Operational Scheme of Delegation for

Calderdale Metropolitan Borough Council

Children & Young People’s Service

**2023**

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| **1.** | **Purpose** |
|  | The purpose of this Scheme of Delegation is:* to set out which Officers within Children & Young People’s Social Care are authorised to make binding decisions on behalf of the Council.
* to identify the lowest level of management that can take responsibility for a specific decision or action in respect of an individual child’s case. Whenever possible the decision/action will be made within the case responsible person’s line management, but the document permits any officer at the appropriate level or higher to make a decision, in order to avoid delay.
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| **2.** | **Framework for reporting** |
|  | This is set out in the protocol for Officer delegation in Section 151 Standards of Calderdale Metropolitan Borough Council’s Constitution. Staff below the Decision Maker’s level of authority are expected to make informed recommendations to the Decision Maker and to take forward the implementation of the decision. They should not take responsibility for the decision itself. |
| **3.** | **Limitations and conditions** |
|  | Designated Managers are managers who have delegated authority to approve certain decisions and/or give consent in certain circumstances. There will be other circumstances in which designated managers must be notified of events. In all cases, authorisation and/or consent should be sought directly from the officer named below as having the delegated authority, e.g., where consent is needed for blood tests on a looked after child, the responsible Team Manager should refer directly to the Service Manager. Similarly, notification should be made directly to the officer named as the individual to be notified. In addition, other managers in the line management chain should be informed, for example by copying them into correspondence. All delegated functions within this scheme must be exercised:* in accordance with all parts of the Council’s Constitution, and in particular Section 151 Standards which sets out the Responsibility for functions.
* to comply with the policy framework of the Council and the Council’s corporate strategies.
* within approved budgetary provision and with regard to the Council’s Financial and Contract Standing Orders, Financial Regulations and Financial Standards.
* having regard to agreed arrangements for recording decisions made.
* having regard to advice received from the relevant Director or his/her staff on professional and technical aspects of the matter in question.

Any emails should be distinct, and the subject line should state clearly that the message concerns an authorisation, request for consent or a notification. Any additional paperwork required by procedures must be made available. Unless stated otherwise, references to Service Manager, Team Manager and Practice Manager are to those managers responsible for the child, i.e. the social worker’s line managers although in their absence another manager of the same level can substitute. |
| **4.** | **Delegation of Officers** |
|  | Delegation of Officers is subject to:* any statutory provisions which apply;
* the exclusion of any matters which remain for decision by the Council or where the function, powers and duties are the responsibility of the Cabinet or within the Terms of Reference and delegations of a Committee, unless specifically delegated by the person or body responsible to a particular Officer;
* accountability to the Cabinet in respect of executive decisions made under the Scheme of Delegation.

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| **5.** | **General Principles** |
|  | In any situations shown as requiring consent or authorisation, these must be secured prior to any action. Discussions and agreements must be undertaken by staff in line with policy before being submitted to the Designated Officer for approval. In all cases, designated officers can only authorise expenditure within the limits of the usual budget delegation framework and any temporary financial controls. The Press Office must be notified of circumstances thought likely to attract public/media attention. The purpose is to forewarn the Press Office and to prepare for any media enquiries. Please contact pressoffice@calderdale.gov.uk. |
