

The Moray Council

**Permanence Order Applications -
Including Permanence Orders with Authority to
Adopt**

**GUIDANCE FOR SOCIAL WORKERS
ON WRITING THE COURT REPORT**

**Section 80 of the Adoption and Children
(Scotland) Act 2007**

12 April 2011

1. This Guidance has been prepared to assist Social Workers who are writing the Court Report which is lodged in Court with the Local Authority's application for a Permanence Order (PO). A Permanence Order may include authority to adopt (POA), and this Guidance is relevant for both types of application- PO and POA. A POA report will include additional information that is not necessary for a PO report.
2. The requirements are set out under headings (i) to (xvi) of Rule 31(2)(b) of the 2009 Court Rules. See Appendix 2 of this Guidance. Each and every paragraph of the Report must be numbered. The pages should also be numbered.
3. **Essential Reading**
 - The 2009 Court Rules, Rule 31(2) – see Appendix 2.
 - Sections 1 and 2 of the Children (Scotland) Act 1995 – see Appendix 3.
 - BAAF Good Practice Guide “Permanence and adoption for children – a guide to the Adoption and Children (Scotland) Act 2007 by Alexandra Plumtree ;
 - The Form E presented to the Permanence Panel in relation to the child and/or the LAC Reports and/or Minutes in relation to the major decisions on the child's permanence plan (e.g. the decision to end rehabilitation attempts and the decision to make a permanence plan); and
 - National Care Standards for Adoption Agencies and Foster Care and Family Placement Services.

The Permanence Order Report

4. The Report should have a cover sheet (see Appendix 1) setting out the writer's name, office address, child's name (as per the birth certificate) and date of birth etc. At the top of the next page you could set out the “Family Composition” – i.e. names and addresses (only if appropriate) of the child, birth parents, siblings and any other significant relatives. If there are reasons to withhold the address of the child make sure it is not included either on the cover sheet or within the “Family Composition” section. Tell the Council's solicitor why you have not included the address. Birth parents will have a right to see your Report if they want once it is lodged in Court and you should remember this when you are drafting the Report.
5. The paragraphs of the Report must be individually numbered in the left margin, just like this Guidance. You should also add page numbers.
6. The Report must be clear and concise and must explain to the Court why it is best for the child that the Permanence Order or the Permanence Order with Authority to Adopt is granted. Remember that the Sheriff is unlikely to know any of the people you refer to in the Report. The Sheriff will not know the background to the case. There will have been significant Social Work involvement with the child. Make sure you explain why this was necessary

and the support that has been offered to the child and the birth family and the outcome of your intervention.

7. The Report should not be a simple narrative or a chronology of events taken from a review of the files and/or LAC Reports etc. While LAC Reports provide vital information, it is not necessary or appropriate to repeat the detail contained in those the Court Report. You will lose the Sheriff in a sea of detail if you narrate all the events by date. Instead you should:
 - Summarise the main issues and events; and
 - Analyse the impact of the events on the child to evidence why the Permanence Order is necessary and best for the child.
8. The Report should not be too long or too detailed. You don't want the really important points to become lost in a sea of detail.
9. The Sheriff will want to be brought right up to date with events that may have occurred following the decision by the Local Authority to pursue a Permanence Order. Remember that LAC Reports and Minutes and other documents such as Parenting Assessments and Assessments by Psychologists will be lodged in Court as Productions if necessary. Instead of quoting at length from Reports that will be available to the Sheriff as Productions, simply state briefly the point you want to make and refer to the detailed Report by name of author and date.

Setting out the Report

10. The Report should be divided into sections (i) to (xvi), using the headings in the 2009 Court Rules, which are outlined in Appendix 2 of this Guidance. For example, the first heading will be

“(i) How the needs of the child came to the notice of the Petitioner”

11. **Section (i)** will set out for the Sheriff how you first became aware of the child. The opening sentence of section (i) should state how the child first came to your attention. It could have been an anonymous phone call or a referral from the Police or the Reporter etc. It could have been a Child Protection investigation. You will want to refer to the most significant issues, themes and events in the course of the Social Work intervention with the child, in chronological order. However the report should not be a chronology or a narrative of events taken from your Reports for LAC Reviews and Children's Hearings. This section must contain a summary of the main events and/or themes and an **analysis** of the impact of the events on the child and how that justified the decisions made by Social Work at the different stages. LAC Reviews and Children's Hearings are held at regular intervals, and using this as a general framework can be helpful to organise this section and break it down into times and themes so that the Sheriff can see how the case developed, but do not simply repeat the detailed outcome of every meeting/Hearing. You do not need to refer to every event in the style of a

chronology, because a chronology along with LACR and CH reports and minutes can be lodged in Court later if necessary. The Sheriff does not want that level of detail at this stage.

