



**KIRKLEES DIRECTORATE FOR CHILDREN & ADULTS  
SCHEME OF DELEGATION  
FOR  
FAMILY SUPPORT & CHILD PROTECTION  
LEARNING & SKILLS**

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# KIRKLEES DIRECTORATE FOR CHILDREN & YOUNG PEOPLE

## DELEGATED POWERS

### Purpose

To set out the delegations from the Council's Executive and Council bodies to Chief and Deputy Chief officers within the Children and Young Peoples Service.

### Related Policies & Documents

- Council Constitution (Part 2: Article 13: Decision Making) - <http://www.kirklees.gov.uk/you-kmc/constitution/articles/art13.pdf>
- Council Constitution (Part 3: Responsibility for Functions) - <http://www.kirklees.gov.uk/you-kmc/constitution/ConstitPart3.pdf>

### Key Statutes/Legislation

The following pieces of legislation are instrumental in many of the delegated decisions outlined in this document:

Academies Act 2010

Adoption Agency Regulations 1983 and 1997

Adoption and Children Act 2002

Apprenticeships, Skills, Children and Learning Act 2009

Carers and Disabled Children Act 2000

Childcare Act 2006

Children Act 1989

Children & Young Persons Act 2008

Crime & Disorder Act 1998

Criminal Justice Act 1991

Education Act 2005

Education & Inspections Act 2006

Education Act 2011

Education & Skills Act 2008

Fostering Services Regulations 2002

Powers of Criminal Courts (Sentencing) Act 2000

Learning & Skills Act 2000

Local Authority Social Services Act 1970

Mental Health Act 1983: Section 27

Placement with Parents Regulations 1991

Representation of the People Act 1983: Section 95 & 96

Safeguarding Vulnerable Groups Act 2006

School Standard and Framework Act 1998

Supreme Court Act 1981: Section 41

Children and Families Act 2014

Care Planning Regulations 2010 & 2015

## **Who is governed by this policy?**

The scheme of delegations will apply to all permanent, contract and temporary staff working for the Council.

## **Summary**

The Council's Constitution requires that the Directorate will prepare a Scheme of Delegation. Such schemes should clearly establish which officer posts have been given authority to make decisions under the delegated powers of the Director or Assistant Directors. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

All delegations are subject to compliance with the law, the Council's Constitution, its Procurement Code, Financial Regulations and other relevant policies and procedures. All delegations may be exercised by the Director of Children's Services as well as those posts set out in this Scheme of Delegation.

Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Directorate's business is dealt with in the most efficient way possible. This means that some matters will be considered and approved by the Children's Management Team (CMT) (Director & Assistant Directors) as appropriate, whereas others can be dealt with efficiently and properly by other members of the Children's Leadership Team (CLT) (defined at Grades 17-19), or other Officer Posts.

Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by CMT and no delegation shall preclude the reference of matters for a decision to that body, except where action has already been taken. This provision is subject to statutory requirements which may apply from time to time.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

Although powers have been delegated to officers, there is a requirement to consult local ward councillors and community lead councillors if the decision you are making has a direct impact on a local community. Local ward councillors should be kept aware of any decision made and implemented under delegated powers that affects members of the community in their ward.

## Scheme of Delegation & Decision Making (Family Support & Child Protection)

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
<b>ASSESSMENTS &amp; REPORTS</b>						
Approve no further action on a referral		✓				
Agree less frequent visits		✓				
Authorise the commencement of Single Assessment		✓				
Authorise S47 strategy discussion. Determine need for S47 enquiries		✓				
Sign off Single Assessment		✓				
Sign off S47 Enquiry/Record of outcomes		✓				
Authorise the commencement of Pre-Birth Assessment		✓				
Agreement to end S47 enquiry without going to Case conference or initiate legal proceedings		✓				
Sign off the Pre-Birth Assessment Report		✓				
Sign off Pre-birth Assessment Plan		✓				
Authorises the commencement of viability assessments of connected persons		✓				

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
Authorises the commencement of In-depth Social Work Assessments		✓				
Signs off In-depth Social Work Assessments		✓				
Sign off the viability assessments of connected persons		✓				
Sign off Age Assessment for Unaccompanied Asylum Seekers		✓				
Sign off European Convention of Human Rights Assessment Report		✓				
Authorises Private Fostering Assessment		✓				
Signs off Private Fostering Assessment		✓				
Signs off Child Permanence Reports		✓				
Sign off Child Protection Plans		✓				
Sign off Child in Need Plans		✓				
Sign off Pathway Plans & Reviews		✓				
Sign off Review Decisions for LAC		✓				
Sign off PWP Report				✓		
Agree application for Recovery Order				✓		
<b>INFORMATION SHARING</b>						
Authorises Police Check (S47 enquiry)		✓				

