

**Barnsley Metropolitan Borough Council**

**Children and Families Service**

# **Scheme of Delegation**

**May 2023**



**BARNSLEY**  
Metropolitan Borough Council

## About this Document

<b>Title</b>	<b>Scheme of Delegation</b>
Purpose	To set out Barnsley Children's Services scheme of delegation for agreements/funding
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Authors role	HoS Quality Assurance and Safeguarding
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Owners role	Executive Director Children Services
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## **Rationale**

This scheme of delegated decision making primarily focuses on key decisions in relation to vulnerable children, young people and their families. When making decisions these should be taken in line with the relevant policies and procedures.

The delegated decision to a designated level of Manager will not be further delegated; the decision must be made by a manager of an equivalent level. Where a manager is unsure about whether they are suitable to make the decision, they should seek advice from their line manager.

All concerns about the safety and welfare of children must be discussed with line Managers in supervision and escalated dependent on the level of risk associated with the child/young person. If the situation for a child/young person needs immediate attention due to the level of risk, then this can be discussed outside of supervision with the direct line Manager or a covering Manager.

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<b>Decision to be Delegated</b>	<b>Delegation to:</b>	<b>Will Take Decision In Absence of Person With Delegated Authority</b>	<b>Comment/ Guidance</b>
<b>1. Decision to accommodate and placements</b>			
<p><b>Decision to Accommodate</b></p> <p>The Service Director with responsibility for the case will give approval for child/young person to be brought into care, in their absence it will be an alternate Assistant Director or the Executive Director Children’s Services.</p>			
Decision to accommodate a child (Section 20).	Head of Service	Alternative HoS or Service Director  Services	Discussion with HoS and Social worker must attend the next weekly Legal gateway meeting. Independent Reviewing Officer must be notified.
Decision to de-accommodate. (Section 20)	Service Director	Alternative Service Director  Executive Director of Children’s Services	Social worker must attend the next weekly Legal gateway meeting. Independent Reviewing Officer to be informed.
Decision to de-accommodate 16/17 year old (Section 20)	Service Director	Executive Director of Children’s Services	Executive Director of Children’s Services should be notified if a 16/17 year old chooses to end Section 20 arrangements.

## Placement agreements

Once a Service Director has agreed for a child/young person to be brought in to care, in house fostering should always be the first considered option.

A Head of Service can give approval outside of the Placement Sufficiency Resource Allocation Panel (PSORP) to seek a placement search.

All planned placement moves should be discussed at PSORP.

### Within Barnsley

<p>In house fostering In House Residential IFA (Within 20 mile) 16 plus</p>	<p>Head of Service with responsibility for the case can give permission to search decision to place is Head of Service Children in Care  Or Service Director</p>	<p>Other Head of Service or Service Director</p>	
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### Outside of Barnsley

<p>Outside Barnsley – (but within 20 miles of Barnsley) OR where the placement is in a Local Authority which shares its borders with Barnsley</p>	<p>Head of Service can give permission to search. Decision to place IFA is Head of Service Children in Care. Residential is Service Director.</p>	<p>Service Director/ Executive Director Children’s Services</p>	
<p>IFA  Residential (Independent Children’s Home) 16 plus</p>			

<b>At Distance</b>			
At Distance, the placement is in a Local Authority which does NOT share its borders with Barnsley  IFA  Residential (Independent Children's Home)  16 plus	Service Director	Executive Director of Children's Services	
<p><b>2. Care Proceedings</b></p> <p>Legal advice should be sought on all occasions and a recommendation provided for action. This should be in written form and added to the child/young person's record.</p> <p>All Care Proceeding decisions detailed below <b>must go</b> through the weekly Legal Gateway meeting. Following the Legal Gateway Meeting final authorisation will be given by the Head of Service.</p>			
Decision to instigate Legal Proceedings.	Head of Service	Service Director	Social worker must attend the next weekly Legal Gateway meeting
Chairing of Legal Gateway Meetings	Head of Service	Alternative Head of Service	Legal Representative must be present
Decision to issue care proceedings outside of Legal Gateway panel	Head of Service in consultation with a peer HoS	Alternative Head of service/ Service Director	Legal advice must be sought. Social worker must attend the next weekly Legal Gateway meeting

