

# Children's Services

## Scheme of delegated decision making

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## About this document

Title	<b>Scheme of delegated decision making</b>
Purpose	<b>To set out the authority required to undertake a range of key case management decisions.</b>
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## Application and Scope

This document sets out the authority required to undertake a range of key case management decisions. In each case, the posts designated represent the **minimum level** at which the decision can be taken (i.e. a manager more senior than the post holder listed is also authorised to take this decision subject to them being in the same specialist management area). **Its purpose is to provide for consistency in the level and authority at which key care management decisions are taken throughout the Service.** The document also describes arrangements for delegation of decision making to Emergency Duty Team Managers. **All managers named in this document, are required to read this document and confirm in a recorded supervision that they have read and understood the document, having access to it at all times.**

This scheme of delegation is confined to operational decisions and not financial and personnel decisions. It represents the normal arrangements for making decisions. In some exceptional situations decisions may need to be taken at a more senior level.

## Decision making and Consultation

Although the following tables focus on the decisions in statute that must be undertaken and who is accountable for those decisions, it should be remembered that **the law requires consultation to occur with parents and those with parental responsibility) and young people in most contexts unless there is a very good reason why this cannot occur.** With regard to children and young people on Care Orders for example, the local authority shares parental responsibility and should normally consult before making the sort of decisions set out in the tables below for children and young people in care.

## Agency Decision Maker for Decisions in relation to Adoption

To decide whether or not to ratify the recommendation of Final Care Planning Meetings and Adoption Panels in relation to whether a child should be placed for adoption and Adoption Panels in respect of whether individuals should be approved as adoptive parents and whether approved adoptive parents should be matched with a child, is the responsibility of the Agency Decision Maker for the Council. This is the Deputy Director for children's social care and the Director of Children's Services in his/her absence.

## Agency Decision Makers for Decisions in relation to Fostering

To decide whether or not to ratify the recommendation of the Fostering Panels in relation to the approval of foster carers and any issues in respect of their approval to the Agency Decision Maker, this is the Deputy Director for Children's Social Care.

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 is the Deputy Director for Children's Social Care.

## Admissions into care, Court Orders and Court related decisions

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
<b>Pre Proceedings/Court Applications</b>						
To start/end PLO		✓				Legal Planning Meeting
To apply for EPO	To be consulted	✓			DD must be consulted	Legal Planning Meeting
To apply for a Care Order	To be consulted	✓				Legal discussion /case with H of Service.
To step down from a decision to apply for a Care Order	DD to be consulted	✓				Legal Planning Meeting chaired by Service Manager
To apply for a Supervision Order		✓				Legal Planning Meeting chaired by Service Manager
To agree s38(6) assessment		✓				In consultation with Legal Services
To agree Part 25 applications (expert assessments)		✓				In consultation with Legal Services as it holds the budget for these assessments.
To seek a S.34 order concerning contact		✓				Discussed with IRO or at Statutory Review/Legal Planning Meeting
To approve interim care plan for the court		✓				Legal Planning Meeting. All court care plans to be signed off by Head of Service
To approve final care plan for the court		✓			✓ IRO	Legal Planning Meeting recommends care plan. in consultation with IRO.
To seek variation/extension of supervision or care order		✓				Agreed with IRO or at Statutory Review / Legal Planning Meeting IROs can recommend but should never be the final decision maker
To seek discharge of care order		✓				Agreed with IRO or at Statutory Review/Legal Planning Meeting
To seek discharge of supervision order		✓				Agreed with IRO or at Statutory Review/Legal Planning Meeting
To agree plan for SGO outside of care proceedings		✓				Legal Planning Meeting
To apply for Section 8 orders		✓				Legal Planning Meeting
To use secure accommodation without an order (max. 72 hours)	✓ and Director of children's services					If decision made by DD notification to be made to the DCS. Pre-secure meeting should take place in accordance with Secure Policy/ Consultation with Legal Services as appropriate

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
<b>Pre Proceedings/Court Applications</b>						
To seek secure accommodation order	✓ and Director of children's services					With notification to the DCS. Statutory Review if young person already looked after. Pre-secure meeting should take place in accordance with Secure Policy/Legal Planning Meeting
Response to S.37 direction		✓				Team Manager consults with Service Manager and Legal Services

## Decisions relating to children who are children in care, about to become children in care or are leaving care

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
<b>Children in care /about to become children in care/leaving care</b>						
To agree planned accommodation (S.20) arrangements		✓			✓ Resource and care panel	Local Resources Panel beforehand
To agree unplanned accommodation (S.20) arrangements		✓				To be presented at Resources Panel or agreed by DD beforehand, if agreed outside panel to be presented retrospectively
Approving the matching of a particular LBB foster home with the needs of a particular child				✓ Fostering team manager		
To agree the suspension of fostering approval	To be consulted	✓				In cases of S47, consultation with LADO Notification to Deputy Director - children's social care
To recommend the termination of fostering approval	To be consulted	✓			✓ Fostering Panel	Fostering TM and Fostering Panel make recommendation to Panel Decision Maker.
Termination of fostering approval	✓				✓ Fostering Panel/ Panel Decision Maker	Fostering TM and Fostering Panel make recommendation to Panel Decision Maker.