12. In complicated and long running cases, the Report could be structured using sub-headings (underlined).
 - If appropriate, you could refer first to an explanation of Social Work efforts to maintain the child safely at home. In what way were the birth parents failing to protect the welfare of the child and how did the Social Work Service try to improve the situation?
 - Second, you could explain the reasons the child had to be removed from home.
 - Third, you could comment on the rehabilitation plan – i.e. what you wanted to achieve; what support was offered to the birth parents; why the plan failed; and details of the frequency and, more importantly, the quality of contact for the child. What did the child get out of contact? Was it harmful and unsettling? What did it tell you about what the future plan had to be?
 - Fourth, you could refer to the formal end of the rehabilitation plan (presumably a decision of a LAC Review). Take this opportunity to address the statutory test for the Permanence Order – briefly summarise why the child’s residence with their parent(s) is or is likely to be seriously detrimental to the child’s welfare. Keep this short – you will provide more detail about this under Heading (xi). Describe the alternative routes to permanence that were considered for the child, explaining why the options that were ruled out are not better than the option that was chosen.
 - Fifth, you should explain why the Permanence Order or Permanence Order with Authority to Adopt is considered the best option for the child and explain what the PO or POA offers the child, especially in terms of safeguarding and promoting the child’s welfare. Remember that the statutory welfare test is “throughout childhood” for a PO and “throughout life” for a POA. You could take this opportunity to comment on the child’s religious persuasion, cultural origin and linguistic background. All of this should have been covered at a LAC Review and the Permanence Panel (if the case was taken to the Permanence Panel).
 - Last, narrate the fact that the child’s case was considered by the Permanence Panel (if it was) and that the Panel made a recommendation on the Permanence Plan, and that a decision was then made by the Agency Decision Maker. If the case didn’t go to the Permanence Panel just narrate the process that was followed which presumably ended with a decision on the permanence plan being made by the Agency Decision Maker.
13. Remember, in an opposed application the Sheriff will have copies of all the relevant Reports and Minutes from all the meetings which have considered the child, and it is not necessary to repeat all the events in detail at this stage.
14. Although you might be very familiar with the various characters involved in the child’s history, the Sheriff will probably never have heard of any of these people. For example, don’t assume that the Sheriff will know that Mr and Mrs

X are the foster carers – the first time you mention them explain who they are and why they are involved in the child’s life. The child’s name can be used rather than “the child” if you prefer this style of presentation.

15. **Section (ii)** is about the relevant family circumstances of the child. It should be a short history of the child’s family. Make sure you keep it relevant. The style of this section will depend on the circumstances of the case. If it is likely to be an opposed application, you will have to explain, for example, the birth parents’ backgrounds and if appropriate link that to the problems suffered by the child that you have outlined in section (i), for example poor parenting skills. Try not to repeat what you have already said. Start with the people with parental responsibilities and rights. If the father doesn’t have these, say so. Include practical details such as the birth parents’ current employment, whereabouts, accommodation etc. Include details of any siblings and where they live. Are they looked after? Are they on a Supervision Requirement? Have older siblings been adopted already or are they the subject of a Permanence Order? Narrate any problems the birth parents have or had, such as substance misuse.
16. **Section (iii)** is very factual. You should provide information on the child’s physical and mental health (including special needs) and his or her emotional, behavioural and educational development. Summarise the information from doctors and the health visitor. Nursery or school reports may also provide you with relevant information, as will reports from the foster carers. The Sheriff just wants a summary of this information; you don’t need to attribute every comment you make to a particular health professional. Having said that, make sure the information you put in the Report is backed up by reports or letters in your file and make sure that to the best of your knowledge the information you give is factual. It may well be that the most useful and concise information is contained in the Medical Adviser’s report to the Permanence Panel (if the case has been to the Permanence Panel) so make sure you look at that.
17. **Section (iv)** must detail your discussion with the birth parents/guardian and if appropriate the child regarding their wishes and the alternatives to the Permanence Order. If birth parents will not discuss these matters with you, just say so. You can also provide your own comments – for example if the birth parent objects to the PO or POA but cannot provide a realistic alternative – you can comment on this, although you may have already done so at section (i). If so there is no need to repeat your comments here. Don’t forget to outline the child’s wishes, or say if the child is too young to have any. You may want to comment on the child’s behaviour if he or she is too young to speak – if you think that tells you something about his or her views or wishes. Don’t forget to try to obtain the views and wishes of both the mother and the father, and any guardian (if there is a guardian). Take the opportunity to confirm whether or not the father has PRRs.
18. **Section (v)** relates to the local authority giving notice (to the *unmarried birth father who does not have parental rights and responsibilities*) of our

