Byram House

PARENTAL RESPONSIBILITY POLICY

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PARENTAL RESPONSIBILITY

LEGAL STATUS, DELEGATED AUTHORITY AND CONSENT POLICY

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1. Introduction to the Policy

This policy sets out the framework, principles, and procedures that **Byram House** follows to understand and apply the legal concepts of parental responsibility (PR), delegated authority, and consent for children and young people in our care. The policy applies to all staff, agency workers, volunteers, and contractors working at Byram House, whether at 62 Deighton Road, 66 Deighton Road, or elsewhere.

The Home is Byram House, which comprises the two residences at 62 Deighton Road and 66 Deighton Road. This policy applies equally across both residences.

Placement planning procedures require that the Registered Manager ensures all necessary consents are provided and signed by those with authority to do so before a child is admitted. **A child will not be admitted without all consents (as detailed below) confirmed and signed**, including for emergency placements.

The objectives of this policy are to:

- Clarify who holds parental responsibility for each child and what legal status applies (e.g., Section 20 accommodated, Section 31 care order).
- Ensure that authority for day-to-day decisions is delegated to the home's staff unless there is a valid reason not to do so, as recorded in the placement plan.
- Respect the child's developing competence (Fraser/Gillick) and involve them in decisions where appropriate.
- Provide a clear list of required consent forms and a tool for determining decision-making authority.
- Comply with the **Children Act 1989**, the **Care Planning, Placement and Case Review (England) Regulations 2010 (as amended)** , and **Working Together to Safeguard Children 2026**.

Failure to delegate authority appropriately can lead to delays, missed opportunities, and make children feel different from their peers. This policy ensures that the home can act promptly and in the child's best interests.

2. How this Policy Benefits the Home

This Parental Responsibility, Legal Status, Delegated Authority and Consent Policy benefits Byram House in the following ways:

- **Legal Compliance** – It meets duties under the **Children Act 1989** (Sections 20, 31, 33), the **Care Planning, Placement and Case Review (England) Regulations 2010 (as amended)** , the **Children's Homes (England) Regulations 2015**, and **Working Together to Safeguard Children 2026**.
- **Clarity for Staff** – It clearly explains when the local authority has PR (care order) versus when parents retain PR (Section 20 accommodation), and how authority for day-to-day decisions is delegated to the home.
- **Child-Centred** – It requires consideration of the child's views and competence, and ensures that children are not unnecessarily disadvantaged by lack of parental consent for everyday activities (e.g., school trips, haircuts, leisure activities).
- **Risk Management** – It mandates that all consents must be obtained and signed before admission (except in genuine emergencies, where they must be obtained within 72 hours). This prevents delays and disputes.
- **Decision-Making Tool** – It references the **Delegated Authority Tool** (local authority or company tool) to determine who can consent to specific actions (e.g., medical treatment, passports, social media use).
- **Recording and Accountability** – It requires that the placement plan clearly names who has authority for each area (e.g., health, education, faith, contact), and that any refusal to delegate is recorded with reasons.
- **Emergency Decisions** – It gives guidance on what to do when a decision cannot wait for parental or local authority consent (e.g., emergency medical treatment – call 999).
- **Training Framework** – It sets out annual training for staff on PR, legal status, and consent.
- **Inspection Readiness** – The **Social Care Common Inspection Framework (SCCIF) 2026** expects effective delegation and consent management. This policy provides clear evidence.

3. Definitions & Legislation

3.1 Definitions

Term	Definition
Home	Byram House, the children's home registered with Ofsted, comprising two residences at 62 Deighton Road and 66 Deighton Road.
Company	IMS Care LTD, the registered provider and legal entity responsible for operating Byram House.
Byram House	The name used throughout this policy to refer to the home and its staff.
Parental Responsibility (PR)	All the rights, duties, powers, responsibilities and authority which a parent of a child has in relation to the child (Children Act 1989, s.3).
Section 20 (Accommodated)	A child is provided with accommodation by the local authority with parental consent (voluntary). The local authority does **not** acquire PR; parents retain PR.
Section 31 (Care Order)	A court order placing a child in the care of a local authority. The local authority shares PR with parents, but the authority can determine the extent to which parents' PR is exercised (s.33).
Interim Care Order	A temporary care order made while care proceedings are ongoing.
Emergency Protection Order (EPO)	A short-term order (max 8 days) allowing a child to be removed to safety.
Delegated Authority	The transfer of day-to-day decision-making power from those with PR (parent or local authority) to the residential home's staff.

