

Guidance notes for Social Services Departments when applying for a passport on behalf of children in their care

Guidance notes for Social Services Departments when applying for passports on behalf of 'looked after children'.

Introduction

These notes provide general advice for Social Services Departments when making passport applications on behalf of children subject to care/supervision 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 in your application form' booklet.

The following information refers specifically to passport applications made on behalf of children subject to:

- Care Orders under section 31 of the Children Act 1989, article 50 of the Children (Northern Ireland) Order 1995.
- Parental Responsibility Orders under section 86 (and 11) of the Children (Scotland) Act 1995.
- Supervision requirements under section 70 of the Children (Scotland) Act.
- Interim care orders under section 38 of the Children Act 1989 and article 57 of the Children (Northern Ireland) Act 1995.
- Provision of accommodation under section 20 of the Children Act 1989, article 21 of the Children (Northern Ireland) Order 1995, and section 25 of the Children (Scotland) Act 1995.

Establishing British nationality

Since the British Nationality Act 1981 came into force on 1st January 1983, to establish that a child born in the UK is a British citizen it is necessary to provide documentary evidence that at the time of the birth, one of the child's parents was a British citizen or was settled in the UK with no time limit on their stay. The booklet "How to fill in your passport application form" gives more details and sets out the documentary evidence required.

Where the necessary documents are unavailable, it is not possible for the Identity and Passport Service to issue a passport unless you can provide a letter from the United Kingdom Border Agency (UKBA) confirming that they recognise the child as a British citizen. These documents are known as "status letters". To enquire about obtaining one, you should consult the Nationality Enquiry Team, United

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Kingdom Border Agency, PO Box 306, Liverpool L2 0QN, or telephone the Nationality contact centre on 0845 010 5200, or e-mail nationalityenquiries@ukba.gsi.gov.uk . You should make it clear in your enquiry that you need a status letter and you should be prepared to send UKBA any evidence of nationality you have. The UKBA has discretion to consider a wider range of evidence than IPS and to make a judgment on the balance of probabilities.

Please note that gathering the necessary documents can be a lengthy process, especially where the child's parents are not co-operative or are out of touch. If a status letter is needed these can take up to 6 weeks to obtain.

Summary of Guidance

Social Services Departments are only entitled to apply for passports for a looked after child 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 1989 or article 50 of the Children (Northern Ireland) Order 1995
- A Parental Responsibility order under 86 (and 11) of the Children (Scotland) Act 1995
- An interim Care Order under section 38 of the Children Act 1989 or article 57 of the Children (Northern Ireland) Order 1995

In any of the above cases the Social Services Department 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.

Social Services Departments may also obtain parental responsibility when they successfully apply for Emergency Protection Orders (for example under section 44 of the Children Act 1989). However, due to the short-term duration of these orders and the uncertainty of future arrangements, the Identity and Passport Service (IPS) will not normally accept an application made on behalf of a child subject to such orders.

In all other cases the Social Services Department does 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 (natural or adoptive) who has parental responsibility;
- a guardian who holds parental responsibility; or
- any adult who has obtained a current Residence Order for the child.

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

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- he was married to the mother at the time of the child's birth; or
- has married her subsequently; or
- was married to her when the mother became pregnant if living in Scotland;
- if he has obtained parental responsibility by means of a court order or parental responsibility agreement signed by both parents; or
 - where the birth was jointly registered by both parents, on or after 15 April 2002 in Northern Ireland, on or after 1 December 2003 in England & Wales, or on or after 4 May 2006 in Scotland.

If the passport application needs to be countersigned, the person acting as countersignatory **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 countersignatory 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 from Social Services Departments is for the Head of the relevant Social Services Department (or their deputy, area manager, or Principal Manager Community Care) to sign section 9, thus executing the parental responsibility they have acquired. The child's Social Worker can act as countersignatory 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. Please refer to the [Directgov website](#) for a list of suitable countersignatures.

The preceding summary is dealt with in more detail as follows:

1. Full Care/Parental Responsibility Orders

If the child is subject to a full Care Order under Section 31 of the Children Act 1989, Article 50 under The Children (Northern Ireland) Order, or a Parental Responsibility Order (Scotland), then the Social Services Department will have automatically acquired parental responsibility. They will therefore be able to provide consent to the issuing of passport facilities for the child.

Application Procedure

The preferred method for such an application is for the Director of the Social Services Department in question (or their deputy, area manager, or Principal Manager Community Care) to fill in the application form on behalf of the looked after child.

The sections needing to be completed for the type of passport required are stated in the booklet 'How to fill in your passport application form', which can be found in passport application packs. An example is for a first child passport, which would

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require sections 1, 2, 3, 4, 5, 9 and 10 to be completed with section 6 depending on the age of the child. For example;

- **If the child is 12-15 years old** they will need to sign section 6 of the form. The Head of the Social Services Department would sign the declaration in section 9.
- **If the child is 11 or under** the Head of the Social Services Department will need to fill in the application form and sign the declaration in section 9. Sections 6 can be left blank.