intention to apply for a PO or POA, where we know where he is or can reasonably find him (s105). The Local Authority (in Moray Council Legal Services deals with this) must give notice (and prescribed information) at least four weeks before it makes the application to Court for the PO or POA. You will have to state here the date on which such notice was given (consult with Legal Services) or alternatively say that the father (only fathers without PRRs) is unknown or that he cannot be found despite efforts being made – specify those efforts. If you have a name have you checked CareFirst? If you know he lives in another area have you checked with Social Work there? If you have had contact with him, say what his response is. If the father has PRRs then this section is not applicable, so just say “N/A”.

19. **Section (vi)** is about your knowledge of the position of *other* relatives or persons likely to be involved. Who are the other significant people in the child’s life (apart from birth parents/guardians)? What are their views about the child’s future? What role, if any, do you see for them? If there are no other persons likely to be involved you should say so here. This section is only about people who are genuinely significant to the child and who are “likely to be involved” - this means people who might actively agree or challenge the decision to apply for a PO or POA.
20. **Section (vii)** relates to any search you have had to undertake for parents or guardians. If you have been involved with both parents from day one and there are no guardians, this section will be irrelevant and you should say “Both parents are known to Social Work and there are no guardians – therefore it has not been necessary to carry out a search.” If you have had to search for a parent/guardian detail what steps you have taken to find him/her – e.g. if you have a name have you checked CareFirst? If you know they live in another area have you checked with Social Work there? It is difficult to give specific guidance as it depends on the circumstances, but generally Social Work should take sensible steps to search for parents/guardians. As well as the example given above, the police could be asked if they have any useful information. They may not be able to disclose information but the important thing is to ask and to narrate the response in the report.
21. **Section (viii)** will be a significant section. You have to start by saying what the plan is for the child once a PO or POA is granted. To begin this section, it may be as simple as saying that the child will stay permanently with his/her current carers or that the child will move to permanent carers as soon as they are found and matched – detail what you are doing to find permanent carers. After that, if we are applying for a PO then it is here that you need to provide the Court with the detail about how the parental responsibilities and rights should be allocated (for a POA it is likely that we will be asking for most of the PRRs to be transferred to the Council so this can be stated in a simple sentence. Note that contact has to be vested in someone other than the Council). For a PO things may be more complicated if you want PRRs to be allocated to different parties, for example the Council and/or the Carers and/or the birth parents. It is best to use the terminology as it is set out in s1(1)(a) to (d) and s2(1)(a) to (d) of the Children (Scotland) Act 1995. See

Appendix 3 of this Guidance. Who is getting which PRRs and why? If you are recommending that PRRs are to be taken away from the birth parents, why is this? You need to specify where you think the child will be living (not an address necessarily – it may be enough to say with local authority foster carers). You need to explain the proposed contact plan in detail. This section will need to be tailored for the specific application. If it is a Permanence Order where the child is already placed with his/her long term foster carers then it may be appropriate to allocate some PRRs to the carers. However if long term carers (foster carers or adopters) are not yet identified we cannot at this stage allocate PRRs to unknown people, and they will all have to be vested in the local authority, except contact.

22. **Section (ix)** requires facts. This includes having regard to any wishes of the child's parents as to the religious upbringing of the child.

