



WOKINGHAM BOROUGH COUNCIL

Practice Guidance on the Delegation of Authority

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Introduction

This guidance has been produced to support Social Workers and Supervision Social Workers in dealing with the issue of delegated authority. The document provides a brief explanation of the importance of delegated authority, some guiding principles to consider in relation to the issue, as well as a summary of the key roles and responsibilities of different parties when delegation is decided upon. It also provides an explanation of Wokingham's **Delegated Authority Tool** (see [Appendix 1](#)), which should be used routinely by practitioners to inform and support discussions with parents and foster carers, particularly in preparation for Placement Planning Meetings.

The Importance of Delegated Authority

Managing the relationship between a looked after child's parents (or others with parental responsibility) and a foster carer or residential worker is widely acknowledged as a challenging aspect of social work practice - particularly as those providing the day-to-day care for the child will often not hold parental responsibility. It is however essential to a looked after child's safety and welfare that, wherever possible, the most appropriate person to take a decision about them has the authority to do so, and that there is clarity about who has the authority to decide what.

According to the DfE's guidance on the Children Act 1989¹:

"Poor planning around delegation of authority can delay decision-making and lead to children missing out on opportunities that enable them to experience a fulfilled childhood and feel part of their foster carer's family or the daily life of their children's home. Looked after children say that problems obtaining parents' and local authorities' consent to everyday activities make them feel different from their peers and cause them embarrassment and upset. Failure to delegate appropriately, or to make clear who has the authority to decide what, can make it more difficult for foster carers and residential workers to carry out their caring role and form appropriate relationships with the children in their care"

It is also important to note that ensuring foster carers or residential homes are supported to make day-to-day decisions helps the children in their care to have confidence in the relationships that they have with their carers, and supports the development of trusting and secure attachments.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

Guiding Principles

Clarifying who is best placed to take everyday decisions for a looked after child depends on many factors; for example the young person's age, views, legal status and care plan, the parents' views and the experience and the views of the foster carers. While the specifics will inevitably depend on the child in question and their circumstances, some guiding principles to consider are as follows:

- **Reflecting the long-term plan of the child:** when deciding who should have authority to take particular decisions, the long-term plan for the child should inform the approach taken. If for example, the plan is for the child to return home, the child's parents should have a significant role in decision-making. If however the plan is for long-term foster care, the foster carers should have a significant say in the majority of decisions about the child's care.
- **Empowering the day-to-day carer:** Whatever the permanence plan or circumstances of the child, generally the carer should have delegated authority to take day-to-day parenting decisions. This enables them to provide the best possible care for the child.
- **Involving parents:** It is essential wherever possible, and always where children are voluntarily accommodated, to involve parents and others with PR in discussions about the delegation of authority. In particular, it is important to build effective relationships so that they can understand that appropriate delegation is in the best interests of the child. It should also be noted that where parents initially feel unable to delegate, this may change over time as trust develops, so decisions should be kept under review.
- **Seeking the views of the child:** Any decision about delegation of authority should consider the views of the child. If the child is of sufficient age and understanding, it may also be decided that they should be allowed to make some decisions themselves. However, it should also be noted that regardless of a child's competence, some decisions cannot be made until a child reaches a certain age, for example, tattoos are not permitted for a person under the age of 18.
- **Categorising types of decision:** the DfE's guidance distinguishes three broad areas that decisions may fall into when considering delegation: 1) Day-to-day parenting 2) Routine but longer term decisions (e.g. school choice) and 3) Significant events (e.g. surgery). These categories, in conjunction with the child's plan and legal status should inform the approach taken to delegation. More details on this can be found in Wokingham's Procedure Manual [here](#).
- **Exemptions:** there are some decisions where the law prevents authority being delegated to a person without PR. These relate to decisions around applying for a passport, children being removed from the UK for more than a month, or deciding that a child should be known by a different surname or be brought up in a different religion. More details on this can be found in Wokingham's procedure manual [here](#).

Key Roles and Responsibilities

As a general guide, when making any arrangements for delegated authority the following roles and responsibilities should be noted and adhered to:

The child's allocated Social Worker should:

- Seek the views of parents and children on the issue
- Ensure that parents sign their consent to delegate authority on the *Placement Planning Meeting Agreement Form*
- Record agreements made on the delegated authority record, which is part of the *Placement Planning Meeting Agreement Form*.
- Provide parents, carers and supervising social workers with information on the legal aspects of delegating parental responsibility
- Ensure arrangements remain flexible and seek changes where necessary.

In addition, if a child is placed via an Independent Fostering Agency, or within a residential placement, the allocated Social Worker should also ensure that they:

- Chair and be a part of the discussion on delegation of authority within the Placement Planning Meeting.
- Ensure that foster carers or residential child care workers are aware of what agreements have been made, and that they have the right skills and training to carry out the agreed tasks.
- Monitor the foster carer's/children's home's use of delegated authority and discuss any difficulties
- Liaise with the child's Social Worker around any difficulties or in negotiating any required changes to delegated authority.

