

Dudley MBC DIRECTORATE FOR CHILDREN SERVICES

DELEGATED POWERS

Purpose

To set out the delegations from the Council's Executive and Council bodies to Chief Officers within the Children Services

Key Statutes/Legislation

The following pieces of legislation are instrumental in many of the delegated decisions outlined in this document:

Academies Act 2010	Adoption and Children Act 2002
Adoption Agency Regulations 1983 & 1997	Apprenticeships, Skills, Children and Learning Act 2009
Adoption Regulations 2005	
Carers and Disabled Children Act 2000	Powers of Criminal Courts (Sentencing) Act 2000
Childcare Act 2006	Learning and Skills Act 2000
Children Act 1989	Local Authority Social Services Act 1970
Children and Young Persons Act 2008	Mental Health Act 1983: Section 27
Crime and Disorder Act 1998	Placements with Parents Regulations 1991
Criminal Justice Act 1991	Representation of the People Act 1983: Section 95 & 96
Education Act 2005	Safeguarding Vulnerable Groups Act 2006
Education and Inspections Act 2006	School Standard and Framework Act 1998
Education Act 2011	Supreme Court Act 1981: Section 41
Education and Skills Act 2008	Children and Families Act 2014
Fostering Services Regulations 2002	Care Planning Regulations 2010 & 2015

Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary staff working for the Council.

Summary

The Council's Constitution requires that the Directorate will prepare a Scheme of Delegation. Such schemes should clearly establish which officer posts have been given authority to make decisions under the delegated powers of the strategic Director or chief officer. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

All delegations are subject to compliance with the law, the Council's Constitution, its Procurement Code, Financial Regulations and other relevant policies and procedures. All delegations may be exercised by the Director of Children's Services as well as those posts set out in this Scheme of Delegation.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Directorate's business is dealt with in the most efficient way possible. This means that some matters will be considered and approved by the Director and Assistant Directors as appropriate, whereas others can be dealt with efficiently and properly by other members of the Children's Services Senior Leadership Team.

Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by the Director for Children's Services and no delegation shall preclude the reference of matters for a decision to that body, except where action has already been taken. This provision is subject to statutory requirements which may apply from time to time.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

Although powers have been delegated to officers, there is a requirement to consult local ward councillors and community lead councillors if the decision you are making has a direct impact on a local community. Local ward councillors should be kept aware of any decision made and implemented under delegated powers that affects members of the community in their ward.

Scheme of Delegation & Decision Making (Children Services)

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
ASSESSMENTS & REPORTS						
Approve no further action on a referral		✓				
Agree less frequent visits		✓				
Authorise the commencement of Single Assessment		✓				
Authorise S47 strategy discussion. Determine need for S47 enquiries		✓				
Authorise Single Assessment		✓				
Authorise S47 Enquiry/Record of outcomes		✓				
Authorise the commencement of Pre-birth Assessment		✓				
Agreement to end S47 enquiry without going to Case conference.		✓				
Authorise the Pre-Birth Assessment Report		✓				
Authorise Pre-birth Assessment Plan		✓				
Authorises the commencement of viability assessments of connected persons		✓ (initial authorisation)	✓			

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
		then to be sent to SM)				
Authorises the commencement of In-depth Social Work Assessments		✓				
Authorise In-depth Social Work Assessments		✓				
Authorise the viability assessments of connected persons		✓				
Authorise Age Assessment for Unaccompanied Asylum Seekers			✓			
Authorise European Convention of Human Rights Assessment Report		✓				
Authorise Private Fostering Assessment		✓				
Authorise Private Fostering Assessment		✓				
Authorise Child Permanence Reports		✓ to be stepped up to ensure it is ready for ADM	✓ to be stepped up to ensure it is ready for ADM	✓		
Authorise Child Protection Plans		✓				
Authorise Child in Need Plans		✓				
Authorise Pathway Plans & Reviews		✓				

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
Authorise Review Decisions for CLA		✓				
Authorise PWP Report				✓		
Agree application for Recovery Order				✓		
INFORMATION SHARING						
Authorise Police Check (S47 enquiry)		✓				
Authorises Force Disclosure application (SPOC)		✓ (Designated signatories only)	✓ (Designated signatories only)	✓ (Designated signatories only)		
Public advertisement of missing child/young person				x		
Applications for Adaptations (CWD)			✓			
CASE TRANSFER & CLOSURE						
Case closure		✓				
Case transfer to another Team/Service		✓				
Case transfer to another Local Authority		✓	✓ <i>* SM's would only step in if difficulties in transfer – e.g legal jurisdiction issues etc</i>			
Acceptance of a case from another Local Authority		✓ (The team manager to complete the transfer and any issues raised to escalate to SM)	✓			

