



**Policy and Guidance:  
Delegation of Decisions on  
'Overnight Stays' for Looked  
After Children to Carers**

**Version 4.0  
February 2007**

Document name & file location	J:\PS&C Team\Chris Mills\Policy Development		
Document Author	Chris Mills Policy & Commissioning Officer, Children's Social Care Bracknell Forest Borough Council Time Square, Market Street, Bracknell, Berkshire RG12 1JD Telephone: 01344 351767 Email: <a href="mailto:chris.mills@bracknell-forest.gov.uk">chris.mills@bracknell-forest.gov.uk</a>		
Document owner	Alex Walters Assistant Director, Children's Social Care Bracknell Forest Borough Council Time Square, Market Street, Bracknell, Berkshire RG12 1JD		
Review date	This document is to be reviewed a minimum of every [number] years, the next review to occur no later than [month] [year]. Incremental reviews may take place as required.		
Accessibility	This document can be made available in hard and electronic formats. No copies in other languages are currently available.		
How this document was created	Version 1	Author and Team	Nov 2006
	Version 2	Team / Line Manager	Dec 2006
	Version 3	CSMT	Jan 2007
	Version 4	Public document or Pre-print Design Circulation	Feb 2007
Circulation restrictions	No exceptions		
Version	Detail of change		Name & Date
1.0	Document created		ChrisMi Nov 2006

**Accessibility**

This document can be made available in large print, Braille, audio or in electronic format.

Copies in alternative languages may also be obtained.

Please contact:

The Policy and Commissioning Officer  
Children's Social Care  
Bracknell Forest Borough Council  
Time Square  
Market Street  
Bracknell  
Berkshire RG12 1JD  
Email: [Chris.Mills@bracknell-forest.gov.uk](mailto:Chris.Mills@bracknell-forest.gov.uk)

Telephone: 01344 351767

Fax: 01344 351521

Minicom: 01344 352045

## Table of Contents (Press F9 to refresh)

1	Introduction .....	1
2	Legislation and Guidance.....	1
2.1	Background.....	1
2.2	Recent Guidance .....	1
3	Principles.....	1
4	Practice Guidance .....	2
4.1	Criminal Records Bureau Checks .....	2
4.2	Dealing with Potential Risks .....	2
4.3	Actions by Foster Carers and Residential Carers .....	3
5	References .....	3

## 1 Introduction

This document provides policy and practice guidance to explain how decisions about children looked after staying overnight with their friends, or with the friends or relatives of foster carers can properly be delegated to Foster Carers and Residential Social Workers.

## 2 Legislation and Guidance

### 2.1 Background

The Children Act 1989 and accompanying Regulations made no provision for the possibility of children 'looked after' staying overnight with friends, or for being cared for temporarily by the friends or relatives of foster carers without the range of checks outlined in Schedule 1 (Regulation 5,7,20) of the Foster Placement Regulations 2002 being undertaken.

However, it should be noted that Section 22(2) of the Children Act 1989 applies in that: "It shall be the duty of the local authority looking after any child to safeguard and promote his welfare."

### 2.2 Recent Guidance

Department of Health Circular LAC(2004)4<sup>1</sup>, issued under section 7 of the Local Authority Social Services Act 1970, provides guidance to clarify the position in relation to the legal basis for the delegation of decisions about overnight stays for looked after children, living both in residential accommodation and in foster care. The Circular also sets out guiding principles and good practice for making decisions about overnight stays.

## 3 Principles

The overarching principle is that looked after children should, as far as possible, be granted the same permissions to take part in normal and acceptable age appropriate peer activities, such as staying with friends, as would reasonably be granted by the parents of their peers. Parents make judgements on whether or not there are known risks to staying in a particular household or in staying overnight in particular circumstances, and similar judgements should normally be made for children in foster or residential care by their responsible carers, based on a reasonable assessment of risks. This means that:

- Decisions on overnight stays should in most circumstances be delegated to foster carers and residential care staff, and details of how this will operate in practice should be written into the Placement Plan or Foster Placement Agreement.
- There is no statutory duty for CRB checks to be carried out on adults in a private household where a child may stay overnight. CRB checks should not normally be sought as a precondition of an overnight stay.
- The views of the young people themselves must always be considered.
- Only where there are exceptional reasons should the permission of the responsible authority be required or restrictions placed on overnight stays.

