

Advice Line Q&A

Whether a child can stay with their sibling while their foster carer goes on holiday

Question

We have a 17-year-old child whose foster family are going away on holiday for 10 days, and for various reasons the child is unable to go with them. Her adult sister has offered to care for her during that time. The child is happy with that, she has regular family time with her sister. We have a safety plan which includes checks, additional visits, agreement around boundaries etc. Can this be agreed as a delegated authority arrangement or staying family time?

Answer

This should be possible to arrange. It may be possible under the foster carer's delegated authority, depending on: what the relationship between the foster carer and fostered child's sister is; whether there are any restrictions on delegated authority for this child; and on the basis that the child would remain placed with the foster carer who would in that respect still be responsible for the child, keeping in touch with them, and in case of emergency willing to curtail their holiday to resume care if this arrangement fell through.

Alternatively, an extended family time arrangement could be put in place. Our Legal Consultant has previously considered the issues where an extended family time/contact arrangement is being proposed.

Any arrangement for extended contact must be consistent with any orders made under the Children Act 1989 s34 CA89. If there are no restrictions regarding contact with the identified family member, the local authority can arrange this as part of the exercise of their parental responsibility (PR). The local authority will need to give due consideration to the wishes and feelings of the child – and also the views of the child's parents. If the child has doubts/reservations about this the child should have the opportunity to have support from an independent advocate.

The local authority would need to be very clear about the status of the arrangement: it is not a foster placement or respite care. The local authority will need to do proper checks on the suitability of the relative to manage the extended contact, the arrangements in their home, identify any risks to the child, and offer support, including any financial assistance that the child and relative may need. The local authority has PR so must ensure that any such arrangement is safe and appropriate. The child would also need support to understand that this is a 'family time/holiday' not a placement within extended family. The IRO should also be informed about any proposed extended contact.

Finally, another option would be a short break/respite foster placement of the child with their sister – this may be appropriate if the foster carer needs a complete break from fostering and it is not appropriate for the child to remain placed with them. Sister would need to be assessed and approved as a foster carer; temporary approval would be available if this assessment/approval could not be completed before the child needs to be placed. This is only likely to be a suitable arrangement if sister is willing to be assessed as a foster carer and there are no obvious obstacles to approving her. It would of course change the nature of family time/contact to a more formal care arrangement.