

EAST DUNBARTONSHIRE COUNCIL

SOCIAL WORK SERVICES

PROCEDURES AND GUIDANCE

**HOLIDAYS AND PASSPORTS FOR LOOKED AFTER
AND ACCOMMODATED CHILDREN**

Purpose

Procedures & guidance to be followed when children in residential or foster care go on holiday or require a passport

AUG 2005

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1. POLICY STATEMENT

The purpose of this document is to provide procedures for social work staff responsible for individual children to follow, in order to ensure that any holiday is arranged properly, and to provide guidance on good practice in this aspect of work.

When children and young people are accommodated by the local authority, social work services have responsibilities both for the child's safety and also for providing nurturing and stimulating experiences. These will include opportunities for holidays and other trips away from their usual residence.

Holidays should be considered in terms of meeting the needs of the particular child, for relaxation, leisure, new experiences and adventure.

In most situations, legal parental rights will still be held by birth parents but in some situations, the local authority will hold full parental responsibility. In many cases, the child will be subject to a compulsory measure of care/supervision which will mean that the Reporter to the Children's Panel or Court will also need to be consulted and be aware of the arrangements.

It is important that children, even very young children, are consulted about any proposed holiday and their views taken into account. It is essential that every child is full prepared for the experience, bearing in mind that many children who are accommodated will have understandable anxieties about any move or change of routine.

The ideas for holiday experiences must be discussed well in advance at Core Groups and LAAC Reviews, not just as a reaction to the plans already formulated by adults, such as residential staff and carers.

2. LEGAL CONSIDERATIONS

The main legal basis for the responsibility of social work services relating to this document will almost always be the Children [Scotland] Act 1995 and its related guidance, Scotland's Children. One of the key aspects of the legislation is that in any consideration, the child's welfare is paramount.

Legislation and guidance governing child protection and child safety [including health and safety measures for certain activities] will also be relevant.

Specific considerations will depend on the child's particular status, e.g. a compulsory measure of supervision, PRO, or 'voluntary' accommodation [Sec 25], and on particular conditions which may have been laid down by a Hearing, Court or person holding parental rights.

There are particular legal requirements regarding Passport Applications which are referred to in detail in this document.

The insurance arrangements, for the child, and the carers/staff that will be with them, must always be checked and deemed satisfactory by the responsible social worker. This will include information on cover provided by group leaders/activity centres etc. If there is any concern, legal services should be consulted

3. PROCEDURES

Holidays

3.1 Introduction

It is the responsibility of the local authority and, therefore, the child's Social Worker to be aware of the residence of any child in foster care, residential care or a pre-adoptive placement at all times. Therefore, when children go on holiday the Social Worker must be consulted well in advance and record details of the holiday plans, including the address and departure and return dates. If the child is on a Supervision Order and is leaving Scotland, the Reporter must be informed.

In all the situations addressed in this document, the social worker **must** check that proper and sufficient supervision arrangements and insurance cover is in place.

- 3.2 Parental consent should always be sought for activities that are considered potentially dangerous such as water sports, skiing, abseiling, etc. In the event that the parent is not available, consent should be sought from the Chief Social Work Officer.

Parents should be asked to complete the general activities form that details a range of activities and gives them the opportunity to give or withhold consent in advance. All efforts to contact the parent should be recorded in writing.

Detailed information must be obtained and shared about activities in which a child is likely to participate.

3.3 Holidays within the United Kingdom

Children of 12 and over can consent to their own holiday but social work services must be satisfied that the arrangements are reasonable and safe.

- a. Foster Care:

Foster carers must consult and share plans and details of any proposed holiday on which they intend to take the child with the social worker and parents, well in advance.

When children go on holiday without their foster carers e.g. on a school trip or with an organisation such as the Guides or Boy's Brigade, the social worker, with the assistance of the parents/carers, has the responsibility to ascertain the details of the holiday and its suitability. Carers can give permission for school trips that occur during the school day, but parents should always be consulted about their views on any proposed trip and encouraged to give written agreement. It is important to children that safeguards applied are in line with those that any responsible parent would take and are not perceived as prohibitive.