Placement Plan	A document (required by the Care Planning Regulations) that records who has authority for each area of the child's life.
Fraser Competence	The ability of a child under 16 to give consent to medical treatment (e.g., contraception, STI testing) without parental knowledge, if they have sufficient understanding.
Gillick Competence	Same as Fraser competence – a child's capacity to consent to treatment.
Designated Authority Tool	A checklist or matrix (often provided by the placing authority) that clarifies which decisions can be made by the carer, which require local authority agreement, and which require parental agreement.

3.2 Key Legislation and Statutory Guidance

Legislation / Guidance	Key Provisions	Relevance to this Policy
Children Act 1989	Section 3 – definition of parental responsibility. Section 20 – voluntary accommodation (no PR for LA). Section 31 – care order (LA shares PR). Section 33 – LA powers when care order made. Section 44 – emergency protection order.	Determines who holds PR and what decisions the home can make without further consent.
Care Planning, Placement and Case Review (England)	Regulations 12, 15, 16 – placement plan must include who has authority for decisions in key areas: health, education, leisure, faith, use of social media, etc.	The home must ensure that the placement plan is completed before admission (or within 5

Regulations 2010 (as amended 2021)		days for emergency placements) and clearly records delegation.
Children's Homes (England) Regulations 2015	Regulation 15 – placements must be suitable; Regulation 37 – care plan and placement plan.	The home cannot admit a child without appropriate consent and delegation recorded.
Working Together to Safeguard Children 2026	Emphasises the importance of effective planning and information sharing for looked-after children.	The home must communicate with placing authorities and parents to ensure delegated authority is clear.
Children and Families Act 2014	Section 8 – corporate parenting principles.	Reinforces that local authorities (and their providers) must act in the child's best interests, including through effective delegation.
Human Rights Act 1998	Article 8 – right to respect for family life.	Delegation must not unreasonably interfere with parents' rights; however, the child's welfare is paramount.
Mental Capacity Act 2005 (for children over 16, and Gillick for under-16s)	Requires that decisions for those lacking capacity be made in their best interests.	If a child lacks capacity to consent (e.g., severe learning disability), the home must act in their best interests, consulting those with PR.

Data Protection Act 2018 & UK GDPR	Governs sharing of information about legal status and consent.	The home must store consent forms securely and share them only on a need-to-know basis.
Social Care Common Inspection Framework (SCCIF) for Children's Homes 2026	Effective 1 April 2026. Inspects whether the home effectively manages delegated authority and consent.	Inspectors will examine placement plans, consent forms, and staff understanding of PR.

4. The Policy

4.1 Parental Responsibility (PR) – General Principles

- **Parental responsibility (PR)** is defined in the Children Act 1989, s.3 as "all the rights, duties, powers, responsibilities and authority which a parent has in relation to the child".
- When a child is looked after by the local authority, **parents do not lose PR**, unless a court order specifically restricts it (e.g., adoption order).
- The local authority's PR depends on the legal status of the child:
    - **Section 20 (accommodated)** – local authority does **not** have PR. Parents retain full PR. The home must obtain consent from parents (or the child if 16+ and competent) for decisions.
    - **Section 31 (care order)** – local authority **does** have PR, shared with parents. The local authority can exercise PR to the exclusion of parents where necessary to safeguard the child (s.33). In practice, the local authority delegates day-to-day decisions to the home.

- **Where a parent is unable to engage** in discussions (e.g., due to illness, disinterest, or hostility), the local authority must take a view. If there is a care order, the LA can exercise PR without the parent. If there is no care order, the LA can do what is reasonable in the circumstances to safeguard the child's welfare.

Building relationships with parents: The home will work with placing authorities to build effective relationships with parents and others with PR, so that they understand that appropriate delegation is in the child's best interests. Where parents initially refuse to delegate, the decision will be kept under review through the care planning process.

4.2 Legal Status of the Child (Accommodated, Care Order, etc.)

The Registered Manager must obtain from the placing authority a clear statement of the child's **legal status** before admission. This will be recorded in the placement plan.

Legal Status	LA has PR?	Who consents to day-to-day decisions?
Section 20 (voluntary accommodation)	No	Parents (or child if 16+ and competent). The home must seek parental consent for activities outside routine care.
Section 31 Care Order	Yes (shared with parents)	The local authority delegates to the home. Routine decisions (e.g., school trips, haircuts) can be made by the home. Major decisions (e.g., change of school, medical procedures) require LA agreement.
Interim Care Order	Yes (shared)	Same as full care order, but the court retains oversight. The home should seek LA advice for significant decisions.