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|  |  | **Decision-maker** |  |
| --- | --- | --- | --- |
|  | **Decision** | **Director of C&YP** | **Assistant Director** | **Service Manager** | **Team****Manager** | **Practice Manager** | **Social****Worker** | **Planning forum** |
|  | **Children in care/about to become children in care/leaving care** |
|  | **PLACEMENTS (also see Section Court Orders/S20 rows 35-55)** |  |  |  |  |  |  |  |
|  | To agree the seeking of an external residential placement, including Court directed parent & child assessment placements, over 20 miles Calderdale’s geographical boundaries | **✓** | **✓** |  |  |  |  | External Placement Request  |
|  | To agree the seeking of an external residential placement, including Court directed parent & child assessment placements, under 20 miles Calderdale’s geographical boundaries |  | **✓** |  |  |  |  | External Placement Request |
|  | To agree the seeking of an Independent Fostering Agency placement inside Calderdale’s geographical boundaries |  | **✓** | **✓** |  |  |  | External Placement Form signed off by TM and Service Manager for the child involved.Searches will be approved by SM’s with the placement being approved by AD |
|  | To agree the seeking of an Independent Fostering Agency placement outside Calderdale’s geographical boundaries |  | **✓** | **✓** |  |  |  | External Placement Form signed off by TM and Service Manager for the child involved.Searches will be approved by SM’s with the placement being approved by AD |
|  | To agree the seeking of external semi-independent supported accommodation  |  | **✓** | **✓** |  |  |  | External Placement Form signed off by TM and Service Manager for the child involved.Searches will be approved by SM’s with the placement being approved by AD |
|  | To commission a residential parent & child assessment |  |  | **✓** |  |  |  | Through Legal Gateway Planning, move to link with 20 miles and out placements |
|  | To terminate placement of a young person from a children’s home. |  |  | **✓** |  |  |  | In consultation with IROAt External Placement Panel |
|  | To authorise placement of a child outside England and Wales. | **✓** | **✓** |  |  |  |  | As part of Care Planning Process. |
|  | To agree the permanence plan for a child who is in care. |  |  |  |  | **✓** | **✓** | Needs to be agreed at (2nd / 4 month) Statutory Review and through Permanency Planning Meetings |
|  | To approve an unregulated placement of a young person. |  | **✓** | **✓** |  |  |  | Reg 24 must be considered. If child under 16 yrs Ofsted must be informed |
|  | To agree a planned placement change for a young person in Years 10 or 11. |  | **✓** | **✓** |  |  |  | External Placement Panel and External Request FormCA Guidance Vol 2 & Reg 10 *“a decision to change placement that would have the effect of disrupting arrangements for education (at KS 4) must not be put into effect until it has been approved by a nominated officer .except in an emergency/ where the placement is terminated because of an immediate risk of serious harm to the child or to protect others from serious injury).* Subject to care planning procedures and in consultation with the Virtual Head |
|  | To approve placement with parents of child on Care Order. |  |  | **✓** |  |  |  | In consultation with IRO. Decision fed back to a Statutory ReviewSchedule 3 Assessment report approved. Through Legal Planning Meeting. |
|  | **GENERAL MATTERS** |  |  |  |  |  |  |  |
|  | To permit child or young person in care to leave UK for holiday of up to 1 month. |  | **✓** |  |  |  |  | Decision fed back into Statutory ReviewParents’ views should be obtained even where LA have PR. If S20 only parents can give consent or those with PR.Risk Assessment to be completed and submitted with request to AD. |
|  | To permit child or young person to attend activities such as school trips or camps. |  |  |  |  | **✓** | **✓** | Suggested decision maker - to be agreed at Placement Planning Meeting. If S20 only parents can give consent to those with PR. Children on Care Orders: Foster Carer or Residential Social Worker with delegated authority |