Authorisation of all court care plans	Service Manager	Alternative Service Manager	At point of any challenge, decision should be referred to the Head of service and legal advice sought
Change of Care Plan from initial Legal Gateway Panel decision	Service Manager to consult with Head of Service who will authorise the change	Alternative Head of Service	Case to be brought to next Legal Gateway Panel to be ratified
Decision to endorse the Care Plan for the final hearing where an Independent Provider resource is required or any other financial commitments	Service Manager to consult with Head of Service who depending upon the cost may need to consult with Service Director	Service Director	
Decision to apply for an Emergency Protection Order	Head of Service to consult with Service Director	Service Director	S44 Children Act 1989 Written legal advice should be obtained and the Senior Manager consulted before decision making takes place. Rationale and name(s) of Managers making the decision must be recorded on the child/young person's record



Decision to apply for discharge or variation of a Care Order or Supervision Order (including extension of a Supervision Order)	Service Manager in consultation with Head of service	Head of Service	S39 Children Act 1989 Senior Fieldwork Manager must have chaired a Discharge Meeting and there must be a recommendation from a Statutory Review
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### 3. Family Time with Parents

Decision to refuse parental family time 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/young person's welfare	Service Manager	Service Manager	S34 (6) Children Act 1989 The Team Manager must set a date to review the decision and seek legal advice as to whether to return to Court for an order under S34(4) of the Children Act 1989.
Agree family time for a child/young person looked after with parents, family and friends	Social Worker alongside their Manager  Clear assessment must be present	Service Manager	"Decision on reasonable contact both direct and indirect between Children in Care and parents and persons with PR, siblings and significant others

			<p>consistent with Children in Care welfare. On recommendation of LAC Review Guidance should be S34(1) and Schedule 2 para 15 (1) Children Act 1989</p> <p>Note: the legal status of the looked after child is significant to the restrictions that can be applied.</p>
Decision to apply for an Order authorising the Authority to refuse contact (Family time).	Head of Service	Head of Service	<p>S34 (4) Children Act 1989.</p> <p>Case to be presented at legal panel</p>

**4. Medical Consent and Treatment**

Medical consent for a child/young person subject of a Care Order. Children/young people subject to S.20 Children Act 1989, parental consent is required.

Parental involvement should always be considered and only excluded if not in the child/young person’s best interests

Routine medical treatment	Delegated to foster carer / or social worker who ensures discussion takes place with parent or person with parental responsibility	Team Manager	<p>Consent to be recorded on the child/young person’s record.</p> <p>Delegated authority to foster carers.</p> <p>If Out of Hours discussion needs to be held with on call manager but Social</p>
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			Worker can sign consent
Authorise testing for blood born virus	Service Manager who ensures discussion takes place with parent or person with parental responsibility	Alternative Service Manager or Head of Service	Consent to be recorded on the child/young person's record.  Written consultation with designated Doctor / Nurse for CLA should be recorded on the child/young person's record.
Emergency medical treatment which may or may not involve general anesthetic	Service Manager who ensures discussion takes place with parent or person with parental responsibility	Alternative Service Manager	Medical staff can act in an emergency on the basis of medical need without consent.  If Out of Hours discussion needs to be held with on call Manager but Social Worker can sign consent
Planned medical treatment involving surgery and general anesthetic	Service Manager who ensures discussion takes place with parent or person with parental responsibility  If the treatment poses significant risks then the Head of Service	Head of Service	

