

Directorate: Children and Families

Safeguarding and Family Support Division

| What the function/power is ¹ | Who may carry it out ² | Any constraints/comments ³ | Decision (E/C/O ⁴) |
|---|--|---|-----------------------------------|
| 1. Decision to accommodate a child under the Childrens Act 1989 | Chair of Legal Gateway/ Head of Service / Service Director | <p>The Legal Gateway Panel will determine whether a child can become looked after.</p> <p>Each responsible Head of Service will respond to emergency requests outside of panel meetings and in these circumstances the case will be referred to the next available Legal Gateway Care Panel.</p> <p>If it happens out of hours this should be agreed by Head of Service or if not appropriate level the DLT member on call</p> <p>Decision to authorise a search should be completed by the Service Manager with the Team Manager. The decision to place rests with Head of Service</p> | |

¹ Say what the activity is that is being delegated and the source of the power e.g. decision to instigate care proceedings under s 31 of the Childrens Act 1989

² Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

³ Include any specific conditions or constraints which apply to the delegation e.g. requirement to first consult with xxx

⁴ Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activity); O = operational

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| 2. Approval to apply for Emergency Protection Order under Section 44 of the Children Act 1989 | Responsible Head of service | Decision to place in Residential can only be made by the Service Director | |
| 3. Decision to Instigate Care Proceedings under S31 Children's Act 1989 | Chair of Legal Gateway Panel | The Head of Service will confirm legal advice on evidential quality and necessity for such an application. The case must be referred to the next available Legal Gateway Panel retrospectively. | |
| 4. Decision to instigate public law outline processes under the <i>Public Law Outline</i> (2014) and the Children and Families Act 2014 | Chair of Legal Gateway Panel | Following prior authorisation from Childrens Service Manager, and with consultation with Head of Service this should be presented to Legal Gateway Panel. Agreement to instigate proceedings does not mean that the decision to accommodate has also been made. | |
| 5. Approval of Initial Care Plans in Care Proceedings and Care Plan Amendments | Responsible Head of Service | All Care Plans must be authorised with a signature by the Social worker, Childrens social work manager and responsible Head of Service. | |
| 6. Approval of Final Care Plans | Responsible Head of Service | All Care Plans must be endorsed by a LAC review prior to Head of Service approval. | |
| 7. Ratification of Looked After Review recommendations | Childrens social work manager | All Care Plans and proposed changes to Care Plans must be endorsed by an | |

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| 8. Approval for Looked after Child subject to Care Order to be placed with parents. | Service Director Safeguarding and family support; If not available Director for children and families | <p>Independent Reviewing Officer at a LAC Review.</p> <p>Childrens social work managers must ratify LAC Review recommendations within 5 working days. If no objections are received in 5 working days their agreement will be assumed.</p> | |
| 9. Approval for overnight stays of Looked after Child with the child's friends | Foster Carer | <p>Following completion of Placement with Parents Assessment then plan should be discussed and agreed at a LAC Review with the approval of the Independent reviewing officer and approved by the responsible Head of service prior to Assistant director approval.</p> <p>Delegated authority should permit pragmatic decision making by carers.</p> | |
| <p>10. Approval for Looked after Child to have :</p> <ul style="list-style-type: none"> • Routine medical • • • • • | <p><u>Routine medical</u> Foster carer can give consent to routine medical treatment (see full delegated authority for foster carers).</p> <p>Consent from parents and other holders of PR to routine medical treatment should have been sought in the placement plan</p> <p><u>See Foster Care agreement on delegated Authority</u></p> | <p>Please contact the legal department if there are any queries regarding consent and who needs to give consent for a LAC children and medical treatments and interventions.</p> <p>(Please also see the Council's guidance note for Medical intervention for LAC Children protocol)</p> | |

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| 11. Decision to withhold or withdraw life preserving medical treatment | <p>consent then please contact legal as an application to the High Court may be required.</p> <p>Director for Children and Families in consultation with treating physician and parents; in absence of Director the Service Director safeguarding and family support.</p> | <p>Please contact the legal department if there are any queries regarding consent and who needs to give consent for end of life decisions.</p> | |
| | <p>IN ADDITION TO THIS:-</p> <p>For end of life decisions, consent should always ALSO be obtained from parents and other holders of PR. If there is disagreement between the local authority and holders of PR (and consent is not given) or there is a question over the ability of parents/carers to give informed consent then please contact legal as an application to the High Court may be required.</p> | <p>(Please also see the Council's guidance note for decision to withhold or withdraw life preserving treatment for LAC Children protocol)</p> | |
| <p>12. Approval of <i>enhanced</i> allowances to foster placement costs for:</p> <ul style="list-style-type: none"> • Holiday payments • Additional Needs/Interest | <p>Child's Childrens social work manager or Fostering Childrens</p> | <p>The additional needs should be discussed between child's Social worker and Fostering Social worker and identified explicitly in writing.</p> | |