|  | To permit child or young person to stay overnight with friend’s family. |  |  |  |  | **✓** | **✓** | Subject to any restrictions agreed at Placement Planning Meeting/Statutory Review. Team manager has oversight. Foster Carer or ResidentialWorker in consultation with Team Manager and Social Worker with delegated authority |
|  | To agree to religious custom or ritual requiring parental consent (e.g. baptism) – child or young person on Care Order. |  |  | **✓** | **✓** |  |  | Decision fed back into Statutory Review.Consultation with parents where appropriate. |
|  | To agree membership of a religious body |  |  | **✓** | **✓** |  |  |  |
|  | To agree to ear or body piercing of child on Care Order |  |  | **✓** | **✓** |  |  | With parental consent, Service Manager if contentious and under 16 years |
|  | To support child’s application for British citizenship (child in care). |  |  | **✓** |  |  |  | Decision fed back in to Statutory Review, through Legal Planning Meeting |
|  | To seek publicity in respect of a search for missing children. | **✓** | **✓** |  |  |  |  | DCS and Cabinet Member are informed in accordance with separate protocol. |
|  | To agree to the marriage of a child aged 16 to 17 subject to a care order. | **✓** | **✓** |  |  |  |  | Consultation with parents where appropriate regardless of legal status. S33(3) Children Act 1989 The request should be considered at a LAC review and a recommendation made to inform the Service Director decision in consultation with the Service Manager. The consent of all those with PR must also be secured and legal advice sought if this is not possible. If the child marries, consideration should be given to applying for the discharge of the CO. |
|  | To agree employment for a child under 16 years on a Care Order |  |  |  | **✓** |  |  | In consultation with Virtual School |
|  | To authorise the change of name of a child in care. |  |  | **✓** |  |  |  | In consultation with parents/those who hold PR and legal services through Legal Planning Meeting |
|  | To sign passport application (child on Care Order). |  |  | **✓** |  |  |  | Decision fed back into Statutory Review. |
|  | To agree for a young person to join the armed forces. | **✓** | **✓** |  |  |  |  |  |
|  | To authorise a staying put agreement. |  |  | **✓** | **✓** |  |  |  |
|  | To agree to a change of school for children on a Care Order |  |  | **✓** | **✓** |  |  | With Head of Virtual School  |
|  | To change the prospective date of CLA reviews which will be out of statutory timescales |  |  |  | **✓** | **✓** |  | In consultation with the IRO |
|  | To use an independent visitor |  |  |  | **✓** | **✓** | **✓** | In consultation with the IRORecommend a view from CLA Review |
|  | To agree Leaving Care Financial matters |  |  | **✓** | **✓** | **✓** | **✓** | In accordance with the Financial Handbook |
|  | **MEDICAL MATTERS** |  |  |  |  |  |  |  |
|  | To consent to unplanned surgery, treatment for life threatening conditions, sensitive medical treatment or invasive health screening (e.g. blood tests) – for child or young person on a Care Order - NB Fraser implications. |  | **✓** | **✓** | **✓** |  |  | Children in Care Nurse or Doctor may need to be consulted. Decision fed back in to Statutory Review as appropriate.Consultation with parents is important in serious and life threatening situations, time allowing. Subject to child protection considerations and if in doubt parents should be consulted. The attending medic has overriding responsibility.Service Manager can delegate this to the foster carer. |
|  | To consent to planned surgery and treatment for conditions not falling into above categories. |  |  | **✓** | **✓** |  |  | Consultation should always take place with parents (subject to child protection considerations). |
|  | To consent to a termination of a pregnancy (young person looked after) |  | **✓** |  |  |  |  | Consultation with Director and Assistant Director and legal as required.Decision fed back in to statutory review and in consultation with the IRO. Privacy for young person must be maintained.  |
|  | To consent to contraception (young person looked after) |  |  |  | **✓** | **✓** |  | Decision fed back in to statutory review |