23. **Section (x)** requires the writer to give a view on the likely effect on the child of the making of a PO or POA. This is your chance to explain exactly why this is a good option for the child. You need to say more than the general arguments of stability and security and you should explain why this particular child would benefit from a PO or POA as opposed to remaining, for example, on a Supervision Requirement. Where appropriate you could comment on the impact of Children's Hearings on the child, and also the views of the child on their situation. You could comment, if appropriate, on how the parents carry out their parental responsibilities and, for example, whether the parents are available and willing to give agreement to such things as medical treatment, passports and school activities etc. The 2005 Report of Phase II of the Adoption Policy Review Group "Adoption – better choices for our children" is the document that led to the 2007 Act and is an excellent resource explaining the importance of permanence for looked after children. It is available on the Scottish Government website <http://www.scotland.gov.uk/Resource/Doc/54357/0014208.pdf> or from Blackwells (business@blackwells.co.uk) reference "Astron B39467 6/05".

24. **Section (xi)** requires the writer to identify whether there is anyone with the parental right to control residence. There will be occasions where the child's parent has died or has had all PRRs removed by a Court, and if so, you should state that. However, in most cases there will be a parent who has the right to control residence even if this is restrained by virtue of a Supervision Requirement, so you should just state who has the PRR of residence. Where there is a Supervision Requirement or Court Order controlling the exercise of the PRR of residence, you should explain why the Supervision Requirement or Court Order was made and its terms. Where there is someone with the parental right to control residence, you need to provide evidence that the child's residence with that person is or is likely to be seriously detrimental to the welfare of the child. You need to provide clear and detailed evidence as to why the child's residence there is or likely to be seriously detrimental. This section should be kept short and focused. It should not be a narrative of events, but a short **analysis** of why return to the parents would be seriously detrimental to the child's welfare. This is the essence of our reason for

applying for a Permanence Order. Your starting point for explaining why residence with the parent(s) would be detrimental will often be the grounds that have already been proved in Court when a Supervision Requirement was made – the “Grounds as Established”. If that led to a Supervision Requirement stating that the child should reside away from the parent then that is an excellent starting point for this section of the report.

25. **Section (xii)** requires facts.
26. **Section (xiii)** relates to an application for a POA only. If you are not applying for a POA this section is not applicable. Where a POA is being applied for, you should
- State that the child has been placed for adoption, or explain why we believe it is likely that he or she will be placed for adoption; and
 - State that, where the parent or guardian of the child consents to the adoption, they understand what the effect of making an adoption order would be. Where the parent or guardian does not consent, state why we believe their consent should be dispensed with.

Consent can be dispensed with if we have evidence that we can establish **one** of the following grounds:

- (i) The parent/guardian is dead; or
- (ii) The parent/guardian cannot be found or is incapable of giving consent; or
- (iii) If the parent/s have PRRs they are unable satisfactorily to fulfil their PRRs and are likely to continue to be unable to do so; or
- (iv) If a PO has already taken away the parents’ PRRs, and they are unlikely to be given them back; or
- (v) If (iii) or (iv) don’t apply, the welfare of the child otherwise requires that consent be dispensed with.

You need to briefly explain that you have obtained legal advice and that you believe that there are statutory grounds to dispense with the birth parent(s) consent on the basis that...e.g. the parents have parental responsibilities and rights and are unable satisfactorily to fulfil their parental responsibilities and rights and are likely to continue to be unable to do so AND the child’s welfare otherwise requires consent to be dispensed with. You need to quote whichever ground applies, but you will have had legal advice to help you with this. Always remember to also include the welfare ground – it is very likely that we will always want this in our applications even where we also have one of the other grounds.

27. **Section (xiv)** applies when the child is aged 12 or over. If the child is younger than 12 just say so, and say that this section is not applicable. If the child is aged 12 or over, you should state whether the child consents to the PO or POA being made, or is incapable of consenting, and explain why. You may need to refer to medical evidence of, for example, a learning disability.