- b. Residential Care: Children and young people in residential care will also have opportunities to go on holiday and the same responsibilities as above [a] will apply. The Social Worker should be consulted about the holiday arrangements in respect of the young person. The Unit Manager can give consent for day trips with the school, Guides etc.
- c. For holidays with foster carers and residential staff, or with a group/school, agreement must be sought from those who have parental rights, and the process of this, consents, plans and activities recorded clearly in the child's file.

3.4 Holidays Abroad

The Local Authority does not have the legal authority to allow a child other than those subject to a PRO or Freeing Order, out of the country, and thereby out of its legal jurisdiction, without parental consent. There are three stages to consider in the obtaining of consent.

- a. Firstly, there is an agreement in principle as to whether the local authority with responsibility for the child's care can support the request for the child to go on holiday abroad. The proposal must be agreed by the Chief Social Work Officer.
- b. If that consent is obtained, the parent must be approached for consent, having been given full details of the holiday.
- c. If that consent is not forthcoming then consideration may be given to an application for a Section 11 Order, Children (Scotland) Act 1995.

3.5 Legal requirements for consents for passports

- a. If the child is subject to a:
 - Parental Responsibilities Order: Section 86 Children (Scotland) Act 1995
 - or
 - Freeing Order: Section 18 Adoption (Scotland) Act 1978

Then consent of the Local Authority, as having parental rights, is needed by the Passport Office. The Chief Social Work Officer should sign section 9 of the application form. Young people over 12 must sign section 6 of the form.

- A certified copy of the Order should accompany the application.
- b. Accommodation under Section 25 Children (Scotland) Act 1995, and
Accommodation under Section 70 Children (Scotland) Act 1995.

The passport office needs the consent of the legal parent. If the parents were married or the father has acquired parental responsibilities either parent can sign. Failing that only the mother can sign. The Local Authority does not have the legal authority to allow a child subject to these measures to leave the country, and thereby out of its legal jurisdiction, without parental consent, unless the Court has granted a Section 11 Specific Issues Order to another individual. However, in situations where the parent cannot be found, the Passport Office should be consulted before an application proceeds.

- The local Reporter to the Children's Hearing must be advised in writing that the child is to leave the country for the dates specified, if the child is subject to Section 70 supervision [or an emergency order, although it is unlikely that a trip abroad should be considered if the child has this status]

c. Adoption under Section 12 Adoption (Scotland) Act 1978

Prior to the granting of an Adoption Order, parental consent should be requested as above. If parental consent is withheld, the same procedures should be followed, dependent on the primary legislation under which the child is looked after. If the adoption petition is lodged, the relevant Sheriff Court should also be informed in writing of the proposed holiday.

d. Procedures where consent is withheld or parent cannot be found

As soon as the Social Worker is made aware that a child or young person may go on holiday abroad they should immediately seek the written consent of the parent. It is expected that carers will discuss proposed trips well in advance with the child's worker even if final arrangements have not been made i.e. resort, hotel, and flights. It is important not to delay in this process even if the holiday is some time away, as the withholding of parental consent can be a very time consuming issue to resolve. A parent may initially have reasonable anxieties about the request to take the child abroad that may be able to be discussed and resolved. If however the parent cannot be found or is adamant about withholding consent then this must be discussed at a LAAC review and/or managers' consultation.

e. Applying for an order under Section 11 2 (e) Children (Scotland) Act 1995

If it is the decision of the review or consultation that the holiday is in the best interests of the child or young person and the withholding of consent is unreasonable, a proposal may be made to pursue a Section 11 Specific Issues Order. The local authority cannot apply for this Order and so either the carer or other responsible adult would have to apply. The review/meeting recommendation should incorporate a recommendation for the payment of legal fees. The process for this is contained within the procedure for the Payment of Legal Fees. The carer will then require to consult a solicitor. If the Order is granted the passport can then be applied for with the Order being used in place of parental consent. The

authorisation from Chief Social Work Officer should accompany the application.

3.6 Authorisation within Social Work Services

- a. Authorisation for a child in foster or residential care to holiday abroad or to leave the country for a period is given by the Chief Social Work Officer.

Foster Carers/unit managers must discuss the details of the proposed holiday in good time with the child's Social Worker. On receiving such information the Social Worker must complete the Form "Request for authority for child in foster care to leave the country temporarily. "(Appendix A)". This form should be factually accurate and contain all the relevant points. The Social Worker should then arrange for it to be considered by the Team Manager responsible for the child.

