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**SCHEME OF DELEGATION FOR WEST BERKSHIRE CHILDREN AND FAMILY SERVICES**

**Introduction**

This scheme of delegation indicates the level at which key decisions can be taken. It covers those decisions within Children and Family Services which are particularly critical for determining the actions of the Service in promoting the welfare of a particular child. The scheme also covers core issues of financial delegation.

For decisions covered by the scheme, the level of decision maker is outlined. However, decisions are not taken in isolation and without consultation. Where decisions are taken above the level of immediate line-manager, the decision should go through the line management chain.

This scheme of delegation is intended to place the decision as close to the front line as is consistent with guidance and regulation while maintaining accountability and safe decision making.

Reference should also be made to:

* Delegated Authority Policy - Children in Foster Care
* Medication and Consent to Treatment – Foster Care Procedures

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| **FAMILY SUPPORT** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 1 | To arrange support services to children living with their families | Team Manager | Assistant Team Manager | S17 CA 1989 |
| 2 | To chair a child in need planning meeting | Team Manager or Assistant Team Manager | Social Worker | As above |
| 3 | To chair the review of the child in need plan | Team Manager or Assistant Team Manager | Social Worker | As above |
| 4 | To agree short break care and respite care for children with disability | Multi Agency Resource Panel  | Service Manager if urgent | S20 CA 1989 Guidance and Regulations Volume 2 |
| 5 | Agree direct payment for Children and Families Service Provision | Multi Agency Resource Panel  | Service Manager if urgent | Community Care (Direct Payments) Act 1996 |

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| **CONTACT, ADVICE, ASSESSMENT AND CASE CLOSURE** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 6 | Approve no further action on a contact | Assistant Team Manager | Team Manager |  |
| 7 | Agree an Early Healp Assessment / Family First Assessment / Single Assessment to be carried out | Assistant Team Manager | Team Manager | As above |
| 8 | Agree case closure | Team Manager or Assistant Team Manager | Team Manager | As above |

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| **PRIVATE LAW PROCEEDINGS** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 9 | To report to the court under Section 7 in private law proceedings | Team Manager | Assistant Team Manager | S7 CA 1989 |
| 10 | To report to the court under Section 37 | Team Manager | Assistant Team Manager | S 37 CA 1989 |

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| **CHILD PROTECTION** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 18 | Agree to make enquiries under Section 47 | Team Manager/ATM | Team Manager/ATM | S47 Children Act 1989 |
| 19 | Decision to convene a Child Protection Conference | Team Manager/ATM | If not available Service Manager | BWSCP Child Protection Procedures |
| 20 | Decision not to convene a CP conference following S47 enquiries | Team Manager | Service Manager | CA 1989 S47 |
| 21 | Recommendation to CPC re whether or not a child needs a Protection Plan | Team Manager, can be delegated to ATM if previously discussed with TM | Assistant Team Manager  |  |
| 22 | Provision of accommodation in order to protect a child  | Accommodation and Resource Panel | Head of Service / Service Director in an emergency | CA 1989Schedule 2 para 55 |
| 23 | Decision to inform a third party of the identity and concerns about a person who is considered to be a risk to children | Service Manager and/or LADO | Team Manager and/or LADO | S33(3) CA 1989 and S22(3) for LAC, S17 for children in need and S47 for children at risk |