It is important to fill in section 4, providing the natural parents details. Birth in the United Kingdom after 31.12.82 does not automatically make the child a British Citizen. We will need to establish that the child is eligible through the parents either being British Citizens or settled in the United Kingdom at the time of the birth. We will require documentary evidence to substantiate the claim to British Citizenship (please see the table in the booklet 'How to fill in your passport application form'). If the parents were unmarried at the time of the child's birth, and have not subsequently married each other British nationality is usually claimed through the mother if the child was born before 1 July 2006. However changes in legislation from this date allow unmarried fathers to pass on citizenship in certain circumstances. Please see the table in the booklet 'How to fill in your passport application form' or call our advice line if you require further information (0300 222 0000). If any of these details are unknown or, if the documents required cannot be obtained, we will be unable to issue a passport.

Where a child's valid passport has been lost or stolen, a form LS01 will need to be completed at the same time the application is made. In addition we will require the person who applied for the missing passport to confirm that the passport is no longer available. If the original applicant was a parent, a letter should be submitted with the application and LS01, confirming the loss/theft of the passport.

The Social Services Department should provide a letter showing the section of the Act under which the child is looked after and the name and address where the passport and documents are to be returned.

In addition a copy of any interim Care Order should accompany the letter. This must show the date the order expires. (See note 2)

If any part of this information and/or relevant documentation is missing the application will be delayed while we contact the Social Services.

After the form is completed, the child's social worker can act as the counter-signatory in section 10 provided they have a British or Irish passport, 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 the Social Services Department has previously applied for a passport on the child's behalf and are applying for a renewal or extension, they should provide a

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letter outlining the circumstances mentioned above and state that these have not changed.

The passport and documents will be sent directly to the Social Services, rather than the foster parents, unless requested otherwise as applications for children subject to a full Care Order must be made through the relevant Social Services Department. The passport will be addressed to the Director of Social Services, and a member of staff may need to sign for it. Foster parents cannot apply directly on behalf of the child and must make any application with the permission of and through the Social Services.

The Social Services Department should note that where a Care Order is in place, it will not be able 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.

2. 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 the Full Care Order. However, the Interim Order will need to be valid on the day we issue the passport. If it is not valid the Social services will have to reapply to the courts before making a passport application. A copy of any interim Care Order must be included with the application. This must show the date the order expires.

Application Procedure

The application procedure is the same as that detailed for Full Care Orders above.

3. Provision of Accommodation under Section 20 of the Children Act 1989/Supervision Requirements (Scotland)

If a child is subject to 'the provision of accommodation' or Supervision requirements (in Scotland), the Social Services Department 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. If the child's parents have not been married, then the mother will need to provide the necessary consent (unless the father has acquired this right by way of a court order or written agreement with the mother or under the provisions of the Family Law Act (Northern Ireland) 2001, the Adoption and Children Act 2002, or the Family Law (Scotland) Act 2006 where the birth was jointly registered by both parents, on or after 15 April 2002 in Northern Ireland, on or after 1 December 2003 in England & Wales or on or after 4 May 2006 in Scotland).

Where a child is accommodated and the whereabouts of a person with parental responsibility is unknown, the Social Services Department should explain in full why they have given consent in the absence of a person with parental responsibility. The letter should provide details of how long those with parental responsibility have been missing and detail what steps have been made to locate

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them. Consideration will be given to issuing a passport, dependent upon the individual circumstances.

Where a child is accommodated and the whereabouts of a person with parental responsibility is known, but consent to passport facilities are withheld, IPS will be unable to issue a passport.

Please note that foster parents cannot provide parental consent for passport applications.

Application Procedure

The sections needing to be completed for the type of passport required are stated in the booklet 'How to fill in your passport application form', which can be found in passport application packs. For a first time application, the process is the same as previously explained, although a person with parental responsibility should sign section 9, rather than the Social Services Department (making sure they provide all the details requested in section 4 and supporting documentation as indicated in the aforementioned table).

Where a child was previously included on a parent's passport it will need to be submitted for the child's details to be deleted. A passport will not be issued unless this is done.

Where a child's passport has been lost or stolen, a form LS01 will need to be completed at the same time the application is made. In addition we will require confirmation that the passport is no longer available from the person who applied for the missing passport. If the original applicant was a parent, a letter should be submitted with the application and LS01, confirming the loss/theft of the passport. Once the application has been completed and the declaration signed by the person with parental responsibility, the Social Services Department is able to 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). This can be either the Head of the Social Services Department or the Social Worker provided they have a British or Irish passport.

Once again, the Social Services Department must also provide a letter stating which section of the Children Act (or other legislation) the child is being accommodated under, and confirming the name and address to which the passport and documents should be returned.

Applications for a child's first passport are not eligible for the same day Premium Service and such applications will normally take a minimum of one week to process if presented at a public counter. Social Services Departments should however apply as soon as travel is planned. Your attention is drawn to the details of our services on page 24 of the booklet in the application pack and we advise you not to book any travel arrangements until you receive the child's passport. When a premium service can be obtained, the accompanying letter must also confirm who is to collect the passport.

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The passport and documents will normally be sent to the Social Services Department. The passport and documents cannot be sent directly to the foster parents unless requested in the letter that accompanies the application. We now return all passports by secure delivery, the passport will be addressed to the Director of Social Services and a member of staff may need to sign for receipt of the passport.

If you have any queries regarding filling in the application form please contact the Passport Adviceline on 0300 222 0000.

Identity and Passport Service

Policy Section

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