## 5. Decision to Withhold Whereabouts of a Child in Care

<p>Decision to withhold the whereabouts of a child in care from a person, usually the parent.</p> <p>This does not apply to children in care accommodated under S20, Children Act 1989 where there is NO POWER to withhold this information, unless a Court Order has been applied for and obtained. This must be supported by evidence of concern and a review date set.</p>	<p>Service Manager</p>	<p>Head of Service Quality Assurance and Safeguarding Service</p>	<p>Schedule 2 s15(4) Children Act 1989. A Local Authority is not required to inform any person of the whereabouts of a child if:-</p> <ul style="list-style-type: none"> <li>a. The child is in the care of the Authority; and</li> <li>b. The Authority has reasonable cause to believe that informing the person would prejudice the child's welfare.</li> </ul>
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## 6. Death of a Child Looked After

Child Death Overview Panel will need to be notified as per procedure

<p>Notification to Ofsted following the death of a child looked after / serious harm to a child in a Children's Home/ Foster Care.</p>	<p>Service Director</p>	<p>Head of Service Children in Care</p>	<p>Schedule 2 S20 Children Act 1989. Regulation 43 (1) and Schedule 8 Fostering Services 2002. Schedule 5 Children's Homes Regulations 2011. OFSTED Guidance on Handling Serious child Care Incidents.</p>
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Funeral arrangements following the death of a child looked after.	Service Manager	Head of Service Children In Care	These should always be made in consultation with the parent and may be made with the parent if they so wish and if it is deemed appropriate.
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## **7. Notification to Ofsted of Serious Harm to a Child/Serious Case/Practice Review**

Notification to National Panel of serious harm to a child / Serious Case Review.	Head of Service Quality Assurance and Safeguarding in consultation with key partners, Service Director and Executive Director Children's Services	Service Director in consultation with key partners and Executive Director Children's Services	National Panel Guidance
Decision to progress to a Rapid Review	Head of Service Quality Assurance and Safeguarding in consultation with key partners , Service Director and Executive Director Children's Services	Service Director in consultation with key partners and Executive Director Children's Services	

## 8. Placement of a Child/Young Person with Parents

Prior to a decision to be made for a child/young person subject to a Court Order to be placed with a parent, an assessment should have been undertaken and have manager endorsement.

Decision to place a child who is the subject of a Care Order or Interim Care Order with parents or persons with Parental Responsibility	Service Director	Executive Director Children's Service	Following assessment
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## 9. Placement of a Child with Family and Friends

Prior to a decision to be made for a child/young person subject to a Court Order to be placed with a Connected Person, an assessment should have been undertaken and have manager endorsement.

Approval of Family and Friends (Connected Foster Carers)	Head of service Children in Care	Alternate Head of service	Care Planning, Placement and Case Review Regulation 2010.
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## 10. Private Fostering

A privately fostered child is a child under 16 (or 18 if disabled) who is cared for by an adult who is not a parent, grandparent, aunt, uncle, step parent (by marriage or civil partnership), sister or brother where the child is to be cared for in that person's home for 28 days or more. The 28 days should be continuous, however the continuity is not deemed to have been broken by the occasional short break. In a private fostering arrangement, the parent retains parental responsibility.

However, children under 16 who spend more than 2 weeks in residence during holiday time in a school, become privately fostered children for the purposes of the legislation during that holiday period.

The private foster carer becomes responsible for providing the day to day care of the child. The overarching responsibility for the child's welfare remains with the parent or person with parental responsibility. This includes financial responsibility for the child.

The Local Authority is responsible for satisfying itself that the welfare of the child is safeguarded and promoted by the private fostering arrangement. If safeguarding concerns are present then consideration needs to be given to further steps to ensure the child/young person's welfare.

