

Manual:	Children Looked After; Fostering Services Procedures; Foster Carers Handbook
Title:	Guidance when Applying for Passports (FCH/033)
Last Reviewed:	05/06/2015
Next Review Due:	05/06/2018

INTRODUCTION:

These notes provide general advice for Durham County Council (DCC) staff when making passport applications on behalf of children subject to Care Orders or accommodated by voluntary agreement. They do not cover all aspects of the application process so must be used in conjunction with the passport information pack. This is especially important as, in addition to the requirements listed below, the person applying on behalf of the child will need to ensure they send the correct supporting documents (such as birth certificates) which are listed in the 'How to fill out the application form' leaflet.

Summary of Guidance

DCC are only entitled to apply for passports for a child in their care when they have parental responsibility. This is the case if they have obtained any one of the following in respect of the child:

- A Care Order under Section 31 of the Children Act or article 50 or a Placement Order under s21 Adoption & Children Act 2002.
- An interim Care Order under Section 38 of the Children Act 1989.

In either of the above cases, DCC can apply for a passport on behalf of the child without the need for the consent of the child's parents or anyone else who has parental responsibility for the child.

Please note that DCC obtain parental responsibility when they successfully apply for Emergency Protection Orders, under Section 44 of the Children Act 1989. However, due to the short-term duration of these orders and the uncertainty of future arrangements, United Kingdom Identity and Passport Service will not normally accept an application made on behalf of a child subject to such circumstances.

In any other cases, DCC do not hold parental responsibility and the application cannot be processed without the consent of at least one person who has parental responsibility for the child. This may be any of the following:

- A parent (birth or adoptive) who has parental responsibility;
- A guardian who holds parental responsibility; or
- Any adult who holds a current Residence Order or Special Guardianship Order in respect of the child.

NOTE: If there is a Special Guardianship Order in force, the application cannot be made without consent of the guardian.

A mother will automatically have parental responsibility for her child. A father will only have parental responsibility if:

- He was married to the mother at the time of the child's birth or;
- Has married her subsequently or;
- If he has obtained parental responsibility by means of a court order, parental responsibility agreement signed by both parents, or under the Family Law Act (Northern Ireland) 2001.

- His name is on the birth certificate (since December 2003).

If the passport application needs to be countersigned, the person acting as counter-signatory **must** hold a valid British or Irish passport, and be willing to provide the passport number on the application form. Failure to meet these requirements will prevent the countersignature being accepted. The counter-signatory is signing the application form to confirm they have known the applicant i.e. the person signing Section 9 on behalf of the child, for 2 years. They do not need to have personally known the child for 2 years, but must be able to identify the child from personal knowledge.

The preferred method of application is for the relevant Service Manager (who has delegated responsibility), to sign Section 9, thus executing the parental responsibility they have acquired. The child's Social Worker can act as counter-signatory as they are the person best placed to be able to identify the child from personal knowledge and know the person signing Section 9 for 2 years. Please note that any suitably qualified person who holds a current British passport may countersign the form provided they have the requisite personal knowledge of the applicant and the child.

Application Procedure

The preferred method for such an application is for the Social Worker, to fill in the application form on behalf of the child.

The Social Worker should provide a letter giving this information:

- The purpose, duration and destination of the trip.
- Confirmation that they will comply with the relevant Children Act in future use of the passport.
- A copy of the relevant court order showing under which section of the Children Act the child has been placed.

If any part of this information is missing the application will be delayed while the Passport Office contacts DCC.

After the form is completed, the child's Social Worker can act as the counter-signatory, although any suitably qualified person who holds a current British passport may countersign the form provided they have the requisite personal knowledge of the applicant and the child. One of the child's photographs should also be certified as a true likeness of the child.

If DCC has previously applied for a passport on the child's behalf and are applying for a renewal or extension, they should provide a letter outlining the circumstances mentioned above and state that these have not changed.

The passport will be sent directly to the Social Worker, rather than the foster carers. Foster Carers cannot apply directly on behalf of the child and must make any application through the Social Worker.

DCC should note that where a Care Order is in place, it will not be possible to remove the child from the UK for a period of more than one month without the consent of every other person who has parental responsibility for the child.

NOTE: Foster Carers cannot provide parental consent for passport applications.

Interim Care Orders

If the child is subject to an Interim Care Order then the conditions and guidance to fill in the application form are the same as those for a Full Care Order. However, the Interim Care Order will need to be valid on the day the passport is issued. If it is not valid DCC will have to reapply to the courts before making a passport application.

Provision of Accommodation under Section 20 of the Children Act 1989

If a child is provided with accommodation under s20, DCC will not be able to apply for passport facilities for the child without the consent of a parent, guardian or other person with parental responsibility. If the child's parents have been married to each other then either can provide consent unless there is a special guardian whose consent is needed. If the child's parents have not been married, then the mother will need to provide the necessary consent (unless the father has acquired parental responsibility by way of a court order or written agreement with the mother, or if the child was born after December 2003 and the father's name appears on the birth certificate).

Application Procedure

The sections needing to be completed for the type of passport required are stated in the form 'How to fill in the passport application form', which can be found in passport application packs.

Once the application has been completed and the declaration signed by the person with parental responsibility, DCC is able to act as the counter-signatory. This can be done by the Social Worker.

Once again, DCC should also provide a letter stating which section of the Children Act (or other legislation) the child is being cared for under, and confirming the purpose, destination and duration of the trip. They must also confirm that they will comply with the Children Act in future use of the passport.

The passport will be sent to DCC. The passport cannot be sent directly to the Foster Carers.

Use of Passports

1. When a child requires a passport to travel abroad the social worker is responsible for arranging the application in accordance with this guidance.
2. Foster carers will ensure that appropriate permissions are obtained before arranging a holiday. Please see Holiday guidance in the Foster Carers Handbook.
3. The child's social worker will supply a letter as detailed in Application Procedure above to be carried by the foster carer with the passport.

Storage of Passports

Following the use of the passport, the passport should:

- Under 16 years - remain with the child in placement securely stored. The passport should move with the child on any change of placement with the agreement of the social worker.
- Over 16 years - may hold their own passport or choose to have it held by the social worker.

The Social Worker will:

- Record the issue and place of storage of the passport on the child's file.
- Keep a photocopy of the passport on the child's file.

Ensure for the over 16's that arrangements for the storage of the passport are detailed in the Pathway Plan.