visits.

In making these decisions, foster carers and responsible parties must consider these factors:

- Whether there are any relevant restrictions or exceptional reasons, contained 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;
- the reasons for the overnight stay, visit or holiday and the length of the stay;
- The child's existing relationship with the potential Back up carer

Where a fostered child visits or spends a holiday with their foster carer's friends or relatives, there is no requirement the individual must be approved as a local authority foster carer as the child remains formally placed with their usual foster carers.

The overriding principle applied to any consideration of delegated responsibility for alternative care arrangements by foster carers should be that no child in care is subject to multiple alternative carers/babysitters.

### **3. Overnight stays with the child's friends**

Under delegated authority foster carers are able to agree to the child(ren) in their care staying with the child's friends overnight. It is expected, as with birth children, that the foster carer makes suitable arrangements and communicates effectively with the friend's parents to ensure that they are confident that the overnight stay is safe and appropriate.

Foster carers should always have contact details for the household in which the child will be staying. They should make contact with the household beforehand, as would any good parent, to assist in assessing the request and to confirm arrangements and to ensure that the household where the child will be staying have, in turn, the contact details of the foster carer(s).

Permission from the child care social worker is not necessary, however it is expected as good practice that the child care social worker and the supervising social worker are aware that these arrangements are taking place.

#### **4. Babysitting and one off or occasional overnight and weekend stays with the foster carer's friends and relatives.**

Under delegated authority foster carers can make arrangements for babysitting and one off or occasional overnight stays or weekend stays for the child with the foster carer's friends or relatives. It is expected that the foster carer knows and trusts the person who they are using and is confident they are suitable and able to manage the needs of the child for the necessary period of time.

As above, permission from the child care social worker is not necessary, where the authority has previously been delegated at the Placement Planning Meeting. However, it is expected that the child's social worker and the supervising social worker will be made aware that the arrangements are taking place.

Please note: usual arrangements for babysitters, child minders or foster carers to allow a foster carer to attend fostering meetings or events are unchanged (see SCC *Schedule of Allowances* document).

#### **5. Regular overnight arrangements with the foster carer's friends or relatives, known as formal 'Back-up carers'.**

Paragraph 3.87 of the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services states that: "*Fostering services should seek to identify, as part of the approval process for a prospective carer, any individuals who may play a significant role in providing support for those carers. These may be back-up carers, regular baby-sitters, or family. There is no requirement to assess or approve these people as foster carers.*"

When foster carers require a break from fostering, many fostering households would prefer the child to be cared for by a known and trusted friend or relative.

SCC Fostering Service will need to conduct a proportional assessment of the friends or relatives who have been identified by the main fostering household as suitable to provide regular overnight stays or longer short breaks. This assessment will involve:

- A reference/suitability assessment completed by the foster carer for whom the person will be providing back-up care, to include consideration of the individual child's needs, suitability of the accommodation and any health and safety issues. (Part 1)
- An additional personal reference confirming suitability to care for children.

- DBS checks on all adult members of the back-up carer's household.
- A suitability assessment of the back-up carer by the supervising social worker undertaken in one visit. (Part 2)

#### Assessment and review of back-up carers:

The assessment paperwork does not need to be presented to the Fostering Panel.

The back-up carer is 'linked' to the fostering household and the ongoing suitability of the arrangement is reviewed as part of the main carer's annual household review.

Under delegated authority to the foster carer, the supervising social worker for the carer would not routinely visit the child whilst with the back-up carer. However, the foster carer needs to ensure that the back-up carer understands that the child's social worker may wish to visit during the child's stay.

Back-up carers will be able to access training through CPD online and will be encouraged to explore issues relevant to their role as a back-up carer and particularly to ensure a child's needs can be met.

Back-up carers will not be registered foster carers and therefore will not become members of Fostering Network with their legal insurance protection cover.

Should an allegation be made against a 'back-up carer, the supervising social worker of the main fostering household will provide support and advice. Please see the guidance on Suffolk Fostering website: <https://fosterandadopt.suffolk.gov.uk/asset-library/2023-11-06-allegation-guidance-for-foster-carer-and-prospective-adoptors-v42.pdf>

#### Kinship foster carers:

If delegated arrangements for kinship foster carers are with members of the child's family or part of the child's existing network, a full suitability assessment may not be required even if these are for regular and / or extended stays.

However, it may depend on the child's relationship with that person. For example, even within family networks there may be people the child or main carer does not know well. If the kinship carer is on the maternal side of the family, individuals on the paternal side may wish to offer overnight stays etc. In which case, an assessment of suitability may be undertaken.

The decision to undertake a suitability assessment or other checks e.g. DBS/police, will be made by the kinship foster carer with support from the kinship social worker.

#### Financial Arrangements for 'back-up' carers

The back-up carer can be reimbursed for their care and agreed expenses incurred whilst they care for the child. The payment for care will be equivalent to Tier Level One i.e. the usual Fostering Allowance (pro rata) dependent upon the age of the child. For current allowance rates see Suffolk's website

<https://www.fosterandadopt.suffolk.gov.uk/foster-with-us/fees-and-allowances>

The allowance and any agreed expense will be paid to the back-up carer from the main carer as a 'direct payment'. The main carer will then claim the payment back through the LCS Carer Portal. With sufficient planning, the payments to the main carer can be arranged prior to a short break episode to ensure that the funding is available for them to 'pay' their back-up carer.

The supervising social worker will need to ensure that they confirm the dates when support has been provided with both the main carer and the 'back-up carer before they will be able to approve the claim.

Using back-up carers for short breaks/respite does count towards the main carers' short break allocation of 21 days per year.

It is expected that the 'back-up carer' would not be providing any more than 21 days break for each child placed with the main foster carer; therefore, carers will not be expected to claim expenses in excess of 21 days (per child placed per year).

### **6. Foster carers using other Foster Carers for back-up care**

As well as friends and relatives, foster carers can make arrangements for babysitting and one off or occasional overnight or weekend stays for the child with other foster carers within their network of support.

As before, permission from the childcare social worker is not necessary, where the authority has previously been delegated at the Placement Planning Meeting. However, it is vital that the supervising social worker is made aware that the arrangement is taking place and it is expected as good practice that the child's social worker is also informed.

It is expected that the foster carer knows and trusts that the fellow foster carer, who they are making this arrangement with, is able to manage the needs of the child for the duration of their stay.

There may be two ways in which these 'foster carer to foster carer' arrangements could be made:

1. Where the foster carer receiving the child wishes to be paid as a short break carer. This will count towards the main carer's 21 days allowance.
2. Where they do not expect to be paid and are doing it informally, perhaps in a reciprocal agreement. This will not count towards the short breaks allowance.

Consideration must also be given to foster carers undertaking child care for other foster carers when this will bring them over the number of children in their terms of approval. Depending on the duration of the care being provided, a temporary variation or exemption would be required and approval sought from the Service Manager will need to be requested by the SSW in the usual way.

Please refer to Suffolk's guidance on *Placements outside a Foster Carers' terms of approval* (available upon request to your supervising social worker).

## **7. Regard for 'family time' arrangements.**

In all cases, it is essential that any arrangements for overnight stays, visits or holidays which coincide with the child's 'family time' are clearly discussed and resolved prior to the event taking place.

It is essential that anyone providing back-up care understands that they may need to support a child to see their family during the period of their stay and what this support will look like e.g. transport to a specified venue. There may be circumstances where the family time could be reorganised but often arrangements are set by the court so cannot be changed. Therefore, a conversation with the child's social worker and the fostering social worker is crucial if any change is proposed.