Legal Status	LA has PR?	Who consents to day-to-day decisions?
Emergency Protection Order (EPO)	Yes (temporary)	LA can exercise PR for the duration. The home should follow LA directions.
Section 21 – police protection	No (temporary)	Police have power to remove child for 72 hours; thereafter the child becomes looked after under Section 20 or 31.

4.3 Delegation of Authority to the Home

General principle: Authority for day-to-day decision-making about a looked after child **must** be delegated to the child's carer(s) (i.e., the home's staff) unless there is a valid reason not to do so. Failure to delegate can delay decisions and make children feel different from their peers.

What decisions are typically delegated?

- Routine healthcare (e.g., taking a child to a GP appointment, administering prescribed medication – under the Medication Policy).
- Educational activities (e.g., attending parents' evenings, school trips within the UK).
- Leisure activities (e.g., swimming, cinema, local outings).
- Haircuts (subject to the child's age and competence – see 4.4).
- Use of social media (as per the Internet Policy, with supervision).
- Contact arrangements (where specified in the placement plan).

What decisions are typically not delegated (require parent or LA consent)?

- Applying for a passport (law cannot be delegated to a person without PR, unless the child is 16+ and capable).
- Changing the child's name.
- Consent to serious medical treatment (e.g., surgery, vaccination, mental health assessment – may be delegated to the LA if they have PR, or to parents).
- Taking the child abroad (outside the UK).
- Choosing a new school or changing educational placement.
- Marriage or civil partnership (under 18 not permitted without court order).
- Tattoos or piercings (age-restricted by law).

The placement plan must clearly name the person(s) with authority to take decisions in key areas:

- Medical and dental treatment.
- Education.
- Leisure and home life.
- Faith and religious observance.
- Use of social media.
- Contact (with family, friends).
- Any other area relevant to the child.

Where a decision is not delegated to the home but can be predicted in advance (e.g., annual school trip), the agreement of those with PR will be sought in advance and recorded in the placement plan, so that when the decision arises, delay can be avoided.

Where a decision is made by another person (e.g., parent or LA) but the home is expected to implement it (e.g., attending CAMHS appointments), this is not delegation of decision-making but implementation. The home will carry this out.

4.4 The Child/Young Person's Competence to Make Decisions (Fraser/Gillick)

Fraser competence (also called Gillick competence) refers to a child under 16 having sufficient understanding to consent to their own medical treatment. It can also apply to other decisions, such as:

- Choice of hairstyle or clothing.
- Use of social media.
- Contact arrangements.

When deciding whether a child is competent to make a specific decision, staff should consider:

- Can the child understand the questions being asked?
- Do they appreciate the options open to them?
- Can they weigh up the pros and cons of each option?
- Can they express a clear personal view (not just repeating what someone else says)?
- Can they be reasonably consistent in their views?

If a child is competent, staff should **respect their decision** unless it would place them at risk of significant harm. The decision and the competence assessment must be recorded.

Age-restricted decisions: Regardless of competence, some decisions cannot be made until the child reaches a certain age (e.g., tattoos are not permitted under 18; certain piercings not permitted under 16). The home will inform children of these legal restrictions.

Where the child lacks capacity (e.g., due to severe learning disability), decisions will be made in their best interests under the Mental Capacity Act 2005 (if 16+) or common law (if under 16), consulting those with PR.

4.5 Placement Planning and Consent Forms

Before any child is admitted (including emergency placements), the Registered Manager must obtain **all necessary consent forms** signed by the appropriate person (parent, local authority, or child if competent). **No admission will take place without these signed consents in place.**

The following consent forms are required (list to be maintained and reviewed annually):

1. **Medical and Health Consent** – for routine and emergency treatment, administration of medication, and sharing of health information.
2. **General Consent** – for day-to-day activities not covered elsewhere.
3. **Contact Consent** – specifying who the child may have contact with, frequency, method, and any supervision.
4. **Personal/Leisure and Home Life Consent** – for outings, holidays, haircuts, leisure activities.
5. **Use of Door Alarms** (if required) – consent for safety measures.
6. **Education Consent** – for school trips, parents' evenings, educational decisions.
7. **Faith and Religious Observance** – for attending services, practising faith.
8. **Identity and Names** – for using preferred name, etc.
9. **Access to Records** – consent for sharing information with relevant professionals.

For children subject to a care order, the local authority (as the corporate parent) will sign these forms, delegating authority to the home. The home must also consult parents where possible and record their views.