28. **Section (xv)** requires you to say whether the child is subject to a Supervision Requirement under section 70 of the Children (Scotland) Act 1995. You should give the date the Supervision Requirement was made and most recently continued and you should list the conditions of the Supervision Requirement as per the decision of the most recent review Children's Hearing.
29. **Section (xvi)** requires you to give any other information which may be of assistance to the Court, having regard to sections 83 (if appropriate) or 84 of the Adoption and Children (Scotland) Act 2007. You should make sure that you have either already covered all of the points below somewhere in the Report and if not you should make sure you cover them now:-
- it is better for the child that a PO or POA is made than it is not made. You should give a brief summary of the reasons why Social Work has come to this view and say this has been explained earlier in the Report (and make sure you have provided the information earlier in the Report).
 - for a PO application, confirm you have had regard to the need to safeguard and promote the child's welfare **throughout his or her childhood** as the paramount consideration; OR for a POA application confirm you have had regard to the need to safeguard and promote the child's welfare **throughout his or her life**. You can use the following standard paragraph at this point in the Report: "In recommending this plan the Social Work Service has had regard to all the circumstances of the case and has regarded the need to safeguard and promote the child's welfare throughout [his/her] [childhood/life] as our paramount consideration."
 - after taking account of the child's age and maturity, so far as reasonably practical confirm you have given the child an opportunity to indicate whether he or she wishes to express any views and if the child so wishes you have given the child the opportunity to express them. Say that this information has been provided earlier in the Report (and make sure you have provided the information earlier);
 - you have had regard to the child's views. If the child is aged 12 and over, confirm whether or not the child consents to the Permanence Order, or whether the child is incapable of consenting. Say that this information has been provided earlier in the Report (and make sure you have provided the information earlier);
 - so far as reasonably practical you have had regard to the child's religious persuasion, racial origin and cultural and linguistic background. Say that this information has been provided earlier in the Report (and make sure you have provided the information earlier); and

- you have had regard to the likely effect on the child of the making of the PO or POA. Say that this information has been provided earlier in the Report (and make sure you have provided the information earlier).

30. If the application is for a POA, then, as well as covering the bullet points above that are required by Section 84, you must also have regard to Section 83 of the Adoption and Children (Scotland) Act 2007. This is why you must also in this section:

- confirm that the child is placed or is likely to be placed for adoption (and say this has been explained earlier in the report);
- and confirm that the parents consent to adoption or their consent can be dispensed with (and say this has been explained earlier in the report).

These last two bullet points are not required for a PO report.

The Role of Legal Services

32. The Council's solicitors will provide guidance on the writing of the Report if you ask. Please make sure you read this Guidance note first, and the "*Essential Reading*" detailed on page 1. Once you have drafted the Report, you should have it checked in detail by your line manager, and then send or email it to the solicitor who is dealing with the case. To ensure that the solicitor has sufficient time to check this, please do not leave this to the last minute.
33. It is also helpful to include page numbers and to check spelling and grammar. The quality of the Report is very important to the credibility of you and the Social Work Service since it will be the first thing read by the Sheriff and the solicitor(s) acting for the birth parent(s). It will also form part of the Court process which will be available to the child later in life.
34. The Council's solicitor will also require the child's birth certificate (abbreviated is fine) which you should make available. You may have a copy in your file; otherwise you can get it from the local Registrar.
35. The Council's solicitor will prepare the Petition. Once the Petition and the Social Work Report are in Court, the Sheriff will appoint a Curator *ad litem* and Reporting Officer, who should report to the Court within 28 days of their appointment. The Curator's duty is to safeguard the interests of the child and to report to the Court on the circumstances of the application for the Permanence Order. The Reporting Officer establishes whether the birth parents consent to adoption or not. The Sheriff does not appoint a Reporting Officer where the Petition does not request that the order include provision granting authority for the child to be adopted. However a Reporting Officer must be appointed where the child is aged 12 or over for the purpose of witnessing that child's consent. The Sheriff Clerk must fix a Hearing date within 6 – 8 weeks of the Petition being lodged in Court.

36. The Curator must give the Court the child's views, provided the child wishes to give their views to the Curator. In the case of each person whose consent to the making of the adoption order is required or may be dispensed with the Reporting Officer is required to, firstly, ascertain whether that person understands what the effect of making an adoption order would be; secondly ascertain whether alternatives to adoption have been discussed with that person; and thirdly to confirm that that person understands that he or she may withdraw his or her consent at any time before an order is made. After the Curator's and Reporting Officer's Reports are received, the Court will fix a hearing. The Curator and Reporting Officer will often be the same person, since in most cases the child and the birth parent will live in the same local authority area. In cases where The Moray Council is providing the Report and the Curator and/or Reporting Officer appointed by the Court is a member of the joint Aberdeen City/Aberdeenshire/Moray Panel of Curators and Reporting Officers, The Moray Council will be responsible for paying the Curator's and/or Reporting Officers' fee. Invoices from the Curator and/or Reporting Officer should be passed to the Placement Services Manager, Social Work, Moss Street, Elgin for payment. There are fixed fees payable to the Curator and/or Reporting Officer and these are set by Committee. In some cases where the birth parent lives outside Moray and a Reporting Officer from another area is appointed by the Court the Local Authority that maintains the Panel that the Reporting Officer is on will be responsible for paying his/her fee.
37. As the author of the Report there is a good chance you may be called to Court as a witness if the parents oppose the Petition. If you are called as a witness you will have the opportunity to meet with a solicitor from Legal Services who will help you to prepare for this.
38. The Court of Session has slightly different headings for its Permanence Order Reports - they are contained in Rule 67.28 (2)(b) of the Act of Sederunt (Rules of the Court of Session Amendment No. 7) (Adoption and Children (Scotland) Act 2007) 2009. You should seek guidance from the Council's Legal Services if you are asked to prepare a report for the Court of Session.