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| **PUBLIC LAW** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 24 | To agree issuing of ‘Letter Before Proceedings’ and commence pre-proceedings case management in accordance with the Public Law Outline Guidance | Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | Another Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | Public Law Outline Case Management Guidance 2008 |
| 25 | To make decision to instigate care proceedings | Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | Another Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | S31 CA 1989 |
| 26 | Agree where expert assessment or other resource is needed in proceedings | Accommodation and Resource Panel. In an emergency, Head of Service / Service Director | Another Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director |  |
| 27 | To agree application for an Interim Care Order | Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | Another Service Manager in consultation with Joint Legal Team endorsed by Head of Service / Service Director | S31 CA 1989 |
| 28 | To agree application for a Emergency Protection Order | Service Manager in consultation with Joint Legal Team  | Another Service Manager in consultation with Joint Legal Team  | S44 CA 1989 |
| 29 | To make decision to apply for a Supervision Order | Service Manager in consultation with Joint Legal  | Another Service Manager in consultation with Joint Legal Team | S31 CA 1989 |
| 30 | To make decision to support an application for a Child Arrangements Order | Service Manager in consultation with Joint Legal Team | Another Service Manager in consultation with Joint Legal Team | S43 CA 1989 |
| 31 | To agree application for a Recovery Order for a child who was in care, the subject of an EPO or in police protection | Service Manager in consultation with Joint Legal Team | Another Service Manager in consultation with Joint Legal Team  | S50 CA 1989 |
| 32 | To request Police Protection in an emergency | Team Manager/Service Manager in consultation with Police and the Joint Legal Team | Another Team Manager/Service Manager in consultation with Police and the Joint Legal Team | S46 CA 1989 |
| 33 | To agree the initial care plan to court in care proceedings | Service Manager in consultation with Joint Legal Team | Another Service Manager in consultation with Joint Legal Team  | Public Law Outline 2008 |
| 34 | To agree interim and final care plans to court in care proceedings | Service Manager in consultation with Joint Legal Team (IRO must be consulted for their view)  | Another Service Manager in consultation with Joint Legal Team | LAC (99)29 |
| 35 | To agree application to court to vary a Care or Supervision Order, or to discharge a Care Order | Service Manager in consultation with Joint Legal Team | Another Service Manager in consultation with Joint Legal Team | S39 CA 1989 |

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| **CHILDREN IN CARE** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 36 | Agree accommodation of a child with parental consent | Head of Service / Service Director | Service Manager | S20 Children Act 1989 |
| 37 | Agree accommodation of a child over 16 | Head of Service / Service Director | Service Manager | S20 Children Act 1989 |
| 38 | To agree to place siblings separately | Service Manager | Another Service Manager | S20 CA 1989 |
| 39 | Chair Planning Meeting of a child who becomes Looked After (Child in care) | Independent Reviewing Officer | Another IRO | S20 Children Act 1989 |
| 40 | Agree plan for permanency for Children in Care | Team Manager to agree before panel | ATM | S20 CA 1989 |
| 41 | Agree discharge of a child accommodated under Section 20 | Team Manager in consultation with Service Manager (advisory only as this is a parental right) Must be determined in consultation with parents, with the young person if 16+, with IRO agreement | Another Service Manager | S20 Children Act 1989 |
| 42 | Agree placement of child/young person for whom accommodation has been agreed with local West Berkshire foster carers or supported lodgings carers | Accommodation and Resource Panel | Service Manager in an emergency | S31/20 Children Act 1989 |
| 43 | Agree to fund placement of child with IFA |  Accommodation and Resource Panel | Another Service Manager in consultation with Head of Service  |  |
| 44 | Agree to fund out of district placement of child in residential care | Accommodation and Resource Panel | Service Manager in an emergency |  |
| 45 | Agree to place LAC out of area other than with parent or West Berkshire foster carer | Head of Service / Service Director or DCS if it is a distant placement, over 20 miles from West Berkshire | Head of Service / Service Director | CA 1989 Guidance and Regulations Volume 2 Regulation 11(1)(a) |
| 46 | Agree to care plan for placement of looked after children with family and friends carers (temp approval) | Head of Service / Service Director | Service Manager | CA 1989 s23(6) |
| 47 | Agree care plan for looked after children to become subject to Special Guardianship Order | Service Manager  | Another Service Manager | CA 2004/1989 |
| 48 | Agree care plan to support a Looked After child to become subject to a Child Arrangements Order | Service Manager  | Another Service Manager | CA 2004/1989 |
| 49 | Authorise contact of a CIC with parents | Team manager endorsed by CIC review or directed by Court | Assistant Team Manager | CA 1989 s34(1) |
| 50 | Approve the refusal or suspension of contact with parents | Service Manager in consultation with Joint Legal Team | Team Manager in consultation with Joint Legal Team | Schedule 2 Children act 1989 paras 10/15 |
| 51 | Decision to apply for an order authorising the authority to refuse contact. | Head of Service / Service Director in consultation with Joint Legal Team | Service Manager in consultation with Joint Legal Team | S34(4) CA 1989 |
| 52 | Agree to withhold placement address from parents | Service Manager | Another Service Manager | CA 1989 S 2 S15 (4)  |
| 53 | Agree the placement of a child subject to a Care Order to live with his/her parents | Head of Service | Director of Children Services | CA 1989  |
| 54 | Decision to place a child who is subject of a Care Order or Interim Care Order with parents or persons with parental responsibility for a period in excess of 24 hours | Head of Service / Service Director | Service Manager | CA 1989 Vol 3 S40.  |
| 55 | To appoint an Independent Visitor where appropriate | Social Worker | Line-manager | Para 17 Schedule 2 CA 1989 |
| 56 | To consent to the marriage of a young person in care | Head of Service / Service Director | Another Head of Service / Service Director | CA 1989 S33(3) |
| 57 | To consent to planned medical treatment requiring general anesthetic for a child looked after on a Care Order | Head of Service / Service Director - Foster Care Manual – consent to medical treatment | Director of Children Services | Parental involvement should always be considered and only excluded if not in the child’s interests |
| 58 | To consent to medical treatment or give other consent for looked after children who are unaccompanied asylum seeking children or orphans who are looked after under Section 20 | Service Manager delegated to foster carers | Service Manager delegated to foster carers | S3(5) CA 1989 |
| 59 | Authorise testing for blood borne virus | Head of Service / Service Director | Another Head of Service / Service Director | Consent to be provided in a letter signed by the Head of Service / Service Director. Consent to also be recorded in the placement information record, signed by the Team Manager. |
| 60 | Emergency medical treatment for Children in Care which may or may not involve general anesthetic | Head of Service / Service Director delegated to the carer | Service Manager | Medical staff can act in an emergency on the basis of medical need. Parents should be fully involved as appropriate |
| 61 | Consent for withdrawal of life support | DCS in discussion with CEO | Head of Service / Service Director in discussion with CEO |  |
| 62 | Funeral arrangements following the death of a Child in Care | Service Manager | Another Service Manager | These should always be made in consultation with the parent and may be made by the parent if they so wish and if it is deemed appropriate |
| 63 | To sign passport applications for a child in care | Head of Service / Service Director | Another Head of Service / Service Director | S33 CA 1989 |
| 64 | To agree a holiday abroad for a child in care | Head of Service / Service Director | Another Head of Service / Service Director | S33 and S22 CA 1989 |
| 65 | Decision to apply for leave of the Court for a child in care to live outside England and Wales  | Head of Service / Service Director | Another Head of Service / Service Director | CA 1989 S33 (7)(b) |
| 66 | To approve the applications of children in care who wish to join HM forces | Head of Service / Service Director | Another Head of Service / Service Director |  |
| 67 | To give permission to launch a public appeal for missing CIC. | Head of Service / Service Director | Service Manager |  |