Agreeing Assessment to state no welfare concerns and refer to appropriate team for Private Fostering	Team Manager	Service Manager	S17 Children Act 1989 Approved by the Local Authority as a part of a Child In Need Plan following a Social Work Assessment
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## 11. Holidays Aboard, School Trips and Passports

Authorisation of an application for a passport for a Looked After Child	Team Manager	Service Manager	S33(3) Children Act 1989 in respect of a child in care and S22(3) Children Act 1989 in respect of a child provided with accommodation under S20.
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Permission to go abroad (for a period of less than one month) in school holidays	Service Manager	Head of Service	S33(8) Children Act 1989.
Permission to go abroad (for a period of more than one month but less than 6 weeks) in school holidays	Service Manager	Head of Services	
Permission for a child to be taken out of school for a holiday	Executive Director Children's services	Executive Director Children's services	Without express permission children/young people should not be taken out of school for a holiday. Where this is requested it should have the support of the Independent Reviewing Officer.
Permission for a looked after child to go on a school day trip (UK)	Foster Carer as part of Delegated Authority/ Social Worker	Team Manager	
Permission for a looked after child to go on a school trip overnight (UK)	Team Manager in consultation with Social Worker and foster carer	Service Manager	In consultation with Independent Reviewing Officer
Permission for a looked after child to go on a school trip overnight / more than one night (abroad)	Service Manager	Head of Service	In consultation with Independent Reviewing Officer



Vaccinations for a trip abroad for a looked after child	Service Manager in consultation with parent or person with parental responsibility and Foster Carer	Alternative Service manager	In consultation with Independent Reviewing Officer
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**12. Application for a Child to Live Outside England and Wales**

Any application should also take in to account the delegated permissions for placement agreements (Section 2 of this document)

Decision to apply for leave of the Court for a child in care to live outside of England or Wales	Head of Service	Service Director	S33(7)(b) Children Act 1989  This may have substantial financial implications and therefore delegation should reflect this
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### 13. Change of Name of a Looked After Child

Children aged 16 years or over (with mental capacity) are generally free to apply in their own right to change their name via deed poll.

However where a child is subject to a Care Order, Special Guardianship Order or Child Arrangements Order, the relevant age is 18. Changing the name of any child under 18 who is subject to any of these orders requires the written consent of everyone with Parental Responsibility. This applies whether the person wishing to change the name is the parent or the child. Where consent is not forthcoming, or all those with Parental Responsibility cannot be found, a Court Order is required before the child's name can be changed.

A child who is accommodated under s.20 Children Act 1989 can apply to change their name at 16 years old if there are no private law orders (e.g. no Special Guardianship Order or Child Arrangements Order).

Any child who wishes to change their name should be encouraged to discuss the matter carefully with their Social Worker, parents and/or carers, the Independent Reviewing Officer and any available advocacy service.

Permission for child subject to a Care Order to be known by a new surname	Head of Service	Alternative Head of Service	S33 (7) (a) Children Act 1989. The Independent Reviewing Officer should be consulted
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### 14. Joining the Army

Permission for a child subject to a Care Order to join the army	Head of Service	Service Director	S33(3) Children Act 1989  This should include a discussion with any party who holds PR and the Independent Reviewing Officer should be consulted
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## 15. Overnight Stays

Decisions on social visits and overnight stays should normally be delegated to the placement. The arrangements for such decisions should be written into the Placement Plan in line with the Care Plan taking account of any relevant Court directives.

When the child/young person's placement is made, information regarding significant relationships and friendships should be obtained as part of this process and should be reviewed as appropriate.

The parents' views on social visits and overnight stays with friends should also be obtained.

The Placement Plan should include the parameters within which visits or stays away from the home with friends may be agreed by the placement without prior consultation with the social worker, and whether agreement to such visits requires the placement to obtain parental consent. The Plan may state that the social worker and/or parent must always be consulted.

The guiding principle is that children looked after should, as far as possible, be given the same permission to take part in normal and acceptable age appropriate activities, such as staying with friends, as would reasonably be granted by the parents of their peers. Judgment should depend on the assessed risks to and needs of the child.

Decision for a child looked after to have an overnight stay	Foster Carer as part of delegated authority/Social Worker	Team Manager	Decisions for overnight stays should be in collaboration and as part of a plan and discussed with the Independent Reviewing Officer and should form part of the care plan
	Parent or other with parental responsibly  Team Manager		Decisions for overnight stays should be in collaboration and as part of a plan and discussed with the Independent

			Reviewing Officer and should form part of the care plan
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**16.Recovery Order**

The Court may make a Recovery Order only on the application of—

(a) any person who has parental responsibility for the child by virtue of a Care Order or Emergency Protection Order; or

(b) where the child is in police protection, the designated officer.