Alistair Stobie
Senior Solicitor
The Moray Council

April 2011

SHERIFFDOM OF GRAMPIAN, HIGHLAND AND ISLANDS AT ELGIN

REPORT BY

Name,
SOCIAL WORKER,
THE MORAY COUNCIL,
Office address

IN PETITION OF

**THE MORAY COUNCIL, a local authority incorporated under the Local
Government etc (Scotland) Act 1994 and having its headquarters at
Council Headquarters, High Street, Elgin**

IN RELATION TO THE CHILD

*name of child, address (if safe and appropriate to include the address -
parents will have access to this report so withhold address if
appropriate to do so) and date of birth*

**Application for Permanence Order [with Authority to Adopt] - as
*appropriate***

Date

**Act of Sederunt (Sheriff Court Rules Amendment) (Adoption & Children
(Scotland) Act 2007) 2009**

**Application for Permanence Order
Rule 31(2)(b)**

The Report must deal, in numbered paragraphs, with the following matters:-

- (i) how the needs of the child came to the notice of the petitioner;
- (ii) any relevant family circumstances of the child;
- (iii) a description of the physical and mental health of the child (including any special needs) and his emotional, behavioural and educational development;
- (iv) an account of the discussion by the petitioner with the parents or guardians of the child and, if appropriate, with the child about their wishes and the alternatives to a permanence order;
- (v) where appropriate, whether the father of the child has been given notice and provided with the prescribed information under section 105(2) of the 2007 Act;
- (vi) the knowledge of the petitioner of the position of other relatives or persons likely to be involved;
- (vii) an account of the search by the petitioner for any parent or guardian who cannot be found;
- (viii) the arrangements of the petitioner to care for the child after the making of a permanence order (including the arrangements for contact between the child and any other person);
- (ix) the child's religious persuasion, racial origin and cultural and linguistic background;
- (x) the likely effect on the child of the making of a permanence order;
- (xi) whether there is a person who has the right mentioned in section 2(1)(a) of the 1995 Act to have the child living with the person or otherwise to regulate the child's residence and, where there is such a person, evidence that the child's residence with the person is or is likely to be seriously detrimental to the welfare of the child;
- (xii) whether the child is or has been married or a civil partner;
- (xiii) in the case of a petition containing a request that the order include provision granting authority for the child to be adopted, the matters mentioned in paragraph (3);
- (xiv) in the case of a petition in respect of a child who is aged 12 or over, whether the child consents to the making of the order or is incapable of doing so;

- (xv) whether the child is subject to a supervision requirement under section 70 of the 1995 Act;
- (xvi) any other information which may be of assistance to the court having regard, in particular, to sections 83 (if appropriate) and 84 of the 2007 Act;

Parental Rights and Responsibilities

Abstract of relevant parts of Sections 1 and 2 of the Children (Scotland) Act 1995

s1 Parental responsibilities

(1) Subject to section 3(1)(b) and (3) of this Act, a parent has in relation to his child the responsibility—

(a) to safeguard and promote the child's health, development and welfare;

(b) to provide, in a manner appropriate to the stage of development of the child (i) direction; and (ii) guidance, to the child;

(c) if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis; and

(d) to act as the child's legal representative,

but only in so far as compliance with this section is practicable and in the interests of the child.

s2 Parental rights

(1) Subject to section 3(1)(b) and (3) of this Act, a parent, in order to enable him to fulfil his parental responsibilities in relation to his child, has the right—

(a) to have the child living with him or otherwise to regulate the child's residence;

(b) to control, direct or guide, in a manner appropriate to the stage of development of the child, the child's upbringing;

(c) if the child is not living with him, to maintain personal relations and direct contact with the child on a regular basis; and

(d) to act as the child's legal representative.