

# ContactPoint Consultation on the Draft Guidance

## **Narrative Response**

***Please contact***

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**July 2007**



## 1. **About BAAF**

The British Association for Adoption & Fostering (BAAF) is pleased to respond to this consultation. BAAF is the leading charity and membership organisation in fostering and adoption in the UK. We:

- promote the highest standards of child-centred policies and services
- speak out on behalf of looked-after children
- influence UK-wide policy and legislation
- provide much-needed information and advice
- promote greater public understanding of adoption and fostering
- support our members in their work

BAAF's main activities are the development, promotion and advocacy of best policy and practice; the provision of advice and information to our members and to the general public; training, consultancy and seminars; child placement services including *Be My Parent* online. We also publish a quarterly professional journal, *Adoption & Fostering*, books and guides for professionals, academics, parents and carers and research studies. The main users of our services are our members comprising local authorities across the UK, voluntary adoption agencies, independent fostering agencies and also individual social work, legal and medical professionals and carers.

2. This response is in two parts, the following general comments, and answers as set out on the Response Form.
3. Overall, we have grave misgivings about the value and the practicability of this whole system. We reiterate the view expressed in all our previous responses, that there would be much better, and almost certainly less costly, ways of achieving better co-ordinated delivery of services to children and families. Nevertheless we have addressed the areas where we think the guidance needs to be improved. Some of our concerns are not addressed in the specific questions in the response form and we give our comments below.

## 4. **Consent**

Paragraph 3.4 suggests that where a child is thought to have insufficient understanding to give or withhold consent where this is needed, the consent should be sought from the child's parent or carer. Carer is defined very widely and further consideration is needed as to the circumstances in which a carer without parental responsibility could justifiably give consent on a child's behalf. Again, with young people aged 18 or over, there are difficulties in being clear as to whether another adult can appropriately give the consent. Paragraph 3.35 approaches the matter in a slightly different way.

## 5. **Ordinary residence**

The regulations require information to be included in the database about every child (and participating young person) who is ordinarily resident in England. From responses given by ministers during debates in Parliament on the regulations (with reference to Victoria Climbié) it would appear that the thinking is that a child's particulars will be included in the database if his or her parent or carer is in receipt of child benefit for the child and/or if the child is registered with a GP, and the address given is in England. While this may be a useful rule of thumb, it is over-simplistic in terms of the definition of ordinary residence. Certainly children may be registered with a GP even if not ordinarily resident in the UK, although it is accepted that their parents are probably not eligible for child benefit in this case. Further guidance is needed on this complex area, perhaps helped by some case examples. Even so, we fear that there will be a multiplicity of arguments between the local authorities where it is unclear in which local authority a child is ordinarily resident, for example in the circumstances set out in Paragraph 4.56-7.