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| **SECURE ACCOMMODATION** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 68 | Agree placement of child in secure accommodation without an Order for 72 hours | DCS | Head of Service / Service Director | CA 1989 S25 Guidance and Regulations Vol 2 2010 |
| 69 | Authority to apply for a Secure Order and seek a secure placement | Head of Service/ Service Director, accountable to the Director | Another Head of Service / Service Director | S25 Children Act 1989 |
| 70 | Agree composition of secure accommodation review panel | QA Service Manager | Another Service Manager with no operational responsibility | S15 Children (Secure Accommodation) Regulations |

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| **ADOPTION** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 71 | To agree the assessment of prospective adopters | Adopt Thames Valley |  | Adoption and Children Act 2002 |
| 72 | Adoption Agency Decision-maker | CIC Service Manager | Another Service Manager (FSM) | Adoption and Children Act 2002 |
| 73 | To agree the payment of legal expenses for prospective adoptive parents for children who are being placed for adoption by WBC as an adoption agency | Accommodation and Resource Panel | Service Manager CIC in an emergency | Adoption and Children Act 2002 |
| 74 | To approve the payment of adoption allowance (waiving the financial assessment, if appropriate) | Accommodation and Resource Panel | Service Manager CIC in an emergency | Adoption and Children Act 2002 |
| 75 | To approve the Schedule Two report to Court | Team Manager | Assistant Team Manager | Adoption and Children Act 2002 |

