



Department  
for Education

# **Delegation of authority to carers**

**Young people's guide**

**April 2014**

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## Introduction

This is a quick guide which has been designed to explain what delegated authority means for young people in foster care and residential homes.

### What is delegated authority?

Delegated authority is a term used when local authorities, or people with parental responsibility for you, give your carers the authority to make day to day decisions about your care. These include things like getting a haircut or sleeping over at a friend's house.

If the person/people with parental responsibility for you - usually your birth parent/s – have agreed to you being in foster care or a children's home (i.e. the courts have not made a care order) then your parent/s must agree what decisions can be delegated to your carer/s. Your social worker should work with your parent/s to help them make the best decision about what authority to delegate to your carer/s.

If you are in care because the courts have made a care order, then your local authority can decide what decisions are delegated to your carer/s. However, they should consult your parent/s about this wherever possible, as well as asking you for your views.

### What types of decision?

Decisions about your care are likely to fall into three broad areas:

1. Day-to-day parenting, e.g. routine decisions about health, education and leisure activities;
2. Routine but longer term decisions, e.g. school choice;
3. Significant events, e.g. if you needed to have surgery.

### Who can make these decisions?

1. Most decisions in the 1<sup>st</sup> category should be made by your carer/s. Over time your carer/s and social worker will consider whether you're of the right age and understanding to start making some of these decisions for yourself and this responsibility should increase over time.
2. The decisions in the 2<sup>nd</sup> category could be made between a variety of people responsible for your care including your social worker, carer/s and your parent/s if they are still involved in your care.
3. The decisions in the 3<sup>rd</sup> category are more serious and will usually be made by a person with parental responsibility for you (which may be your local authority and/or your parents). However, they should take into account your views/feelings and those of your carer/s.

## **Does every local authority have a delegated authority policy?**

The short answer is yes, they should. From July 1<sup>st</sup> 2013 local authorities were required to have a delegated authority policy, which should set out what they are going to do as an authority to make sure young people in their care enjoy as normal a childhood and family life as possible. You should be able to take part in normal and age-appropriate activities as other young people do. The local authority should be reviewing their policy every year and should consult the children they care for and their carers about the policy.

## **How do I know who can make decisions about me?**

The government (in statutory guidance) also says that every young person should have a placement plan (PP) and this PP should include details of who can make decisions about different aspects of your life - this may be different individuals for different young people. Your PP should record who has the authority to make particular decisions about/for you. If a particular day-to-day decision is not being delegated to your carer, your PP should say why this is. If you are unsure about who can/should make a decision about your care, you can always double check with your social worker.

You can also request a copy of your Permanence Plan which should have information about who would have authority for making decisions about you in the future.

## The facts about decisions

Myth	Fact
My carer said she can't make the decision to let me sleep over at a friend's house.	Decisions about overnight stays should normally be delegated to your carer/s, rather than be taken by your social worker/Local Authority. There may be exceptional reasons why this can't happen such as where there are concerns for your safety. Ask your social worker to explain this to you.
If I want to sleep over at my friend's house, their parents have to be DBS (formerly known as CRB) checked.	There is no law that requires DBS checks to be carried out on your friends parent/s if you want to stay at their house. Those caring for you should be able to make these decisions in the way any good parent would, without a DBS check.
I have to ask my social worker if I want my hair cut.	This is definitely something that could be delegated to your carer/s and, as you get older, it is a decision you will be able to make for yourself. If your social worker expects you to agree haircuts with them, you might want to ask them why, and a good reason for it should be set out in your placement plan.
I can't go on holidays without my social worker's permission.	Where authority has been delegated to your carer/s they can decide to take you away on holiday within the UK but your social worker and parent/s should be notified. For a holiday abroad, permission will be needed from those with parental responsibility for you. Your foster carer or residential workers do not have parental responsibility for you, so your placement plan should set out who can give permission for holidays abroad, this will either be your parents or an officer of the Local Authority.
Should my carer have to ask my social worker if I want to go on a school trip?	No, this is exactly the type of day to day decision that the government thinks should be made by your carer/s. If your social worker expects you to agree school trips with them, you might want to ask them why, and a good reason for it should be set out in your placement plan.
If I want to go on a school trip, a risk assessment has to be done by my local authority.	This is not true. The school will do a risk assessment, so there is no need for the local authority to do another one.
My carer can't sign for me to get a new passport.	This is true - A passport can only be signed by a person who has parental responsibility for you (this may be a parent or an officer of the local authority – your social worker should be able to advise you).



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Reference: DFE-00384-2014



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