Decision to apply for a Recovery Order for a child who is in care, the subject of an EPO or in police protection	Service Manager	Service manager / Head of Service	S50 Children Act 1989  Following legal advice and discussion with Police
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**17. Informing a third party about a person considered to be a risk to children/young people**

Decision to inform a third party of the identity and concerns about a person who is considered a risk to a child/young person	Team Manager	Service Manager	S33(3) Children Act 1989 and S22(3) Children Act 1989 for Children in Care, S17 Children Act 1989 for children in need and S47 Children Act 1989 for children at risk.  Reasons for sharing information must be clearly recorded by the Team
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			Manager on the child's record.
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## 18. S47 Enquiries and Child Protection Conferences

A Child Protection Enquiry can be undertaken under Section 47 of the Children Act 1989. This indicates that when a Local Authority has reasonable cause to suspect that a child/young person (who lives or is found in their area) is suffering or likely to suffer significant harm, it has a duty to make enquiries as it considers necessary to decide whether any action is needed to safeguard or promote the child/young person's welfare. Such enquiries, supported by other organisations and agencies as appropriate, should be initiated where there are concerns about all forms of abuse or neglect.

Decision to initiate S.47 enquires	Team Manager	Service Manager	S47 Children Act 1989 for children at risk  Strategy meetings must be chaired by Team Manager or above
Decision to take no further action following S.47 enquiries	Team Manager in consultation with Service Manager.	Service Manager	S.47 Children Act 1989  Team Manager must report outcome to Service Manager to endorse decision; this must be recorded on the child/young person's file
Decision to convene a Child Protection Conference following S.47 enquiries	Team Manager  In consultation with the Safeguarding Service	Covering Team Manager or Service Manager	Consultation must be clearly recorded on the child/young person's record by the Team Manager

			Case should be presented at the next weekly Case Management Meeting
Decision to end a Child Protection Plan	Review Child Protection Conference or Looked after Child review	Service Manager in conjunction with their Head of Service will be required to endorse the recommendation of Social Care if there would be continued risk to the child when ending the Child Protection Plan. An example of this is in cases where children move borders or leave the country	Consultation must be clearly recorded on the child/young person's record by the Service Manager and Service Director

## 19. Secure Accommodation

Whenever a Court refuses bail to a child/young person (aged 10-17), the Court is required to remand the child to local authority accommodation unless certain conditions are met, in which case the Court may instead remand the child/young person to Youth Detention Accommodation. Every such child/young person (whether remanded to Youth Detention Accommodation or to local authority accommodation) will be treated as a child in care by their designated local authority.

A Local Authority can apply to the Court under Section 25 of the Children Act 1989 for secure accommodation - often referred to as being 'on welfare grounds'.

Authority to apply for a Secure Accommodation Order	Service Director	Executive Director of Children's Services	S25 Children Act 1989 Vol. 4 Children Act 1989 Guidance &
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	In consultation with Executive Director of Children's Services		<p>Regs. 8.6 ` Steps should be taken to ensure all decisions to seek a placement for a child in secure accommodation are taken at a senior level in the Authority.</p> <p>Multi-Agency Meeting must be held chaired by an Independent Reviewing Officer to confirm criteria for Secure Accommodation are met and outline the reasons why alternative provision is not appropriate.</p> <p>For children under the age of 13 agreement must be sought from the Department for Education (DfE).</p> <p>Case to be presented at Legal Gateway Panel to be tracked and ratified</p>
Authority to decide on a placement in Secure Accommodation without an Order for up to 72 hours	Service Director in consultation with Executive Director of Children's Services	Executive Director of Children's Services	S25 Children Act 1989 As above