Birth parents must be informed without delay, consulted and written consent sought.

The application report should then be given to the Chief Social Work Officer who should assess the request, ascertain that the details and requirements for authorisation have been met, and on approval being given, prepare two copies of the letter of authorisation appropriate to the legislation under which the child is looked after. (Appendices B and C of this Procedure set out styles of letters to be used).

The Social Worker is responsible for the ongoing transmission of the letters to the foster carers or residential staff. The letter should be taken on holiday by the foster carer or the leader in the case of a group trip or residential manager, in case evidence is needed of authorisation for the child to be in their care, e.g. for medical treatment. A copy of the form of authorisation should be held in the child's file.

- b. If parents cannot be located:

In situations where any parent with parental responsibilities cannot be found and there is no reason to believe that if they were found consent would not be forthcoming, the Chief Social Work Officer may authorise the holiday. The Social Worker should detail in writing the attempts that were made to trace the parent(s) and this information should be retained in the file. The Chief Social Work Officer should counter sign the information showing that they are satisfied that all reasonable steps were taken to trace the parent(s).

- c. Where consent is refused

In the event of a parent withholding consent or being unable to be found and a young person on a Section 25 or Section 70 order wishing to go abroad on holiday e.g. on a school trip, the situation is complex. As stated above the Local Authority cannot apply for a section 11 Order. It is

possible for a unit manager to offer to apply for the Order but this would have to be recommended at a LAAC review or managers consultation and agreed by the Chief Social Work Officer. Advice should also be sought from Legal Services. However they cannot represent the individual unit managers, and independent solicitors will be required to raise the action on their behalf.

3.7 Passports – detailed steps

- a. Although young people over 12 can consent to their own holiday they are unable to apply for a passport without parental consent until aged 18. The Passport Office should be consulted if the young person is over 16 and parental consent is unavailable, prior to seeking a Section 11 Order.
- b. All children, from newborn babies to the age of 15, must now have their own individual 5 year passport. Once they reach their 16th birthday they then become eligible for a standard 10 year passport. The local authority will pay for the passport.
- c. The Passport Office will only issue a passport to a child in a name agreed by the person with parental responsibilities as the name by which the child is known. In most cases this will be the name on the Birth Certificate as submitted with the application. However there are a number of situations where a family group have different names on their birth certificate but are known collectively by one family name. The Passport Office would consider this to be the name under which the passports should be issued provided that parental consent to the change of name is attached to the passport application. The application form should be completed in the name by which the child is currently known and to which the parent has given written agreement that they are known by that name. If the parent has been consulted about the change of name and is not willing for a passport to be issued in that name, then the name on the birth certificate should be used.
- d. If a parent cannot be found but documentary evidence can be supplied as to the child's common use of the name e.g. school or medical records, the Passport Office is likely to deal with the matter sympathetically but advice should be sought. In such instances, support for the passport being issued in the 'new' name must be included in the letter of authorisation and signed by the Chief Social Work Officer.
- e. Children placed for adoption but where the adoption has not been granted can only have a passport issued in their birth name unless the parent has consented to the change of name in writing.

3.7.1 Consent for Passport

- a. The Social Worker should ensure that the child's birth certificate is available and if it cannot be found a full birth certificate should be purchased from the Registrar's Office. They will require the child's name, date and place of birth and the name(s) of the parents.

Application Forms and advice re: completing a passport can be obtained from the local Passport Office, or www.passport.gov.uk. The Passport Service has issued guidance for Social Service Departments. Foster Carers and Social Work staff are NOT allowed to sign the application form. The birth parents or legal guardian MUST sign the passport application form unless there is a Parental Responsibility Order or a Specific Issues Order under Section 11 of the 1995 Act has been granted. Authorisation for the holiday to take place is a separate issue from consent to the passport application. The letter of authorisation from the Chief Social Work Officer (Appendix D) should be submitted with the application documents to the Passport Office. All parental consents must be in writing (Appendix E) and must be submitted to the Chief Social Work Officer with the authorisation request. A letter should accompany the application form giving the following information:

- The purpose, duration and destination of the trip
- Confirmation that they will comply with the relevant statutory obligations towards the child in the future use of the passport

- b. Consultation

The Passport Office appreciates the complexity of many applications on behalf of LAA children. Staff are willing to be consulted about these situations and are considering a system where a set time is offered for Social Work consultations which would by-pass the normal appointment system. The appointment system would remain for speedy applications. They have advised that consultation should be sought before applying for a Section 11 Order in the following scenarios:

- No living parent with parental responsibilities
- Young person over 16 where consent is not forthcoming
- Parents unable to be traced and documentary evidence to support steps taken is available

3.8 Holidays where children are going unaccompanied by Carers/Staff/Other Care Professionals e.g. school exchange with family based accommodation, visits to relatives.