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| <ul style="list-style-type: none"> Clothing Grant | social work manager depending on relevant budget. | | |
| 13. Looked after Child taking part in group social or sporting activities | Foster Carer | Delegated Authority is designed to address this. Parental consent to be obtained wherever possible / appropriate. Activities should be included in LAC Care Plan and discussed at LAC reviews. | |
| 14. Looked after Child taking part in activities with an element of exceptional risk eg climbing/skiing | Children's social work manager | Parental consent to be obtained wherever possible / appropriate. Risk Assessment to be undertaken in advance by the child's Social Worker and provider. | |
| 15. Looked after Child going on holiday: | In the UK: Foster Carer / Childrens social work manager | Parental consent must be obtained if s20. Parental consent to be obtained wherever possible / appropriate for all other Looked after Children. | |
| <ul style="list-style-type: none"> In UK Abroad Passport applications | Abroad :Head of Service | In many instances a child's foster carer will have the delegated authority to decide on holidays in the UK. These plans should be discussed with the child's Social Worker. If the authority has not been delegated to the foster carer, or if the young person is not in a foster placement, decision rests with Childrens Head of Service | |
| | Passport applications: Childrens social work manager | | |
| 16. Looked after Child changing appearance eg piercing, | Childrens social worker | Parental consent to be obtained wherever possible / appropriate. If significant issue gain advise from Service Manager. Tattoo's are illegal under the age of 18 | |

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| 17. Application to court for a Looked after Child to change their name | Responsible Head of Service | Consent of Head of Service with Parental Responsibility to be obtained where possible/appropriate (except adoption). To be discussed with Independent reviewing officer beforehand. | |
| 18. Looked after Child obtaining contraceptive advice or provision | Foster Carer/ Child /YP | Parental consent to be obtained wherever possible / appropriate taken into account the child's wishes, age , competence and medical advice. | |
| 19. Application for Looked after Child to be placed in secure accommodation | Service Director safeguarding and family support/ Director for children and families (DCS) | <p>The criteria are explicit and the report to the Service director will provide evidence to support the application.</p> <p>Director for children and families (DCS) is able to authorise without a secure order for up to 72 hours.</p> <p>If child is aged under 13 years approval must be given by a Minister of State.</p> | |
| 20. Approval of Section 34 contact expenses | Childrens social work manager | On presentation of evidence of spend . | |
| 21. Funding of residential placements where more than one agency cannot meet the needs of the young person | Chair of Complex Needs Panel. Service Director Safeguarding and Family Support | CNF guidance must be followed | |

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| 22. Decision to end looked after child episode (s20) | This is a parental decision and should be reviewed and agreed by the Service Manager. | Following agreement by the Independent reviewing officer at a LAC Review. Approval should scrutinise the decision making including identified ongoing needs of the child / family and how these will be met. | |
| 23. All residential placements including Mother and baby residential placements | Service Director | | |

RESIDENTIAL, FOSTER CARE AND ADOPTION

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| 24. Approval of new Foster Carers | Fostering Panel recommendation to Agency decision maker | Assessments undertaken by Fostering Social worker, approval recommended by Childrens social work manager. Agency decision maker for Fostering is Head of service looked after children. | |
| 25. Temporary approval of Carers on receipt of appropriate written information (Reg. 24) | Fostering Agency decision maker | Viability assessment undertaken by Fostering Social worker, approval recommended by Childrens social work manager. Responsible Head of service must recommend approval. Agency decision maker for Fostering is Head of service looked after children. | |
| 26. Agreement to exceed Fostering approval limits | If Temporary Approval / exemption the Agency Decision Maker and /or Fostering Panel | Via Fostering Childrens social work manager recommendation. Includes | |