<p>Review of placement in Secure Accommodation in a Community Home</p>	<p>Service Manager Safeguarding and Review</p> <p>In consultation with Head of Service Quality Assurance and Safeguarding</p>	<p>Head of Service Quality assurance and Safeguarding</p>	<p>S15 Children (Secure Accommodation) Regulations 1991</p> <p>Each Local Authority looking after a child in Secure Accommodation in a Community Home shall appoint at least 3 persons, at least one of which is not employed by the Local Authority, by or on behalf of which the child/young person is being looked after, who shall review the keeping of the child/young person in such accommodation for the purposes of securing her/ his welfare within one month of the inception of the placement and then at such intervals not exceeding three months where the child/young person continues to be kept in such accommodation</p>
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## 20. Adoption

<p>Adoption Agency Decision Maker</p> <p>Decisions that a child/young person should be placed for Adoption/ Prospective Adopters should be approved / a child should be matched with Adopters</p>	<p>Heads of Service (Lisa Vaux HoS Children in Care/ Donna Taylor HoS Children's Social Care)</p>	<p>Service Director</p>	<p>Adoption &amp; Children Act 2002 Guidance Adoption Agencies Regulation 27.2</p> <p>No member of the Adoption Panel can take part in the agency decision. It should be taken by a senior person in the Agency such as the Agency's Adoption Manager or Senior Manager who is not a member of the Panel that submitted the recommendation</p>
<p>Designated Manager for Adoption Panel Appointments</p>	<p>Agency Advisor to Panel</p>	<p>Service Manager</p>	
<p>Designated Manager Adoption Support other than financial</p>	<p>Team Manager</p>	<p>Service Manager</p>	
<p>Senior Manager(s) with whom Adoption Agency Decision Maker will discuss cases where s/he is minded not to accept the Adoption Panel's recommendation</p>	<p>Service Director</p>	<p>Executive Director</p>	<p>Adoption &amp; Children Act 2002 Guidance Chapter 3 - paragraph 68.</p>

## 21. Fostering

Fostering Panel Decision Maker	Head of Service Children in Care (Lisa Vaux)	Service Director	Regulation 28 Fostering Service Regulations 2002  No member of the Fostering Panel shall take part in any decision by the Fostering Service provider to approve or set terms of approval for a Foster Carer
Responsibility for making recommendations about approval of Foster Carers and any terms of approval	Independent Chair of the Fostering Panel and the Reviewing Officer for Foster Carers	Fostering Panel Decision Maker - Head of Service Children in care	Fostering Service Regulations 2002 - Regulation 24 – establishing a Fostering Panel and guidance
Authorisation to increase the limit of children placed in a Fostering Placement on an emergency/temp basis - up to 6 weeks	Fostering Agency Decision Maker	Service Director	
Decision to authorise increasing the limit of children placed in a Fostering Placement on a planned basis after all checks undertaken and the	Fostering Agency Decision Maker	Service Director	

Fostering Panel has recommended an increase			
Authorise publicity for family finding for the Adoption and Long Term Fostering of children	Head of Service Children in Care	Service Director	
<b>22. Special Guardianship and Child Arrangements Orders</b>			
Decision on suitability of a carer to be a Special Guardian	Team Manager in consultation with Service Manager	Service Manager in consultation with Head of Service	Following assessment
Decision of an individual's Special Guardianship Support Services, including financial support and legal fees	Service Manager agreement and all financial requests to then be heard at Placement and Resource Panel	Head of Service Children in Care	Special Guardianship Regulations 2005 and Special Guardianship (Amendment) Regulations 2016
Decisions on a child's maintenance and accommodation costs as a result of a Child Arrangements Order	Service Manager agreement and all financial requests to then be heard at Placement and Resource Panel	Head of service	Schedule 1, paragraph 15 Children Act 1989

## 23. Out of Hours

Delegated authority for necessary decisions made out of hours	Advanced Social Work Practitioner	EDT Team Manager	Where this is outside of the scheme of delegation EDT protocols will be followed and the on call Senior Manager informed
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**End of Document**