

Freedom of Information Request – Response – 27758

I am making this request under the Freedom of Information Act 2000.

I am seeking recorded information concerning the circumstances where two siblings have different parents and different parental responsibility arrangements, and one sibling is subject to public law proceedings or an Interim Care Order/Care Order while the other is not.

In particular, I am seeking information concerning circumstances where:

- the child in care and the non-care child have different parents or co-parents;*
- the non-care child remains living with a parent;*
- that parent holds parental responsibility for the non-care child;*
- the parent whose consent is being sought is not a parent of the child in care; and*
- there is no court order or other formal restriction preventing sibling contact.*

Please provide:

1. Parental consent

Any current or historic policy, procedure, guidance, protocol, practice guidance or other recorded information stating whether the consent of a parent of the non-care child is required, expected or recommended before that child can have contact with a sibling who is subject to public law proceedings, an Interim Care Order or Care Order.

Please specifically identify any recorded requirement applying where the parent whose consent is sought is not a parent of the child in care.

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

2. Contrary position

Any policy, procedure, guidance or other recorded information stating that such consent is not legally required or ordinarily required, including any guidance recognising that a parent with parental responsibility may act independently in exercising that responsibility where no court order or other restriction applies.

Please include any recorded guidance concerning Section 2(7) of the Children Act 1989 or the general principle that a person with parental responsibility may act independently.

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

3. Legal or statutory basis

Any recorded legal advice, legal briefing, memorandum, practice guidance or other document identifying the statutory or other legal basis relied upon where Suffolk County Council considers that the consent of the parent of the non-care child is required before sibling contact can take place.

Please identify any specific statutory provision, court order, policy or other formal authority referred to in such guidance.

Suffolk County Council (SCC) hold no recorded information establishing a requirement for the consent of the parent of the non-care child in the circumstances described above, please confirm this.

4. Effect of proceedings concerning one child

Any recorded guidance addressing whether public law proceedings, an Interim Care Order or Care Order concerning one child can affect the exercise of parental responsibility by a parent in relation to a separate child who:

- is not subject to that order;*
- has different parents or co-parents; and*
- is not otherwise subject to a relevant court order or restriction.*

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

5. Distinction between requirement and recommendation

Any recorded guidance distinguishing between:

- consent being legally required;*
- consent being required by a court order;*
- consent being required by Council policy;*
- consent not being legally required but being recommended as safeguarding practice; and*
- circumstances where social workers may facilitate sibling contact without obtaining consent from the other parent of the non-care child.*

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

6. Relevant documents

For each relevant policy, guidance or document identified, please provide its title, date, current version/status and the department responsible for it.

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

If the Council holds no recorded information establishing a requirement for the consent of the parent of the non-care child in the circumstances described above, please confirm this.

Suffolk County Council hold no specific policy, guidance or documents for these matters raised but deal with these situations on a case-by-case basis.

Likewise, if the Council holds no recorded guidance addressing the contrary position, please confirm this.

SCC holds no recorded guidance addressing the contrary position.