

Sheffield City Council
Children and Families Service

Scheme of Delegation

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About this Document

Title	Scheme of Delegation
Purpose	To set out how Sheffield City Council People Portfolio Children and Families Service scheme of delegation for agreements/funding
Replaces	Scheme of Delegation Children and Families – May 2019
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Owners role	Director of Children and Families
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Rationale

This scheme of delegated decision making primarily focuses on key decisions made within Children's Social Care with respect to promoting vulnerable children's welfare.

Policies and procedures should be read in conjunction with this document. This document being the most up to date takes precedent over others.

The delegated decision to a designated level of Manager will not be further delegated; the decision must be made by a Manager at the same level of seniority (equivalent) or above.

A basic premise which must be adopted in respect of all decision making, is: "if in doubt, consult".

Matters which concern particularly risky children/young people 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 Manager covering.

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Decision to be Delegated	Delegation to:	Will Take Decision In Absence of Person With Delegated Authority	Comment/ Guidance
1. Payments			
Section 17 payments All requests must be supported by a clear rationale for expenditure and what alternative forms of funding has been explored e.g. Social Fund Loan, Grants etc			
Up to £250 on any one client p.a.	Senior Fieldwork Manager	Service Manager	
Up to £2,499 on any one client p.a.	Service Manager	Assistant Director	
Up to £24,999	Assistant Director	Director of Children and Families	
Over £25,000	Director of Children and Families	Executive Director of Children's Services	
Children Looked After payments All requests must be supported by a clear rationale for expenditure and that this satisfies the child/young person's needs. Alternative funding streams for children in our care should be considered e.g. Pupil Premium, however grants/loans will not be an option given we remain the corporate parent.			
Up to £499 on any one client p.a.	Senior Fieldwork Manager	Service Manager	Payments may include but are not limited to – passports, birth certificates, IM payments. Please note this does not

			include taxi payments.
Up to £2,499 on any one client p.a.	Service Manager	Assistant Director	Payments may include but are not limited to – such as accumulated transport costs, support packages
Up to £24,999	Assistant Director	Director of Children and Families	
Over £25,000	Director of Children and Families	Executive Director of Children's Services	

2. Decision to accommodate and placements

Decision to Accommodate

The Assistant 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 Director of Children and Families.

Edge of Care Services including project Aspire to be considered prior to request for accommodation where appropriate.

Decision to accommodate a child (Section 20).	Assistant Director	Assistant Director Director of Children and Families	Social worker must attend the next weekly Legal gateway meeting
Decision to de-accommodate. (Section 20)	Assistant Director	Assistant Director Director of Children and Families	Social worker must attend the next weekly Legal gateway meeting

Decision to de-accommodate 16/17 year old (Section 20)	Director of Children and Families	Executive Director of Children's Services	Director of Children and Families should be notified if a 16/17 year old chooses to end Section 20 arrangements.
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Placement agreements

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

An Assistance Director can give approval outside of the Resource, Allocation and Placement Panel (RAPP).

All planned moves should be presented at Resource, Allocation and Placement Panel (RAPP).

NB Resource, Allocation and Placement Panel replaced the Case Review Panel.

Within Sheffield

In house fostering In House Residential IFA 16 plus	Assistant Director with responsibility for the case Or Assistant Director Provider Services when change of placement	Other Assistant Director	
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Out of City

Out of City - within 20 miles OR where the placement is in a Local Authority which shares its borders with Sheffield	Director of Children and Families	Executive Director of Children's Services	
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IFA Residential (Independent Children's Home) 16 plus			
At Distance			
At Distance; the placement is in a Local Authority which does NOT share its borders with Sheffield IFA Residential (Independent Children's Home) 16 plus	Executive Director of Children's Services		
<h3>3. Care Proceedings</h3> <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 must go through the weekly Legal Gateway meeting. The examples below are when attending LGP is not in the appropriate timescales for the child.</p>			
Decision to instigate Legal Proceedings.	Service Manager who must consult with the Assistant Director (Social worker must attend the next weekly Legal	Assistant Director	

