

Delegated Authority

The people who look after children on a daily basis are usually the ones who make the day-to-day decisions for the child such as whether to agree for them to sleepover at their friend's house or whether they can go on school trips. This should be no different for foster carers.

The Foster Carers' Charter states

Treat foster carers with openness, fairness and respect as a core member of the team around the child and support them in making reasonable and appropriate decisions on behalf of their foster child.

The National Minimum Standards for Fostering states

Children in foster care deserve to be treated as any good parent would treat their own children and to have the opportunity for as full an experience of family life and childhood as possible, without unnecessary restrictions.

Children who are looked after don't want social workers making decisions about every aspect of their lives. This article clarifies what delegated authority is, who has parental responsibility for the child and gives examples of the day-to-day decisions a foster carer can make themselves and what decisions need to be referred to the child's social worker.

What is delegated authority?

Delegated authority is the term used when a person with parental responsibility gives permission to another person to do or agree something on their behalf in relation to a child. This means the responsibility for making most day-to-day decisions about a child can be passed to the foster carer.

If Newham's Children & Young People's Service has an Emergency Placement Order, Interim Care Order or Care Order for a child, then the Service has the authority to delegate authority to their foster carers. This can only happen after consultation with the birth parents or person holding parental responsibility for the child.

If the local authority does not have such an order, it is the parent or someone else with parental responsibility who must agree to delegate authority to the foster carer. An example is if the child is being accommodated by Newham's Children & Young People's Service with the agreement of the child's parent/s (Section 20 of the Children's Act 1989), the parents will then retain their parental responsibility even if the child is in the local authority's care.

A foster carer never has parental responsibility.