The Independent Reviewing Officer should:

- Be consulted on arrangements for delegated authority where required
- Review all arrangements for delegating authority at each statutory Child in Care Review.
- Make recommendations on changes to arrangements where this is in the child's best interests
- As part of the review process, meet with the child and parents prior to reviews to seek their views on delegated authority arrangements
- Ensure arrangements are able to meet the child's needs and help Wokingham Borough Council to meet corporate parenting responsibilities.

Prior to placement

- Social workers should explain clearly to parents the nature of the decisions that need to be delegated to foster carers/children's homes, and discuss the parental consent that is required to do this. This will ensure parents are able to make informed decisions and will encourage them to engage with the process.

- Where possible, social workers should include the child in any discussion of delegated authority as they may have their own views regarding who should make decisions about their care.
- Social workers should also discuss with their supervisor whether any key decisions about the child's care must be retained by children's services, depending on the child's needs and circumstances.
- Social workers should also discuss the matter of delegating authority with the foster carer's supervising social worker, to look at any issues around the carer's level of experience, the specific needs of the child and what areas of delegated authority are likely to be covered at the Placement Planning Meeting.
- Social workers should have particular regard to delegation of authority where the child is living with a family and friends' carer. There may already be an agreement in place between the carer and the parent around the child's care and these should be respected where they are consistent with the child's welfare.

The Placement Planning Meeting

It is vital that the issue of delegation of authority for decision making is dealt with within the initial Placement Planning Meeting. Any agreed delegation should be recorded within this meeting, and then reviewed regularly thereafter by the statutory child in care review process.

Using the Decision Support Tool

Wokingham's **Delegated Authority Tool** can be found in full under [Appendix 1](#)

Background

Wokingham Borough Council's Decision Support Tool is based on a format that was originally produced by the Fostering Network in 2011. It is designed to assist social workers, parents, foster carers and young people in talking to each other about delegated authority, and to assist in the preparations for such discussion within the context of an initial Placement Planning Meeting (as well as any subsequent reviews where a Placement Plan is considered).²

The original format of the Decision Support Tool was informed by consultation undertaken by the Fostering Network at the time of its inception in 2011, which ensured that the areas it covered were the most relevant and important for the parties involved. In addition, we have also undertaken regular consultation on the content of the document with Wokingham's *Children in Care Council*. This has provided further assurances that it remains

² It is important to note however that the tool does not replace or replicate the Placement Plan itself, which is a legal requirement. The required content of a Placement Plan is set out in Schedule 2 of the *Care Planning, Placement and Case Review Regulations 2010*; relevant statutory guidance is in Chapter 2 of the *Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*

as relevant and up-to-date as possible for the day-to-day circumstances and lived experiences of those in our care.

Using the Tool

The tool should be used routinely by practitioners to support and inform preparations for a Placement Planning Meeting, and thereafter in any subsequent reviews where a Placement Plan is considered

The principal aims of the Decision Support Tool are to ensure that a child's Placement Plan:

- Is viewed as a living document that can change over time
- Covers all the areas necessary for every child
- Is as clear and inclusive of parents and foster carers as possible.

In addition to preparing for planning meetings and reviews, the document can also be a useful tool for Supervising Social Workers when preparing fostering applicants for the tasks involved with foster care, as well as when assessing their needs in relation to the *Training, Support and Development Standards for Foster Care*.³

It can also provide a useful starting point more generally for a discussion between a Social Worker and a parent, particularly if the parent has been identified as needing additional support in understanding key issues surrounding delegated authority.

Limitations

It is important to note that the *Decision Support Tool* is not a definitive list of tasks and responsibilities. Inevitably, over the life of a child's placement with foster carers, further areas or concerns are likely to arise and require clarification.

Equally, not all of the elements that are included within the tool will apply to every young person. Discretion is therefore required on the part of the Social Worker to ensure that it is used appropriately for the placement in question.

As mentioned above, there are also some important decisions where the law prevents authority being delegated to a person without parental responsibility, which should therefore not be incorporated into the tool. More details on this can be found in Wokingham's procedure manual [here](#).