For Section 20 accommodated children, the parent must sign these forms. If a parent refuses to sign, the local authority may do what is reasonable in the circumstances to safeguard the child's welfare, but the home must seek legal advice before acting without parental consent.

In an emergency placement, the forms will be obtained within **72 hours** of admission. The home will not admit a child without at least initial verbal consent for emergency medical treatment.

Designated Authority Tool: The Registered Manager will refer to the **Delegated Authority Tool** provided by the placing authority (or the company's own tool) when completing the placement plan to ensure full clarity on who can consent to which actions.

4.6 Decisions That Cannot Be Delegated

The law prevents authority being delegated to a person without PR in certain areas:

Decision	Who can consent
Applying for a passport	Parent or young person aged 16+ (if able to apply for themselves).
Changing the child's surname	Parent (or court order).
Consent to adoption	Parent or court.
Marriage or civil partnership (under 18)	Court order required.
Removal from the UK for a prolonged period	Parent or LA with care order (and court order if contested).

In such cases, the home will support the child and family to access the appropriate authority.

4.7 Emergency Decisions and Unforeseen Circumstances

If a decision cannot wait for consent (e.g., a child needs emergency medical treatment):

- Call **999** and follow the advice of the emergency services. The ambulance or hospital staff have a duty to provide lifesaving treatment regardless of consent.
- The Registered Manager will inform the child's parent (if possible) and the social worker as soon as possible.
- Record the decision and the reasons for acting without prior consent.

For non-emergency urgent decisions (e.g., an unexpected school trip that requires consent not previously obtained), the home will contact the person with PR (parent or social worker) by phone, obtain verbal consent, and confirm in writing within 24 hours.

4.8 Recording and Review

- All consent forms and delegation decisions will be retained in the child's file (hard copy or electronic) and recorded in Clear Care.
- The placement plan will be reviewed **within 5 days of admission** (for emergency placements) and **at every statutory review** (at least every 6 months).
- If a parent or local authority refuses to delegate a particular decision, the reason must be recorded in the placement plan. The Registered Manager will challenge the refusal if it is not in the child's best interests (escalating to the Responsible Individual and, if necessary, the placing authority's senior manager).

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5. How the Home Trains its Staff About this Policy

Byram House provides structured training to ensure all staff understand and can implement this Parental Responsibility, Legal Status, Delegated Authority and Consent Policy effectively.

Training Element	Frequency	Method / Content
Induction	Upon appointment	Face-to-face training covering: definition of parental responsibility, legal status (Section 20 vs Section 31), delegated authority principles, placement planning and consent forms, Fraser/Gillick competence, decisions that cannot be delegated, emergency

		decision-making, recording, and the dual-site operation (62 & 66 Deighton Road).
Annual refresher	Every 12 months	Classroom or virtual session covering updates to legislation (Care Planning Regulations, SCCIF 2026), case studies on delegation challenges, and refresher on competence assessment.
Fraser/Gillick competence training	At induction and biennially	Training on assessing a child's capacity to consent, using the five-question framework, and documenting the assessment.
Use of Delegated Authority Tool	At induction for managers	Practical training on using the tool (provided by the placing authority) to determine who can consent to specific actions.
Emergency decision-making	Annually	Training on what to do when consent cannot be obtained (e.g., calling 999, informing parents and social worker, recording).
Record keeping and data protection	At induction and refresh	Training on storing consent forms securely, sharing with placing authorities, and GDPR compliance.

Staff are required to:

- Read and sign this policy annually.
- Complete all mandatory training.
- Never assume consent; always check the placement plan or delegated authority tool.
- Immediately escalate any refusal of consent that appears unreasonable to the Registered Manager.

6. Related Policies and Guidance

This policy must be read in conjunction with:

- Safeguarding Policy
- Medication Policy
- Sexual Health and Relationships Policy
- Personal and Intimate Care Policy
- Internet Policy for Adults, Children and Young People
- Missing From Care Policy
- Police Involvement Policy
- Data Protection Policy
- Children's Homes (England) Regulations 2015
- Working Together to Safeguard Children 2026
- Care Planning, Placement and Case Review (England) Regulations 2010 (as amended)
- Mental Capacity Act 2005 Code of Practice
- Social Care Common Inspection Framework (SCCIF) for Children's Homes 2026

7. Policy Approval and Review Details

Byram House

Policy Name	PARENTAL RESPONSIBLE POLICY	
Home	Byram House	
Reviewed by	Danyaal Iqbal / Mustafa Amin	Deputy Manager / Registered Manager
Approved by	Stacey Wagstaffe	Responsible Individual
Date	May 2026	