|  | **COURT ORDERS/S20** |  |  |  |  |  |  | All decisions should be made following consultation with legal services |
|  | To agree discharge from care of a child aged up to 16, who has been looked after for at least 20 working days. |  |  | **✓** |  |  |  | IRO to be consultedThrough Legal Planning Meeting  |
|  | To agree discharge from care of a child aged 16 or 17 years, who has been accommodated under section 20. |  |  | **✓** |  |  |  | Young person must have requested or must be in agreement with this decision. Decision must be ratified at a review and through Legal Planning Meeting. |
|  | To authorise the provision or termination of contact between child in care and parents. |  |  | **✓** |  |  |  | Service Manager to agree in principle and IRO endorses for up to 7 days prior to legal support. Legal Services Section 34.4 order through Legal Planning Meeting |
|  | To agree planned accommodation (Section 20) arrangements |  |  | **✓** |  |  |  | A planning meeting must first be held to consider kinship placements. Ratified at Legal Gateway Panel |
|  | To initiate care proceedings where child or young person is accommodated |  |  | **✓** |  |  |  | Legal Gateway PanelDecision fed back into statutory child care review |
|  | To support/ not support foster carer application for Child Arrangement Order/SGO (child looked after) |  |  | **✓** | **✓** |  |  | Via Legal Planning Meeting |
|  | To apply for protection orders – emergency protection order (EPO) or powers of police protection order (PPO) through police |  | **✓** | **✓****EDT** | **✓** |  |  | With legal advice |
|  | To apply for recovery orders |  |  | **✓** | **✓** |  |  | Decision based on a strategy meeting or case discussion |
|  | To apply for a child assessment order |  |  | **✓** | **✓** |  |  | Legal Gateway PanelDecision based on discussion in a multi-agency meeting, e.g. child protection conference, Children in Need meeting. |
|  | To apply for a care or supervision order |  |  | **✓** |  |  |  | Legal Gateway PanelDecision following discussion in a legal planning meeting |
|  | To approve interim care plan |  |  |  | **✓** |  |  | A viewpoint will be given by the Chair of the Legal Gateway Panel |
|  | To approve care plan for the court (court order having been applied for) initial and final |  |  | **✓** |  |  |  | Through Legal Planning Meeting |
|  | To seek discharge of care order or supervision order |  |  | **✓** |  |  |  | Through Legal Planning Meeting following recommendation made at CLA Review |
|  | To use secure accommodation without an order (maximum 72 hours) | **✓** | **✓** |  |  |  |  | S25 Children Act 1989 / Children (Secure Accommodation) Regulations 1991, Vol. 4 CA 89 Guidance *Decisions to place a child in a secure accommodation should be authorised by a nominated senior manager of the LA children’s services department* |
|  | To seek secure accommodation (maximum 72 hours) | **✓** | **✓** |  |  |  |  | Statutory child care review recommends if child already looked after. Planning meeting for non-looked after child. |
|  | Decision to refuse parental contact with a child subject to a Care Order for up to seven days in an emergency when it is necessary to do so in order to safeguard or promote the child's welfare |  |  | **✓** | **✓** |  |  | Where the child is subject of an ICO or full Care Order an application to the Court for authority to terminate the contact will always be necessary if contact is to be suspended for more than 7 days. As soon as such a decision is made, Legal Services should be contacted as a matter of urgency so that the necessary Court action can be initiated IRO, Strategic Manager and Legal to be consulted |
|  | Decision to withhold the whereabouts of a child in care from a person, usually the parent |  |  |  | **✓** | **✓** |  | Schedule 2 s15 (4) Children Act 1989. A local authority is not required to inform any person of the whereabouts of a child if-the child is in the care of the authority; and the authority has reasonable cause to believe that informing the person would prejudice the child's welfare *NB This does not apply to children accommodated under S20 Children Act 1989 when there is no power to withhold this information unless an order has been applied for and obtained*IRO and Legal to be consulted |