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
Authorises Force Disclosure application (SPOC)		✓ (Designated signatories only)	✓ (Designated signatories only)	✓ (Designated signatories only)		
Public advertisement of missing child/young person					✓	
CAMHS Consultation Referral	✓					
Applications for Adaptations (CWD)			✓			
Allocation of Personal Advisor		✓				
<b>CASE TRANSFER &amp; CLOSURE</b>						
Case closure		✓				
Case transfer to another Team/Service		✓				
Case transfer to another Local Authority		✓				
Acceptance of a case from another Local Authority			✓			
<b>LEGAL</b>						
Sign off Section 7 Reports		✓				
Sign off Section 37 Reports		✓				
Sign off Special Guardianship Reports		✓				
Sign off Special Guardianship support Plans		✓				
Authorise an emergency protection				✓		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
application:						
Authorise PLO Meeting			✓ Legal Gateway Panel			
Authorises initiation of Care Proceedings			✓ Legal Gateway Panel			
Authorise application to discharge Care Order			✓ Legal Gateway Panel			
Commissioning of Expert Witnesses				✓ * Legal Gateway Panel		
Commissioning of drug/alcohol testing (including hair strand testing)			✓ * Legal Gateway Panel			
Sign off Interim Care Plans	✓ (requires signature)	✓ (requires signature)	✓ (requires signature)			
Sign of Final Care Plans	✓ (requires signature)	✓ (requires signature)	✓ (requires signature)			
Authorise S20 Accommodation				✓ Permanence Panel		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
<b>MEDICAL</b>						
Countersign BAAF consent form for LAC for obtaining and sharing health information in cases of parental refusal		✓				
Countersign consent for medical treatment for LAC in cases of parental refusal or unable to be contacted				✓		
Termination of pregnancy of a LAC				✓		
Decision to withdraw treatment for LAC					✓	
<b>PLACEMENT APPROVAL</b>						
Internal foster placement			✓ Fostering Services			
Internal residential placement				✓		
Limit on the number of children in Foster Homes (Exemptions)				✓		
External residential placement				✓		
Emergency external residential placement				✓		
Family residential assessment placement				✓ Legal Gateway Panel		
Foster to Adopt Placement				✓		
Placement with Parent Regulations				✓		



Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
Placement with nominated person/s (Regulation 24)				✓		
Authorise application for secure accommodation in an emergency					✓	
Authorise placement in secure accommodation					✓	
Place siblings separately				✓		
Permission to fund a young person being placed in supported accommodation			✓			
Authorise placement of children in a Refuge		✓				
Remands to Local Authority Accommodation				✓		
Authorise placement outside of England & Wales					✓	
Placement of young person at a distance						✓
Ending LAC of 16/17 year old Section 20						✓
Ending LAC status for other cases				✓		
<b>LOOKED AFTER CHILDREN</b>						
Sign off Care Plan after LAC Review			✓			
Authorise a change of name for a looked after child					✓	

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
Agreed to the marriage of a looked after child					✓	
Decision to varying contact arrangements		✓				
Criminal injuries Compensation for LAC			✓			
Passports for LAC		✓				
School or Educational Trips & Holidays Aboard			✓			
Permission for LAC to be absent from school during term time			✓			
<b>FOSTER CARERS</b>						
Foster Carer Approval			✓ Fostering Service & Panel	✓ (Fostering ADM)		
Foster Carer Review		✓				
Foster Carer Amendments to profile				✓ (Fostering ADM)		
Termination of registration			✓ (Fostering Panel)	✓ (Fostering ADM)		
<b>COMPLAINTS</b>						
Respond to complaint at Stage 1 of the procedure		✓	✓ (only if complaint relates to the actions of a	✓ (only if complaint relates to the actions of a Service		

Responsibility	Social Worker	Team Manager	Service Manager	Head of Service	Service Director	DCS
			Team Manager)	Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓			
Adjudicate Stage 2 complaints			✓	✓		
<b>FINANCIAL DECISIONS</b>						
Payment of Adoption Allowance		✓				
Payment of Special Guardianship Allowance (following financial assessment)		✓				
Payment of Child Arrangement Allowance (following financial assessment)		✓				
Payment of Contact Expenses		✓				
Payment under Section 17:						
Approval of one-off payment up to £100		✓				
Approval of one-off payment over £100			✓			
Approval of regular weekly payments			✓			

