Under 16 (<18 if relevant disability) living >28 days with non-direct relative: see [Private Fostering](https://www.gov.uk/government/publications/children-act-1989-private-fostering)

**[Separated Migrant Children](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf)**

*(may include UASC/refugee/trafficked & modern slavery) usually* ***Child In Care******Section 20,*** *but social care can act in best interests as ‘corporate parent’. More rarely section 20 is not used so seek advice if required.*

**Foster Carers** may have *delegated authority* for routine health reviews, emergency healthcare, and to follow parental choice for *routine* immunisations but NOT give consent for Blood Borne Infection screening / genetic tests / safeguarding examination (non-accidental injury, sexual assault) / surgery / anaesthesia etc.

V4.1 Jan 2023

U.K.

Who has Parental Responsibility (PR)?

**If in doubt or parental responsibility (PR) is unclear: ask to see copies of any legal consent documents / court orders, and take advice from your legal or other advisory service**

**This is not a comprehensive list of all forms of legal order but covers the main scenarios.**

**Emergency Medical Situations** *(including out of hours)* **& Deprivations of Liberty for 16- and 17-year-olds**

Overriding duty remains to give life-saving emergency treatment in the CYP’s best interests

* **Police Powers of Protection**: <72hr and **no change to who holds PR**
* **Emergency Protection Order**: 8d (max 15d) PR **SHARED** between birth family and Social Care but is limited to what is *directly necessary to safeguard the CYP.* Court can grant Social Care ability to limit/override parental PR for CYP’s welfare.
* Emergency situations where the decision of a person with PR means the **CYP is at risk of significant harm**

 (e.g., refusal of essential treatment) take urgent advice from your organisation’s **Legal Services / MDU / MPS** and contact **Social Care** – an emergency Court Order may be required.

* **Deprivation of Liberty Safeguards for 16- and 17-year-olds who lack capacity to consent to the care arrangements -** For authorisation make an application to the Court of Protection as per Re D (A Child) ([2019] UKSC 42) except for those detained under the [MHA 1983](https://www.legislation.gov.uk/ukpga/1983/20/contents). **For details see** [Deprivation of liberty and 16-17 year olds](https://www.researchinpractice.org.uk/media/4753/joint_deprivation-of-liberty-and-young-people_web.pdf)
* **If the young person has capacity to consent to the confinement and gives their consent, there will be no DoL- but if they do not consent to the confinement** the young person will be deprived of their liberty and issues/concerns can be taken to the High Court for adjudication under Inherent Jurisdiction.