|  | To quality assure and sign off Section 7 or Section 37 reports |  |  |  | **✓** | **✓** |  |  |
|  | To quality assure and sign off all other court reports |  |  |  | **✓** | **✓** |  |  |
|  | Appeal a Court decision |  |  | **✓** |  |  |  |  |
|  | Sign off Special Guardianship Support Plan |  |  | **✓** |  |  |  | At Legal Planning Meeting or Permanency Panel. |
|  | **CHILDREN IN NEED/CHILD PROTECTION** |  |  |  |  |  |  |  |
|  | To commence a Section 47 investigation |  |  |  |  | **✓** |  | Strategy Discussion and subsequent outcome. |
|  | To convene a Children in Need meeting |  |  |  |  |  | **✓** | As part of assessment and direct work with children and families. |
|  | To convene a family group conference (FGC) |  |  |  |  |  | **✓** | Manager to be consulted |
|  | Decision to go to Legal Gateway Panel (LGP) |  |  |  | **✓** | **✓** | **✓** | In consultation with the team manager |
|  | To convene a child protection conference (CPC) |  |  |  |  | **✓** | **✓** | In consultation with WYC S&CPP Service |
|  | To change the date of a planned child protection conference (CPC) |  |  |  |  |  |  | Only by IRO |
|  | Provision of home care up to six weeks  |  |  |  | **✓** | **✓** | **✓** |  |
|  | **FOSTERING** |  |  |  |  |  |  |  |
|  | To recommend the termination of fostering approval. |  |  |  | **✓** | **✓** | **✓** | Fostering TM and Fostering Panel make recommendation to agency decision maker. |
|  | To agree the termination of fostering approval. |  |  | **✓** |  |  |  | Fostering TM and Fostering Panel make recommendation to agency decision maker. |
|  | Agree the continuation of a carers assessment with a positive DBS. |  |  | **✓** |  |  |  | Fostering SM and Fostering Panel. ADM with recommendation from Fostering Service Manager. |
|  | To decide whether or not to approve connected persons as temporary foster carers under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010. |  |  | **✓** |  |  |  | Should only be for a 16 week period unless returned to Panel for extension request and approved by ADM.  |
|  | To grant a temporary exemption to the usual fostering limit. |  |  | **✓** |  |  |  | ADM |
|  | To bring placements to an end (concern for child) - foster placement |  |  | **✓** | **✓** | **✓** | **✓** | Discussed at a Strategy Discussion or Legal Planning Meeting |
|  | To agree the suspension of fostering approval. |  |  | **✓** | **✓** |  |  | In cases of S47, consultation with LADO and AD. |
|  | **ADOPTION** |  |  |  |  |  |  |  |
|  | To approve prospective Adopter’s |  |  |  |  |  |  | Role of the Regional Adoption Agency |
|  | Decision that a child is suitable for adoption |  | **✓** |  |  |  |  | ADM for Adoption sits with Assistant Director |
|  | Decision to rescind a Placement Order |  | **✓** |  |  |  |  | ADM for Adoption sits with Assistant Director |
|  | To bring placement to an end (concern for child) - child placed with prospective adopters |  |  |  | **✓** | **✓** | **✓** | Decision of Regional Adoption Agency in consultation with CMBC |
|  | To write a Child’s Permanence Report for the purposes of potential adoption |  |  |  | **✓** | **✓** | **✓** | The social worker must be three years post qualified. QA process undertaken by a Team Manager and Adoption Service Manager |
|  | **FINANCIAL MATTERS** |  |  |  |  |  |  |  |
|  | To agree orders, invoices and credit notes (per item) | **Up to £10m** | **Up to £2m** | **£10,000 - £60,000 see notes** | **£10,000 - £5,000** | **£150** | **£20\*** | SM Permanency & Sufficiency £60,000All other SM’s up to £10,000Team Managers Fostering £10,000All other TM’s up to £5,000Placement Co-ordinator £600Business support £1,000 - £500Residential staff to refer to their financial guidance\*relates to all case managers |
|  | Act as guarantor for tenancies |  | **✓** | **✓** |  |  |  |  |
|  | **COMPLAINTS** |  |  |  |  |  |  |  |
|  | Complaints Stage 1 |  |  | **✓** | **✓** | **✓** | **✓** | Allocation is by Service Manager and Team Manager |
|  | Complaints Stage 2 Investigation |  |  | **✓** | **✓** |  |  | Allocation is by AD |
|  | Complaints Stage 2 Adjudication |  | **✓** |  |  |  |  |  |
|  | Signing of any correspondence with local/ national elected members, Ombudsman, Children’s Commissioner, etc | **✓** | **✓** |  |  |  |  |  |