<b>Responsibility</b>	<b>Social Worker</b>	<b>Team Manager</b>	<b>Service Manager</b>	<b>Head of Service</b>	<b>Service Director</b>	<b>DCS</b>
<b>Authorise on-going payments to families with no Recourse to Public Funds</b>		✓				
<b>Income Maintenance Costs for aged 16 + who have left Care – care leavers only</b>		✓				
<b>Housing Costs including ‘Setting up Home Grant’ – care leavers only</b>		✓				
<b>Incentive Payments to access Education/Training/Employment – care leavers only</b>		✓				
<b>Additional Allowances as set out in the Financial Guidance for Post 16s – care leavers only</b>		✓				
<b>Financial Payments for young people in further and higher education – care leavers only</b>		✓				
<b>Post 21 Financial Support – Care Leavers only</b>		✓				
<b>Packages of care for disabled children</b>			✓			

\*For cases requiring PLO or initiation of / subject to care proceedings the decision to commission drug/alcohol testing (including hair strand testing) or expert witness assessments/reports is made at Legal Gateway Panel (LGP) For cases that are not in a legal process and this is not the intend plan (e.g. Children subject to Child in Need, Child Protection Plans or Care Orders) the decision can be made by the Head of Service without recourse to LGP.

# Scheme of Delegation & Decision Making (Learning)

Responsibility		APSO	Team Manager	Service Manager	Heads of Service	Procedure Reference
<b>School Attendance and Admissions and Special Educational Needs, Looked After Children</b>						
<b>Statutory Duties</b>						
School attendance orders to parents			✓	✓		

Representing the Authority in Court with regard to school attendance orders.		✓	✓	✓		
Granting licences to children under 16 to take part in performances, or sports, or to work as a model, for payment.			✓	✓		
Supervision, regulation and control of employment of children not over compulsory school age.			✓	✓		
Decision to admit pupils above Published Admission Number for Community and Controlled Schools					✓	
To establish, as far as it is possible to do, the identities of children in the area who are not registered pupils at a school and are not receiving a suitable education otherwise			✓	✓	✓	
To identify missing children and facilitate their return to education			✓	✓	✓	
To ensure that the LA has robust policies and procedures in place in order to meet statutory duties, including the appointment of a named person to whom schools and agencies can make referrals.			✓	✓	✓	
To make regular reviews of processes to ensure that they continue to be fit for purpose in identifying missing children			✓	✓	✓	
To work with other LAs where a child has moved and share information to ensure that the child can access education.			✓	✓	✓	
To arrange and provide full time educational provision by day 6 of a child's exclusion				✓	✓	

To arrange an Independent Review Panel hearing to review the decision of the Governing Body (if applied for by parents within the timeframe)				✓	✓	
To adjust the budget share for maintained schools and PRUs where a Panel orders a financial readjustment				✓	✓	
Promotion of the educational achievement of Looked After Children (LAC) wherever they live or are educated			✓	✓		
All LAC should have a Personal Education Plan			✓	✓		
Appropriate educational provision is arranged for LAC at the same time as the care placement			✓	✓		
Appointment of a Virtual School Head Teacher who is an officer employed by the Council					✓	
Organisation and oversight of the Education Health and Care Plan (EHCP) assessment process within statutory timescales, and the issuing of an EHCP			✓	✓		
Annual reviews of all EHCPs			✓	✓		
Allocation of funding to the EHCP in partnership with health and social care where appropriate			✓	✓		
Develop and review the Local Offer in partnership with other relevant LA teams			✓	✓		
<b>School Leadership</b>						
Improvement support packages for schools and educational settings					✓	

Support for school re-organisation and statutory changes					✓	
<b>Complaints</b>						
<b>Responsibility</b>			<b>Team Manager</b>	<b>Service Manager</b>	<b>Head of Service</b>	<b>Procedure Reference</b>
<b>Respond to complaint at Stage 1 of the procedure</b>			✓	✓ (only if complaint relates to a Team Manager)	✓ (only if complaint relates to a Service Manager)	
<b>Respond to complaint at Stage 2 of the procedure</b>			✓	✓		
<b>Adjudicate Stage 2 complaints</b>					✓	