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
Children in care /about to become children in care/leaving care						
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	✓				✓ Panel	Approval of Deputy Director is required to proceed to full assessment and then case is presented to fostering panel.
To grant a temporary exemption to the usual fostering limit		To be consulted	✓			
To agree the use of residential placement		✓				Local Resources Panel
To agree the use of an Independent Fostering Agency		✓				Local Resources Panel
To agree the use of a neighbouring authority placement		✓				
To agree the permanency plan for a child who is looked after				✓ Adoption TM	✓ IRO	Needs to be agreed at (2 <sup>nd</sup> / 4 month) Statutory Review
To endorse a permanency plan for a child who is looked after				✓ Adoption TM	✓ IRO	2 <sup>nd</sup> / 4 month Statutory Review
To approve Fostering to Adopt as a care plan for a particular child	✓ With TM Adoption					
To approve fostering match with long-term carers.	✓					
To approve the use of semi-independent accommodation for individual 16 & 17 year olds when this has been matched to that young person's needs			✓			Decision fed back in to Statutory Review
To agree a planned placement change for a young person in Years 10 or 11		✓			Having been discussed with Head of the Virtual School.	Statutory review to be convened in order to agree proposed change in placement
To approve placement of child on Care Order with parents	✓				In consultation with IRO	Decision fed back to at Statutory Review
To permit child or young person subject to care order to leave UK for holiday of up to 1 month		✓			✓ Parent(s) and all with PR must be consulted	Decision fed back in to Statutory Review Parents' views should be obtained even where LBB have PR. <b>If S20 only parents can give consent</b>

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
Children in care /about to become children in care/leaving care						
To agree an exceptional circumstances request for child in care to go on holiday in term time	✓ DD				✓ Virtual School Head  Requests will only be agreed in absolutely exceptional circumstances	School head will decide whether the absence will be authorised.
To permit child or young person subject to a care order to attend activities such as school trips or camps				✓		<b>If S20 only parents can give consent.</b>
To permit child or young person to stay overnight with friend's family					✓ Foster carer or Residential Social Worker	As above and subject to any restrictions agreed at Placement Planning Meeting/Statutory Review
To consent to unplanned surgery, treatment for life threatening conditions, sensitive medical treatment/assessment or invasive health screening (e.g. including blood tests for serious blood borne infections) – for child or young person on a Care Order	To be consulted as appropriate	✓			Director of children's services to be consulted as appropriate  IRO to be informed as appropriate	Children's views should be considered. Need to consider Gillick/Fraser implications. Children Looked After 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 parents should be consulted and if appropriate be present for any medical investigating possible sexual abuse. <b>If S20 only parents can give consent.</b>
To consent to planned surgery, treatment and tests for a child subject to a care order for conditions not falling into above categories		To be consulted as appropriate	To be consulted in any situation of doubt or dispute	✓		Consultation should always take place with parents (subject to child protection considerations) <b>If S20 only parents can give consent.</b>



Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
Children in care /about to become children in care/leaving care						
To consent to planned surgery, treatment and tests for a child who is s.20 for conditions not falling into above categories					✓	<b>Nothing can be agreed to without parental consent. If parents do not consent TM to consider with HoS whether a Court order is required.</b>
To agree to religious custom or ritual requiring parental consent (e.g. baptism) – child or young person on Care Order	To be consulted as appropriate	✓			IRO to be consulted as appropriate	Decision fed back in to Statutory Review  Consultation with parents where appropriate. <b>If S20 only parents can give consent.</b>
To sign passport application (child on Care Order)		✓				Decision fed back in to Statutory Review. <b>If S20 only parents can give consent.</b>
To support/not support foster carer application for child arrangement order or special guardianship order		✓			In consultation with IRO	Statutory Review
To support child's application for British citizenship (child looked after)		✓				Decision fed back in to Statutory Review
To seek publicity in respect of a search for missing children	✓ with DCS notified				In consultation with Parents as appropriate	DCS, Leader, CE and Cabinet Member are informed in accordance with separate protocol
To agree to the marriage of a child aged 16 to 18 subject to a care order	✓ With DCS				IRO to be consulted as appropriate	Consultation with parents where appropriate. <b>If S20 only parents can give consent.</b>
To agree de-accommodation of a child aged up to 16, who has been looked-after for at least 20 working days,		✓			IRO to be consulted	
To agree de-accommodation of a child aged 16 or 17 years, who has been accommodated under section 20		✓			IRO to be consulted	HoS decision on behalf of the DD. Young person must have requested or must be in agreement with this decision. Decision must be ratified at a review.
Agree Staying Put arrangement for young person		✓			✓ Resource Panel	Resources Panel