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| | recommendation to Fostering Agency decision maker. | Independent fostering agencies within local authority area. | |
| 27. Search for Residential Providers | Head of Service looked after children | <p>On recommendation of Placements team following internal search.</p> <p>Any Head of Service can authorise in an emergency if Head of Service Looked after children is not available.</p> <p>Must be approved by Service Director for Safeguarding and Family Support if placement is not in a neighbouring local authority.</p> | |
| 28. Re-approval of Foster Carers | Fostering Agency decision maker | <p>Home reviews carried out by fostering social workers.</p> <p>Must be reviewed at panel if: 1st review; after an allegation or complaint; following a significant change in circumstances; any other circumstances at the discretion of the local authority.</p> | |
| 29. Approval of plan for child to be adopted | Adoption Agency Decision Maker | Following recommendation of LAC Review and completion of Child Permanence Report. Agency decision maker for Adoption is the Assistant director safeguarding and family support. | |

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| 30. Approval of matching child with prospective adopters | Adoption Panel recommendation to Adoption Agency decision maker | Following presentation of relevant paperwork from child's Social worker and prospective adopter's Social worker (Adoption Central England) to Adoption Panel. | |
| 31. Foster to Adopt placements | Responsible Head of Service / Fostering Agency decision maker | Decision that foster to adopt should be the child's care plan is the decision of each responsible Head of Service. Temporary approval of prospective adopters as foster carers (Reg. 22) must be sought from the Fostering Agency decision maker. | |
| 32. Approval of Adoption Allowances and review of Adoption Allowances | Head of Service or Service Director | Via recommendation of child's social worker | |
| 33. Special Guardianship Allowances in excess of Special Guardianship Financial Policy | Resource Panel | Via recommendation of Childrens social work manager for the child in consultation with Fostering Childrens social work manager. Clear evidence must be provided re exceptional circumstances. Special Guardianship Allowances within the remit of the financial policy should be set out in the Special Guardianship Order support plan and approved by the Fostering Childrens social work manager. | |
| 34. Formal respite care with foster carers friends or relatives | Childrens social work manager | For all types of placements patterns of overnight stays should be monitored to ensure they do not become a regular respite arrangement by default. If an | |

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| 35. Approval of short break packages for children with disabilities under the Chronically Sick and Disabled Act 1970 | Service Manager and Head of Service | <p>arrangement becomes part of the Care Plan then a formal assessment of the respite carers should take place. The respite carers should then become subject to review and monitoring as for any approved foster carer.</p> <p>For short breaks to provide respite for parents/carers and to enable moves towards independence for children and young people with disabilities.</p> | |

INFORMATION SHARING

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| 36. Subject Access Requests | Childrens social work manager | To be completed by Information Access Team on formal request from Children social work manager. Withheld material agreed with Childrens social worker manager responsible for the case. | |
| 37. Disclosure of information to other agencies not for safeguarding purposes (e.g. to assist in criminal investigation) | Childrens social work manager | <p>Childrens social work manager contacts Information Governance Team.</p> <p>On receipt of Legal advice refer to Head of service if child welfare implications.</p> | |

Education Skills and Development / Commissioning

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| 38. | To apply for an Education Supervision Order | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of Additional Needs. Enforcement team. | |
| 39. | To prosecute parents Under Education Act 1996 Section 436A. | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of Additional Needs. Enforcement team. | |
| 40. | Decision to intervene in schools causing concern under the Education and Inspections Act 2006 Section 60 and in particular to issue a warning notice | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of learning and achievement. | Having regard to DfE Guidance <i>Schools Causing Concern</i> where there are concerns over performance, poor management and governance or where the safety of pupils and staff are threatened. |
| 41. | To suspend and replace the existing Governing Body and secure a specially appointed Governing Body for a temporary period under the Education and Inspections Act 2006 Section 65 | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of learning and achievement. | Used where the governing body is providing insufficient challenge to the Head, proving an obstacle to progress or where relations are having an adverse impact on standards. |
| 42. | Where the Local Authority is satisfied that it should exercise the power to secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment as defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of Additional Needs. | |

section 46 inserts section 514A. Decision to secure as such.

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| 43. The Department for Education provides statutory guidance, updated in March 2018, for local authorities (in line with the legal requirements set out in Section 48 and Schedule 14 of the School Standards and Framework Act 1998 and the Schools and Early Years Finance Regulations 2018) in relation to schemes for financing schools. | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of Learning and Achievement. | Local Management of Schools scheme for financing schools as agreed by Legal Services and the Schools Finance Manager. |
| 44. The calculation of any direct payments and any uplift to ensure that a reasonable amount is available to purchase the eligible service is to be agreed on a case by case basis in accordance with the direct payments policy of the Council. | Corporate Director Children and Young People; Service Director Education, Skills and Learning; Head of Learning and Achievement. Head of Service Additional Needs. | Any direct payments made will be in accordance with the current direct payments policy and the assessed need and be allocated in line with the financial procedure rules of the Council. |

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