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| **FOSTERING** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 76 | To agree to the assessment of prospective carers, including family and friends carers | Family Placement Team Team Manager | Family Placement Team ATM | CA 1989 Guidance Volume 3 |
| 77 | Agency decision maker | Head of Service/ Service Director | Another Head of Service / Service Director | CA 1989 Guidance Vol 3 2010 |
| 78 | Agree continuation of foster carers approval following annual review | Head of Service/ Service Director | Service Manager CIC | Fostering Services Amendments 2013 |
| 79 | To sanction payment of the fostering allowance | Family Placement Team Manager | FPT ATM | CA 1989 Guidance Vol 3 2010 |
| 80 | To vary allowances to foster carers/contributions by young people in placement in exceptional circumstances | Accommodation and Resource Panel | Service Manager in an emergency | CA 1989 Guidance Vol 3 2010 |
| 81 | To vary the approval status of foster carers | Team Manager to present to foster panel if continuing change of approval status sought | Supervising Social Worker | CA 1989 Guidance Vol 3 2010 |
| 82 | To agree exemption of foster carers from the usual fostering limit of a maximum of three children in any one placement | Head of Service/ Service Director. Foster panel to be informed. | Another Head of Service/ Service Director | Fostering Service Regulations 2002 |

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| **PRIVATE FOSTERING** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED** **AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 83 | Confirm decision that private fostering arrangements meet the welfare needs of the child following fostering panel recommendations | Agency Decision Maker | Another Head of Service / Service Director | Children (Private Arrangements for Fostering) Regulations 2005 |
| 84 | Prohibit particular private fostering arrangements | Agency Decision Maker | Another Agency Decision Maker | Children (Private Arrangements for Fostering) Regulations 2005 |
| 85 | Impose requirements on private foster carers | Agency Decision Maker | Service Manager CIC | Children (Private Arrangements for Fostering) Regulations 2005 |

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| **RECORDS** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 86 | Full disclosure of child’s records to the Police | Service Manager following legal advice from Joint Legal Team | Another Service Manager in consultation with the Joint Legal Team | This should always be done through the Joint Legal Team |

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| **NOTIFICATIONS** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 87 | Notification following death of a child in care or serious harm to a child in a children’s home/foster care | Registered Person | Head of Service / Service Director | CA 1989 Schedule 2 S20 Regulation 43 (1) and Schedule 8 Fostering Services 2002 Regulation 30 and Schedule 5 Children’s Homes Regulations |
| 88 | Notification to OFSTED of a serious Incident to a child or Serious Case Review | Head of Service/ Service Director with reference to the BWSCP | Another Head of Service/ Service Director |  |

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| **FINANCIAL** |
|  | **DECISION TO BE DELEGATED** | **DELEGATED TO** | **IN ABSENCE OF PERSON WITH DELEGATED AUTHORITY** | **COMMENTS****/GUIDANCE** |
| 89 | To provide financial assistance to children living with their familiesa) up to £250b) up to £500c) Over £500 | a) Team Managerb) Service Managerc) Accommodation and Resource Panel |  | S17 C Act 1989 |
| 90 | To provide financial assistance to Care Leavers – financial limits as above | Accommodation and Resources Panel | Head of Service/ Service Director | S 24 C Act 1989 |
| 91 | To guarantee renta) for care leavers or looked after childrenb) for any other case | Service Manager, following consultation with WBC Legal Services | Team Manager following consultation with WBC Legal Services  | S24 C Act 1989 Para 10, Schedule 2 CA 1989 |
| 92 | To approve a setting up home grant to care leaversTo approve at above the normal level | Service Manager CIC | Team Manager CIC | S24 C Act 1989 |
| 93 | a) To agree payment of a Child Arrangements Order or SGO allowanceb) To waive the financial assessmentc) To agree in exceptional circumstances ongoing fostering payments, post adoption/SGO until child is 18 years | Accommodation and Resource Panel | In an emergency Head of Service/ Service Director | Para 15 Schedule 1 C Act 1989 |
| 94 | To agree to pay for a one-off legal consultation if applying for a CAO or SGO to a value of £1,500 | Accommodation and Resource Panel | In an emergency Head of Service/ Service Director | Legal Services Commission Funding Code for Legal Aid |