## Decisions relating to children in other specific contexts

Decision	Decision maker					Planning forum
	Deputy Director - children's social care	Head of Service	Service Manager	Team Manager	Other/ Comment	
<b>Children privately fostered</b>						
To decide whether a private fostered arrangement is satisfactory		In discussion with	✓			
To make decisions on prohibitions on private fostering		In discussion with	✓			
To agree a restriction on a private fostering arrangement		In discussion with	✓			
<b>Adoption</b>						
To decide whether or not to ratify the recommendation of the Final Care Planning Meeting/Adoption Panel in relation to whether a child should be placed for adoption/To decide whether a child should be placed for adoption	✓				✓ Agency Decision Maker	Decision must consider recommendations of Adoption Panel Final Care Planning Meeting, chaired by Service Manager
To decide whether or not to ratify the recommendation of the Adoption Panel in relation to whether individuals should be approved as adoptive carers	✓				✓ Agency Decision Maker	Decision must consider recommendations of Adoption Panel
To decide whether or not to ratify the recommendation of the Adoption Panel in relation to whether adoptive carers should be matched with a child	✓				✓ Agency Decision Maker	Decision must consider recommendations of Adoption Panel
Changing the plan for adoption	✓				✓ Agency Decision Maker	IRO and Agency Adviser to be consulted
<b>Supported lodgings providers</b>						
Approval of Supported Lodging Provider	✓				✓ Fostering Panel decision maker	
Approval for enhanced Payment to Supported Lodging Provider		✓				

## Recording decisions

**All the decisions set out in this procedure when taken with respect to a child or young person must be recorded on Liquid Logic by the person who is making the decision together with a concise statement explaining or accounting for the decision.** The record should be clear for the social worker, the manager, any external inspector, **and particularly for the young person or parent who may read it:**

- what the decision was,
- who took it,
- when it was taken, and
- why it was taken.

Minutes of all relevant meetings where a child has an IRO should be copied to the IRO.

## Delegation of decision making to Emergency Duty Service Team Manager and overseeing service manager/Head of Service

Whilst the list below contains most of the decisions likely to arise out of mainstream working hours, it is not exhaustive and common sense needs to apply. **There will also be circumstances where regardless of a decision lying within the delegated authority of a TM, the TM wishes to and should consult further.**

**NOTE – all decisions to accommodate must be reviewed and considered the next working day by ALL heads of service and the DD. This is to ensure that there is senior oversight of children and young people who will have entered our care in an unplanned way and for whom additional care must and will be taken. These discussions should be recorded on the children’s case files.**

### **Team Manager Decision - Consult with Service Manager**

1. Agreement to accommodate and place a child in foster care, in-house or independent fostering agency in Bexley or within 20 miles.
2. Agreement to place in semi-independent/Supported Lodgings accommodation, in Bexley
3. Accommodation of young people claiming asylum pending age assessment
4. Placement of a 16/17 year old in bed and breakfast on emergency basis
5. Facilitating family arrangements for child who can't remain at home
6. Transport costs (including taxis) within Bexley and neighbouring authority boundary up to £50 limit
7. Emergency subsistence payment up to £50
8. Response to police protection including accommodating child
9. Initiating EPO
10. Placement move, in Bexley – on short term basis only
11. MHA sections of children/young people

**Team Manager to consult with HOS/DD [TM to record discussion and the head of service/DD decision on Liquid Logic]:**

1. Placing child outside Bexley [this must be escalated to the Deputy Director and Head of service on the next working day for appropriate level of sign off]
2. Residential provision
3. Overturning clear management advice on a case eg regarding whether or not to accommodate
4. Emergency invasive medical procedures for children in care
5. Disputes over mental health admissions of children/young people in care
6. Disputes with other professionals where there may be a safeguarding concern eg discharge of children from hospital not in accordance with agreed plan

**Team Manager to refer to DD/DCS immediately:**

1. Death/serious injury of child subject to Child Protection Plan or in care
2. Application for 72 hour secure order
3. Any situation which may result in publicity/reputational risk for the council.

**END**