- a. The same issues of responsibility and consent apply even if children are going to stay with relatives other than parents.

- b. Social Work Services, through the Social Worker and with the assistance of the foster carer or residential carer, have the responsibility to ascertain the suitability of the family to whom the child is going. If the visit has been arranged by the school, or through some other organised group, the Social Worker should contact the school or group leader, obtain details of the receiving family, e.g. name, address, composition, whether or not they have taken part in such a scheme before and what “vetting” has been done by the Education Department or the Group. The family should be made aware that the child is accommodated, and of the Local Authority’s responsibility.
- c. If the child is to visit a relative, similar information as above on the family should be obtained from the child, the birth family and the foster carer/staff. Whether or not checks require to be carried out will depend on the age and circumstances of the young person and the length and nature of the relationship. The Chief Social Work Officer should take the decision. The receiving family again should be aware that the child is accommodated, and of the Local Authority’s responsibility. Some of the factors which should help in assessing and balancing Departmental responsibility with the wishes and interests of the child include:
- Duration and depth of the relationship
 - Way in which the holiday has been offered, e.g. whether there has been direct contact with the foster carers or residential unit;
 - Support likely to be available if needed and the degree of independence and responsibility of the child.

It is Social Work Services’ responsibility to ensure that the child and the receiving family have clear guidance on how to get in touch with the foster carer or the Residential Care Manager in an emergency.

3.8a. Extended Periods Out of Scotland

Any child out of the country for more than 3 months to two years should be supervised as he would have been if he had remained in Scotland. Arrangements for this can usually be made through:

International Social Services of Great Britain
Crammer House
39 Brixton Road
London, SW9 6DD

The Chief Social Work Officer should write explaining the reason for requesting supervision, and the ISS will pass the request to their agent in the receiving country who will reply direct. In countries where ISS do not operate, advice should be sought from other sources on how arrangements for supervision can be made. This can be through the International Red Cross, Church Agencies, or Embassy staff, depending on availability in the particular country.

b. Procedure for obtaining the authorisation

The Social Workers must complete a report headed “Request for Authority for child in foster care to leave the country for an extended period” (Appendix F), have it endorsed by the Team. The Fieldwork Manager in consultation with the Team Manager should then assess the request, ascertain that the necessary information has been obtained and collated, and forward the documentation to the Chief Social Work Officer.

The report should contain full and accurate factual details as outlined in the procedure for authorisation in the section above. This report should contain relevant information on the child and the carers and give details of the reasons for the proposed stay out of the country. The report should also include detailed information about where the child is going, and about health arrangements and educational facilities, if appropriate. Details of supervision arrangements, including written confirmation from the agency concerned, should also be forwarded along with the report for the Chief Social Work Officer.

- c. The Chief Social Work Officer on receipt, will consider the request, decide on whether to give authorisation to the period away as specified, if it is considered to be in the interests of the child, and the relevant requirements have been met. She/he will send two signed copies of the letter of authorisation appropriate to the circumstances on the request to the Team Manager for ongoing transmission to the carers and child.

3.10. **Periods of more than two years:**

Authorisation for a child in foster care to leave the country for a period of more than two years is given by the Chair of the Social Work Committee. The procedure would be as in the Section above “Periods of three months to two years”. A report should be prepared for Committee giving full information as detailed above (Appendix F). However, there must be clear evidence that the family intends to return to this country, (e.g. their retention of the family home) or the application will be treated as a request to emigrate. There are separate procedures for emigration, as this has to be processed to the secretary of state for permission.