	Gateway meeting)		
Chairing of Legal Gateway Meetings.	Assistant Director	Alternative Assistant Director.	Legal Representative must be present
Decision to apply for an Interim Care Order.	Service Manager in consultation with Assistant Director (Social worker must attend the next weekly Legal Gateway meeting)	Assistant Director	
Endorsing the Care Plan for the final hearing, except where an Independent Provider resource is required	Service Manager	Alternative Service Manager	At point of any challenge, decision should be referred to the Assistant Director of Fieldwork Services
Decision to endorse the Care Plan for the final hearing: where an Independent Provider resource is required	Assistant Director to consult with Director of Children and Families	Director of Children and Families.	Funding must have previously been recommended through RAPP and the final Care Plan endorsed once the placement is authorised
Decision to apply for an Interim Supervision Order	Service Manager in consultation with Assistant Director. (Social worker must attend the next weekly Legal Gateway meeting)	Assistant Director	

Decision to apply for an Emergency Protection Order	Assistant Director	Assistant Director to consult with Director of Children and Families	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 a Child Assessment Order	Service Manager in consultation with Assistant Director	Assistant Director to consult with Director of Children and Families	S43 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	Assistant Director	S39 Children Act 1989 Senior Fieldwork Manager must have chaired a Discharge Meeting and there must be a recommendation from a Statutory Review

Decision to discharge a child on a planned basis	Service Manager	Assistant Director	Following decision at a Statutory Review unless the parent withdraws consent to S.20 then the child/young person must be returned to the parents care (except where the child is 16 plus or immediate legal action is considered necessary to protect the child/young person)
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4. Contact with Parents

Decision to refuse parental contact 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	Senior Fieldwork Manager	Service Manager	S34 (6) Children Act 1989 The Senior Fieldwork 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 contact 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"</p> <p>"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.	Service Manager	Assistant Director	S34 (4) Children Act 1989.

5. 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	Senior Fieldwork Manager	Service 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 Service Manager on call but Social</p>
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			Worker can sign consent
Authorise testing for blood born virus	Service Manager	Alternative Service Manager If not available escalate to Assistant Director	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 anaesthetic	Service Manager	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 Service Manager on call but Social Worker can sign consent
Planned medical treatment involving surgery and general anaesthetic	Service Manager If the treatment poses significant risks then the Assistant Director	Assistant Director	
6. Decision to Withhold Whereabouts of a Child in Care			
Decision to withhold the whereabouts of a child in care from	Service Manager: Independent	Assistant Director: Quality Assurance and	Schedule 2 s15(4) Children Act 1989

<p>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>Reviewing Service</p>	<p>Involvement Service</p>	<p>A Local Authority is not required to inform any person of the whereabouts of a child if:-</p> <ul style="list-style-type: none"> a. The child is in the care of the Authority; and b. The Authority has reasonable cause to believe that informing the person would prejudice the child's welfare.
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7. 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>Assistant Director: Quality Assurance and Involvement Service</p>	<p>Director of Children and Families</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>
<p>Funeral arrangements following the death of a child looked after.</p>	<p>Service Manager</p>	<p>Assistant Director</p>	<p>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</p>

			deemed appropriate
<p>8. Notification to Ofsted of Serious Harm to a Child/Serious Case Review</p>			
Notification to Ofsted of serious harm to a child / Serious Case Review.	Assistant Director: Quality Assurance and Involvement Service	Director of Children and Families	Ofsted Guidance on Handling Serious Child Care Incidents
<p>9. Placement of a Child/Young Person with Parents</p> <p>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.</p>			
Decision to place a child who is the subject of a Care Order or Interim Care Order with parents or persons with Parental Responsibility	Assistant Director	Director of Children and Families	Written agreement on child/young person's file required
<p>10. Placement of a Child with Family and Friends</p> <p>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.</p>			
Approval of Family and Friends (Connected Foster Carers)	Service Manager	Assistant Director: Provider services	Care Planning, Placement and Case Review Regulation 2010.

11. 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	Senior Fieldwork 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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12. Holidays Aboard and Passports

Authorisation of an application for a passport for a Looked After Child	Senior Fieldwork 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
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			accommodation under S20.
Permission to go abroad (for a period of less than one month) in school holidays	Senior Fieldwork Manager	Service Manager	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	Assistant Director	
Permission for a child to be taken out of school for a holiday	Assistant Director In consultation with Director of Children and Families	Director of Children and Families	Without express permission children/young people should not be taken out of school for a holiday
<p>13. Application for a Child to Live Outside England and Wales</p> <p>Any application should also take in to account the delegated permissions for placement agreements (Section 2 of this document)</p>			
Decision to apply for leave of the Court for a child in care to live outside of England or Wales	Assistant Director	Director of Children and Families	S33(7)(b) Children Act 1989 This may have substantial financial implications and therefore delegation should reflect this

14. 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	Service Manager	Assistant Director	S33 (7) (a) Children Act 1989.
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15. Marriage of a Looked After Child

A marriage between two persons one of whom is under 16 is void.

