

Guidance for Child Care Arrangements under Delegated Authority

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, 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 policy on *Delegating Authority to Foster Carers and Children's Homes* (2018).

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.

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. 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 should 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 of the parties are not able to attend the PPM, their agreement should be sought and recorded in the Placement Plan.

In making decisions about whether or not to permit a child in care to stay overnight with a friend or to have a holiday with their friends or with relatives of their foster carers or to go on a school trip, foster carers and responsible parties should consider the following 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;
- What is known about the reasons for the overnight stay, visit or holiday;
- The length of the stay.

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 should be told the criteria that will be used to make decisions about overnight stays, visits and holidays.

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.

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.

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 been 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).

Regular overnight arrangements with the foster carer's friends or relatives, known as '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 viability reference/assessment from the mainstream carer whom they will be providing back-up for, to include consideration of the individual child's needs, suitability of the accommodation and any health and safety issues
- An additional personal reference confirming their suitability to care for children.
- DBS checks on all adult members of the back-up carer's household. A viability assessment of the back-up carer by the supervising social worker undertaken in one visit.

Assessment and review of back-up carers:

The assessment paperwork will be presented to the Fostering Panel alongside the Form F or review of the main fostering household, for panel to understand and agree to the back-up arrangements in place.

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

In delegating the 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.

Family and Friends foster carers:

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

The decision whether to undertake a viability assessment needs to be made by the child care social worker in conjunction with the supervising social worker and the foster carer.

Financial Arrangements for 'back-up' carers

The back-up carer can be reimbursed for the expenses incurred during their care of the child. These expenses will be equivalent to 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/fostering/fees-and-allowances/>

These expenses will be paid to the back-up carer from the main carer as a 'direct payment'. The main carer will then claim the expenses back through an expenses claim form. 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 support has been provided with both the main carer and the 'back-up carer before they will be able to sign off the expenses claim forms.

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).

Regard for contact arrangements

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