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
LEGAL						
Authorise Section 7 Reports		✓				
Authorise Section 37 Reports		✓				
Authorise Special Guardianship Reports		✓				
Authorise Special Guardianship support Plans		✓				
Authorise an emergency protection application				✓		
Authorise PLO Meeting				✓ Legal Gateway Panel		
Authorise initiation of Care Proceedings				✓ Legal Gateway Panel		
Authorise application to discharge Care Order				✓ Legal Gateway Panel		
Commissioning of Expert Witnesses				✓ * Legal Gateway Panel		
Commissioning of drug/alcohol testing (including hair strand testing)				✓ * Legal Gateway Panel/ARP		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
Authorise Interim Care Plans	✓ (requires signature)	✓ (requires oversight and approval to send to HOS)		✓ (requires signature)		
Sign of Final Care Plans		✓ (requires oversight and approval to send to SM)	✓ (requires oversight and approval to send to HOS)	✓ (requires signature)		
Authorise S20 Accommodation			✓	To be reviewed at LGP within 5 working days		
MEDICAL						
Countersign BAAF consent form for CLA for obtaining and sharing health information in cases of parental refusal			✓			
Countersign consent for medical treatment for CLA in cases of parental refusal or unable to be contacted. Depending on if they under Section 20 or ICO/FCO				✓	✓	
Termination of pregnancy of a CLA need to consider if they are Fraser competent.				✓		
Decision to withdraw treatment for CLA					✓	
PLACEMENT APPROVAL						
Internal foster placement				✓		
Internal residential placement				✓		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
Limit on the number of children in Foster Homes (Exemptions)				✓		
External residential placement				✓		
Emergency external residential placement				✓		
Family residential assessment placement				✓ Legal Gateway Panel		
Foster to Adopt Placement				✓		
Placement with Parent Regulations				✓		
Placement with nominated person/s (Regulation 24)				✓		
Authorise application for secure accommodation in an emergency					✓	
Authorise placement in secure accommodation					✓	
Place siblings separately				✓		
Permission to fund a young person being placed in supported accommodation				✓		
Authorise placement of children in a Refuge				✓		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
Remands to Local Authority Accommodation				✓		
Authorise placement outside of England & Wales					✓	
Placement of young person at a distance						✓
Ending CLA of 16/17 year old Section 20				✓		
Ending CLA status for other cases				✓		
LOOKED AFTER CHILDREN						
Approval of a Plan of Adoption				✓ Acting as ADM	✓ Acting as ADM	
Authorise Care Plan after CLA Review			✓			
Authorise a change of name for a looked after child					✓	
Agreed to the marriage of a looked after child					✓	
Decision to varying contact arrangements		✓				
Criminal injuries Compensation for CLA			✓			
Passports for CLA		✓				

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
School or Educational Trips & Holidays overseas.			✓			
Permission for CLA to be absent from school during term time				✓		
FOSTER CARERS						
Foster Carer Approval			✓ Fostering permanence panel.	✓ (Fostering ADM)		
Foster Carer Review			✓	✓ Fostering permanence panel. For the first year.		
Foster Carer Amendments to profile				✓ (Fostering ADM)		
Termination of registration			✓ (Fostering Panel)	✓ (Fostering ADM)		
FINANCIAL DECISIONS						
Payment of Adoption Allowance				✓ ARP		
Payment of Special Guardianship Allowance (following financial assessment)				✓ ARP		
Payment of Child Arrangement Allowance (following financial assessment)				✓		
Payment of Contact Expenses		✓	✓			

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Assistant Director	Director Children's Services
Payment under Section 17:						
Approval of one-off payment up to £100		✓				
Approval of one-off payment over £100			✓			
Approval of regular weekly payments				✓ ARP		
Authorise on-going payments to families with no Recourse to Public Funds				✓ ARP		
Income Maintenance Costs for aged 16 + who have left Care – care leavers only			✓			
Housing Costs including 'Setting up Home Grant' – care leavers only			✓			
Incentive Payments to access Education/Training/Employment – care leavers only			✓			
Additional Allowances as set out in the Financial Guidance for Post 16s – care leavers only			✓			
Financial Payments for young people in further and higher education – care leavers only			✓			
Post 21 Financial Support – Care Leavers only			✓			
Packages of care for disabled children			✓			

- *For cases requiring PLO or initiation of / subject to care proceedings the decision to commission drug/alcohol testing (including hair strand testing) or expert witness assessments/reports is made at Legal Gateway Panel (LGP) For cases that are not in a legal process and this is not the intend plan (e.g. Children subject to Child in Need, Child Protection Plans or Care Orders) the decision can be made by the Head of Service without recourse to LGP.

Complaints						
Responsibility			Team Manager	Service Manager	Head of Service	Procedure Reference
Respond to complaint at Stage 1 of the procedure			✓	✓ (only if complaint relates to a Team Manager)	✓ (only if complaint relates to a Service Manager)	
Respond to complaint at Stage 2 of the procedure			✓	✓		
Adjudicate Stage 2 complaints					✓	