For a young person who is 16 or 17 to marry, the written consent of the parents is required. If the young person is the subject of a Care Order, the consent of the Local Authority is required in addition to the parents.

Where the necessary consents are not forthcoming, an application can be made to the Court for consent to the marriage in substitution for parental consent.

Permission for a young person subject of a Care Order to marry	Assistant Director In consultation with Director of	Director of Children and Families	S33(3) Children Act 1989
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	Children and Families		
16. Joining The Army			
Permission for a child subject to a Care Order to join the army	Assistant Director	Director of Children and Families	S33(3) Children Act 1989 This should include a discussion with any party who holds PR
17. Overnight Stays			
<p>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.</p> <p>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.</p> <p>The parents' views on social visits and overnight stays with friends should also be obtained.</p> <p>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.</p> <p>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.</p>			
Decision for a child looked after to have an overnight stay	Placement Social Worker	Service Manager	Decisions for overnight stays should be in

	Parent or other with parental responsibly Senior Fieldwork Manager		collaboration and as part of a plan
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18. 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	Senior Fieldwork Manager	Service manager	S50 Children Act 1989 Following legal advice and discussion with Police
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19. 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	Senior Fieldwork 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.
<p>20. S47 Enquiries and Child Protection Conferences</p> <p>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.</p>			
Decision to initiate S.47 enquires	Senior Fieldwork Manager	Service manager	S47 Children Act 1989 for children at risk Strategy meetings must be chaired by SFMs or above
Decision to take no further action following S.47 enquiries	Senior Fieldwork Manager In consultation with Service Manager.	Service Manager	S.47 Children Act 1989 Senior Fieldwork 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	Senior Fieldwork Manager In consultation with the Safeguarding Service	Covering SFM or Service Manager	Consultation must be clearly recorded on the child/young person's record by the Senior Fieldwork 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	SM in conjunction with their AD 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 SM and AD involved in both Fieldwork area and QAIS

21. 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	Director of Children and Families	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>
Authority to decide on a placement in Secure Accommodation without an Order for up to 72 hours	<p>Director of Children and Families</p> <p>In consultation with Executive Director of Children's Services</p>	Executive Director of Children's Services	<p>S25 Children Act 1989</p> <p>As above</p>

<p>Review of placement in Secure Accommodation in a Community Home</p>	<p>Assistant Director: Quality Assurance and Involvement Service</p> <p>In consultation with Director of Children and Families</p>	<p>Director of Children and Families</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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22. 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>	Assistant Director	Director of Children and Families	<p>Adoption & 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>
Designated Manager for Adoption Panel Appointments	Agency Advisor to Panel	Director of Children and Families	
Designated Manager for Adoption and Fostering to liaise with LADO	Team Manager	Service Manager	
Designated Manager Adoption Support other than financial	Team Manager	Service Manager	
Senior Manager(s) with whom Adoption Agency Decision Maker will discuss cases where s/he is minded not to accept the Adoption	Assistant Director	Director of Children and Families	Adoption & Children Act 2002 Guidance Chapter 3 - paragraph 68.

Panel's recommendation			
23. Fostering			
Fostering Panel Decision Maker	Assistant Director	Director of Children and Families	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 - Assistant Director	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	Service Manager; Fostering Service	Assistant Director	
Decision to authorise increasing the limit of children placed in a Fostering Placement on a planned basis after all checks undertaken and the	Chair of Fostering Panel Fostering Panel Decision Maker	Assistant Director	

Fostering Panel has recommended an increase			
Authorise publicity for family finding for the Adoption and Long Term Fostering of children	Service Manager; Fostering Service	Assistant Director	
24. Special Guardianship and Child Arrangements Orders			
Decision on suitability of a carer to be a Special Guardian	Service Manager	Assistant Director	
Decision of an individual's Special Guardianship Support Services, including financial support and legal fees	Assistant Director A Band B needs to be signed by the Social Worker, Senior Fieldwork Manager, Service Manager and Assistant Director	Director of Children and Families	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	Assistant Director A Band B needs to be signed by the Social Worker, Senior Fieldwork Manager, Service Manager and Assistant Director	Director of Children and Families	Schedule 1, paragraph 15 Children Act 1989

25. Out of Hours

Delegated authority for necessary decisions made out of hours	Senior Social Worker	OOH Service Manager	Where this is outside of the scheme of delegation OOH protocols will be followed and the Assistant Director informed
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