³ For more details see here <https://www.gov.uk/government/publications/training-support-and-development-standards-for-foster-care-evidence-workbook>

Further Reading

- The original Fostering Network Decision Support Tool from 2011 can be found here: https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/public/resources/good-practice-guidance/delegated_authority_decision_support_tool_2011.pdf
- Full details on Wokingham's policies and procedures with regard to the delegation of authority can be found here: https://www.proceduresonline.com/wokingham/childcare/p_del_auth_fc_resid.html
- The DfE's *The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review* document provides detail on the delegation of authority on page 91, which can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf
- A discussion piece on from The Adolescent and Children's Trust from 2017 can be found here: <https://www.tactcare.org.uk/news/delegated-authority-good-children-good-local-authorities-social-workers-often-failing-empower-foster-carers/>

Appendix 1 - The Decision Support Tool

This Decision Support Tool is designed to assist social workers, parents, foster carers and young people in talking to each other about delegated authority. It can help to prepare for the initial Placement Planning meeting and each subsequent review when the Placement Plan is considered. It is an aide to good practice in working with delegated authority. **It does not replace or replicate the Placement Plan which is the legal requirement for this purpose. The required content of the Placement Plan is set out in Schedule 2 of the Care Planning, Placement and Case Review Regulations 2010; relevant statutory guidance is in Chapter 2 of the Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review.**

The Decision Support Tool is based on consultations which suggest that the areas covered are those where it is particularly important to have clarity. The aims are to ensure that the Placement Plan:

- Is viewed as a living document that can change over time
- Covers all the areas necessary for every child
- Is as clear and inclusive of parents and foster carers as possible.

The Decision Support Tool is not a definitive list of tasks and responsibilities: over the life of a child's placement with foster carers, other areas will inevitably arise and require clarification and not all of the elements that are included will apply to every young person. In addition to preparing for planning meetings and reviews, its other uses are:

- To assist supervising social workers to prepare fostering applicants for the tasks in foster care and to assess their needs in relation to the Training, Support and Development Standards for Foster Care
- For child care social workers to use with parents who need additional support to understand delegated authority.

Clarifying who is best placed to take everyday decisions depends on many factors: the young person's age, views, legal status and care plan, the parents' views and the experience and the views of the foster carers. Collaboration and consultation are essential for successful partnership working.

Delegation of Authority

Child/Young Person:

1. Medical and Health			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task ¹	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date
1.1 Signed consent to emergency medical treatment inc. anaesthesia			
1.2 Consent – routine immunisations			
1.3 Planned medical procedures			
1.4 Medical procedure carried out in the home where the person administering the procedure requires training (e.g. child with disability/illness)			
1.5 Dental – signed consent to dental emergency treatment inc. anaesthetic			

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1.6 Dental – routine treatment inc. anaesthetic			
1.7 Optician – appts., glasses			
1.8 Consent to examination/treatment by school Doctor			
1.9 Administration of prescribed/over the counter medications			
1.10 Permission for school to administer prescribed/over the counter medications			
1.11 Referral/consent for YP to access another service e.g. CAMHS			

¹More than one person could have authority to give a particular consent/agreement or undertake a particular task, e.g. both the parent and foster carer may be attending parents’ evenings. If this is the case, the individuals’ respective roles should be clarified in the “Notes” column.

2. Education			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date

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2.1 Signed consent for school day trips			
2.2 Signed consents for school trips of up to 4 days			
2.3 Signed consents for school trips of over 4 days			
2.4 School trips abroad			
2.5 Using computers at school			
2.6 School photos			
2.7 Attendance at parents' evenings			
2.8 Attendance at PEP meetings			
2.9 Attendance at unplanned meetings re incidents or immediate issues			
2.10 Registering at a school			
2.11 Changing a school			
2.12 Referral/consent for YP to access another service (lease specify the service)			

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2.13 Personal Health and Social Education			
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3. Personal, leisure and home life			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date
3.1 Passport application			
3.2 Overnight with friends ("sleep overs")			
3.3 Holidays within the British Islands			
3.4 Holidays outside the British Islands			
3.5 Sports/social clubs			
3.6 More hazardous activities e.g. horse riding, skiing, rock climbing			
3.7 Haircuts/colouring			
3.8 Body piercing			
3.9 Tattoos			

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3.10 Mobile phone			
3.11 Part time employment			
3.12 Accessing social networking sites e.g. Facebook, Twitter, MSN			
3.13 Photos or other media activity			

4. Faith and religious observance			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date
4.1 New or changes in faith, church or religious observance			
4.2 Attendance at a place of worship			

5. Identity and Names			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date

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5.1 Life Story Work			
5.2 New or changes in “nicknames”, order of first names, or preferred names			

6. Contact			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date
6.1 Transport			
6.2 Arranging			
6.3 Facilitation			
6.4 Formal supervision			
6.5 Indirect contact e.g. tel and by computer			

7. Other areas or categories			
Consent/agreement/task	Who has authority to give consent/agreement or undertake the task	Notes (inc. notifications, prior consultation/recording requirement/conditions)	Date

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8. Additional Notes or questions

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Signatures			
Name of Social Worker:			
Signature:		Date:	
Name of Foster Carer			
Signature:		Date:	
Name of Supervising Social Worker			
Signature:		Date:	
Name of Parents			
Signature:		Date:	