---

<sup>1</sup><http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/LocalAuthorityCirculars/AllLocalAuthorityCirculars/fs/en>

## 4 Practice Guidance

### 4.1 Criminal Records Bureau Checks

#### Overnight Stays

There is no statutory requirement for CRB checks to be made. The responsibility for determining the suitability of a family with whom a looked after child wants to stay overnight is delegated to the child's foster carers or residential staff.

CRB checks should not normally be sought as a precondition of a looked after child staying overnight with a friend or friends. Such checks would not be a part of the arrangements or conditions for a child living with their own parents in the community to stay overnight with friends.

#### Regular, Frequent or Prolonged Stays

CRB checks should be carried out on adults in a household where a child is to stay with an adult or adults if there is to be an arrangement for the child to stay in the household on a frequent or regular basis, or if the child is to stay for a prolonged period. For the purpose of this policy frequently is defined as weekly or more often. Regular means more than 2 planned visits per month. A prolonged period is more than 3 consecutive nights.

#### Households which may present a risk

In exceptional circumstances, where there is a good reason to consider a child at specific risk in staying in a particular household, a CRB check or checks should be carried out before the child stays, so any concerns can be properly assessed. Where the results of the CRB check cause concern, a more detailed risk assessment should also be carried out, including local authority checks.

If the child is placed by another authority they must be consulted in these circumstances.

*NB. This guidance does not amend or relax the requirements in relation to decision making, planning, approvals and checks for any other changes in accommodation such as a temporary change of placement or respite care arrangements.*

### 4.2 Dealing with Potential Risks

Where the proposed arrangements are thought to pose a possible risk to the child this must always be discussed fully between the social worker for the child and the family placement social worker and the child's foster carers, or with the residential staff concerned.

In all cases the social worker should make foster carers and residential care staff aware of any known individuals, addresses or areas which may place a child at risk. If it is considered that there are factors in the child's past experiences, behaviour or disposition which preclude overnight stays this should be discussed with the child's carers and reviewed regularly. Likewise the child's carers must always inform the social worker of any concerns which arise in relation to overnight stays.

Actions to safeguard the child in these circumstances may include seeking the permission of the placing authority or person with parental responsibility for the child or placing specific restrictions on permitting a child to stay overnight in another household.

Any action should be based on clear and stated reasons which are necessary to safeguard and promote the child's safety or welfare. In such cases, the restriction should be clearly

stated in the child's care plan and reflected in the child's foster placement agreement or residential establishment placement plan.

The child should always be consulted over the issue and their views and feelings taken into account in reaching the decision unless this is for some exceptional reason detrimental to their welfare.

Restrictions should be reviewed regularly to ensure that they remain relevant.

### **4.3 Actions by Foster Carers and Residential Carers**

Foster carers and residential staff who are planning to make any arrangements for a child to stay overnight with a friend or friends should always take the following actions:

- Inform the child's social worker of the arrangements and always consult them if there is any doubt regarding the safety of the arrangements
- Ensure that they know clearly the views of the child or young person about the proposed stay. If the child or young person expresses any doubt or concern this should always be resolved first. If the child's doubts or concerns remain unresolved it is best to postpone or cancel the visit.
- Ensure that they have a reasonable knowledge and understanding of the circumstances of the family with whom the child will be staying. If this knowledge raise any concerns these must be dealt with.
- Make direct personal contact with the adults in the family the child is to be staying with before agreeing to the stay, ensuring that the arrangements are as described by the young person, and that the stay is convenient for the adults involved.
- Visit the family home prior to the stay. This may be informal, by dropping the young person off for the stay and making suitable enquiries about the arrangements. In many cases a foster carer will already know the home, having visited previously.
- Confirm to their full satisfaction that the arrangements and level of supervision of the child will be sufficient. The age, maturity and possible vulnerability of the child will need to be considered.
- Always ensure that they have the contact details for the household in which the child is staying. They must also always ensure that the child staying overnight elsewhere has their contact details and that the child carries these with them.

## **5 References**

Department of Health Circular LAC(2004)4<sup>2</sup>, issued under section 7 of the Local Authority Social Services Act 1970

---

<sup>2</sup><http://www.dh.gov.uk/PublicationsAndStatistics/LettersAndCirculars/LocalAuthorityCirculars/AllLocalAuthorityCirculars/fs/en>