Young People/Children who are not U.K. Citizens

Legal advice must be sought regarding any wish of a young person who is not a full U.K. citizen, to travel abroad. It is clearly essential to ensure that there will be no problem in them returning to the U.K at the end of their holiday.



Our Ref: TK/HS/
If phoning or calling ask for: Tony Keogh
Ext.No.4534
Email: tony.keogh@eastdunbarton.gov.uk

Tony Keogh
Head of Social Work
Top Floor William Patrick Library
2/4 West High Street
Kirkintilloch
G66 1AD
Tel: 0141 775 4534
Fax: 0141 775 4595

Letter of Authorisation for holiday.

TO WHOM IT MAY CONCERN:

Name of Child:

Date of Birth:

c/o Name and Address of Carer:/..... Home.

- a) The above named child is accommodated under Section (25/70) Social Work (Scotland) Act 1995 and I have authorised the child to go on holiday with his/her foster carers/name and address to (name of country) from (date) to (date).
- b) Permission has been obtained from the child's parents.

OR

- c) The parent has withheld their consent but an Order under Section 11 of the Social Work (Scotland) Act 1995 was obtained on (date) at (Name) Sheriff Court, by name of I have attached a certified copy of the Order.

Signed:

Date:

Chief Social Work Officer:



East Dunbartonshire Council

www.eastdunbarton.gov.uk

Our Ref: TK/HS/
If phoning or calling ask for: Tony Keogh
Ext.No.4534
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Letter of Authorisation for holiday.

TO WHOM IT MAY CONCERN:

Name of Child:

Date of Birth:

c/o Name and address of Carer/Member of Staff

The above named child is accommodated under Section (18/86) children (Scotland) Act 1995, which means that this local authority has Parental Rights and Duties and I have authorised the child to go on holiday with his/her foster carers/residential carers to (name of country) from (date) to (date).

I have attached a certified copy of the court Order.

Signed:

Date:

Chief Social Work Officer:



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If phoning or calling ask for: Tony Keogh
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Email: tony.keogh@eastdunbarton.gov.uk

Tony Keogh
Head of Social Work
Top Floor William Patrick Library
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Fax: 0141 775 4595

Date:

Letter of authorisation for Passport Application

The Passport Office
PO Box
Glasgow

Dear Sir or Madam

Name of Child:
Date of Birth

c/o Name and Address of Carer:

The above named child is accommodated under Section (18/86) Social Work (Scotland) Act 1995 and I have authorised the child to go on holiday with his/her foster carers/residential staff.

I am authorising the passport application on behalf of the Council, which holds full parental rights.

A copy of the Order is attached.

Signed

Chief Social Work Officer



Our Ref: TK /HS/
If phoning or calling ask for: Tony Keogh
Ext.No.4534
Email: tony.keogh@eastdunbarton.gov.uk

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PARENT'S CONSENT

To whom it may concern:

I,.....of (address).....

Give my permission for my child (Name on Birth Certificate).....

Whom I confirm is known as the above / (Name by which child is known)

.....

Leaving the country

Between.....and.....

Signed:

Date:



Our Ref: TK /HS/
If phoning or calling ask for: Tony Keogh
Ext.No.4534
Email: tony.keogh@eastdunbarton.gov.uk

Tony Keogh
Head of Social Work
Top Floor William Patrick Library
2/4 West High Street
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Date:

Report To: Chief Social Work Officer /
Social Work Services Committee

Report From: Fieldwork Manager

Subject: Request for Authority for child in foster care to leave the
Country for an extended period

1. Introduction

Reason for report

2. Background

Explanation of who child is; why they are accommodated; legal circumstances;
current circumstances and how long they have lived with carers

Information as to where the child is going to live; how they will be supervised; why
carers are moving; birth parents views; child's views

Information re health and educational arrangements

Confirmation of written agreement to supervision of placement by agency

Any potential problems and how they will be managed

3. Recommendation

Roles and responsibilities

Carer/residential staff

Obtain and share written details of the holiday including accommodation, travel, activities, insurance cover needed.

Inform and consult child.

Social worker

Obtain detailed information. Share and consult with parents, managers, Reporter/Court, and seek consents, as relevant to the child's care and legal situation.

Consult child.

Responsible managers

Discuss and monitor plans.

Chief Social Work Officer

Consider applications for holidays abroad.

Legal services

Consult on complex or unusual situations