



Department  
for Education

# **Delegation of authority to carers**

## **Developing your local policy**

**March 2014**

# Contents

Introduction	3
Statement from your lead member and director of children's services	3
Your commitments	4
Actions you will take to achieve your commitments?	7
Review	8

## Introduction

This guide is aimed at local authorities.

Statutory guidance requires each local authority to have a policy about the delegation of authority to looked after children's carers. The policy must cover foster carers and residential workers in the public and independent sectors who are caring for the children and young people<sup>1</sup> the local authority is responsible for.

For some years, central government guidance has encouraged good practice around delegation of authority to carers, but local practice remains patchy. The government's aim in requiring a local policy in this area is to encourage local commitment to culture change.

We hope that many local authorities already have their policy in place (it was a statutory requirement from 1 July 2013). However, we know that not all authorities do, and that others may want to think about how they can improve their policy. We have therefore produced this document to help you.

Your local policy should be in line with legislation (Paragraph 3 of Schedule 2 of the Care, Planning Placement and Case Review Regulations as amended by regulation 4 of the Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013) and [statutory guidance](#) on delegation of authority. Your delegated authority policy should not just replicate the statutory guidance. Instead your policy should set out what your local commitments are, how they will be achieved and how you will review your success in meeting your commitments.

We encourage you to develop your local policy in consultation with your in-house foster carers, residential workers, looked after children and staff; and with the independent fostering services and children's homes that you place children with. We also encourage you to work with these groups to keep your policy under regular review, evaluate your success in meeting your commitments and any changes you might need to make in response to that evaluation.

It is for local stakeholders to decide how their policy is best structured to meet local needs. But here are some ideas that you might find helpful:

## Statement from your lead member and director of children's services

It is hard to change local culture unless there is active commitment to do so from the top of the organisation. The Government therefore included a requirement for each local

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<sup>1</sup> All future references will simply refer to young people

policy to be signed by the local authority's lead member for children and their director of children's services.

A strong way to start your policy document would be with a signed statement from your lead member and your director of children's services about why they are committed to delegating authority to carers and how they will support it. They will want to decide how best to frame their statement, but some things they might want to consider including are:

- their commitment to ensuring that, as part of their corporate parenting role, looked after children in their area are able to enjoy the safe, stable childhood that all children and young people are entitled to;
- a commitment to taking the steps needed to embed a culture which is not risk averse but which allows decisions to be taken at the appropriate level, including allowing decisions about young people's day-to-day care to be taken by their carers;
- the importance of achieving this if young people are to enjoy a full childhood and family life where they're not made to feel different from their peers, don't miss out on opportunities that their peers enjoy and have carers who are allowed to get on with day-to-day parenting;
- the importance of involving carers in care planning decisions – they often know the child best;
- recognition that there can be a culture of fear that if things go wrong individuals will be blamed, and
- a commitment to supporting staff and carers who appropriately delegate and/or take on responsibility, so they feel confident that they will be supported, even if problems occur.

## Your commitments

You might want to follow your lead member and DCS's statement with a brief reference and a link to the statutory guidance, which sets out what good delegation should look like. Referencing the government's ['Key things to consider'](#) document could also be helpful. You might then set out a bulleted list of your local commitments and what you expect from your carers. Here is an example to help you think about what your commitments might be:

### Our commitments

- we will do all we can to help young people enjoy as normal a childhood and family life as possible;
- we will work with young people's parents, wherever possible, so they can make choices about delegation that support the best care for their child/ren;

- we will ensure that all staff (including young people's social workers) understand delegated authority, our local policy and their roles and responsibilities, and that Independent Reviewing Officers ensure that appropriate delegation happens and is supported;
- we will strive to be an organisation that is not risk averse, but which allows decisions to be taken at the right level and doesn't wrap young people in cotton wool;
- we will ensure that all day-to-day decisions are delegated to young people's carers, unless there is a good reason not to;
- if there is a good reason not to delegate a day-to-day decision, we will discuss this with the young person, their carer and where appropriate their parent(s), and make the reason clear in the young person's placement plan;
- where a decision must be taken by a social worker or manager we will take the decision quickly, so young people don't miss out on opportunities;
- we will make sure that everyone working with the young person, and their parents/family knows who can decide what by setting out important decisions, and who has the authority to take them, in the young person's placement plan;
- we will discuss with young people, their parents and their carers whether the young person has sufficient understanding and maturity to take some decisions themselves;
- we will fully involve carers in care planning and longer term decisions (e.g. school choice), recognising the particularly significant role of foster carers that have made a long term commitment to the child;
- we will keep placement plans, including the delegation of authority, under review at each review of the young person's care plan;
- we will support and develop carers so they feel confident taking day-to-day decisions about the young people they care for and know where they can seek advice when they need it;
- where a decision is delegated appropriately and something goes wrong we will recognise that things do go wrong, try to understand what happened, support those involved and take appropriate action to address the issue if necessary;
- we will seek, listen to and take account of the views of young people, their parents, foster carers and those working with them about how delegation of authority is working in our area and how it could be improved; and
- we will promote our policy on delegated authority with the providers we place our children with and will honour our commitments whether a young person is placed in-house or with an independent provider.

### **What we expect from carers**

We expect carers to:

- fully participate in care planning discussions;
- take on authority for day-to-day decision-making competently and confidently; and
- talk to your supervising social worker or manager about what development or support you might need (e.g. if you are new to fostering and/or have any concerns about day-to-day decisions being delegated to you).

### **What we expect from young people, carers and providers we place our young people with**

We expect young people, carers and providers that we place our young people with to:

- let us know if you think we are not meeting the commitments set out in this policy document or there are other ways you think we can improve how we delegate authority for making decisions.

## Actions you will take to achieve your commitments?

One of the most important sections of your policy should be a statement of the actions you will take locally to achieve good delegation to carers.

We recommend using SMART objectives, so that for each action it is clear what will be done, who will be responsible for doing it, when it will be done by, how its success will be evaluated and when the results of that evaluation will be known.

What actions are appropriate to focus on will depend on your local circumstances, but some ideas include:

- identifying a named officer to monitor implementation of your policy;
- including a statement about delegated authority in your pledge to children in care and your Foster Carers' Charter;
- surveying young people, foster carers and social workers (including those in independent providers you place young people with) in order to identify your local good practice, issues and problems concerning delegation;
- following this up with a repeat survey once changes have been embedded;
- setting up a working group of carers, staff and young people to advise on how to respond to your survey results, review progress towards your commitments and action plan and report on progress to senior management and the lead member (e.g. quarterly);
- reporting regularly to your children in care council, corporate parenting board and other relevant bodies;
- implementing a process so carers, staff and young people can comment on an on-going basis about how they are experiencing delegation of authority and how they think practice can improve;
- delivering training about delegation to carers and staff at all levels (this might include such areas as why delegation is important; what the legislation and statutory guidance says; respecting the carers' role and supporting carers to take appropriate levels of authority; working with birth families to help them delegate appropriately; deciding when a child is mature enough to take particular decisions themselves; etc.);
- ensuring that IT and local care planning processes support effective delegation and are not a barrier to it (e.g. do your placement plan templates have space to include all the information required about delegation; are decisions about delegation reviewed at each placement planning meeting; etc.);
- engaging with your local schools, health care providers, etc. so that they understand what authority carers have to take decisions;

- ensuring that carers have written authority to give consent to medical treatment where this has been delegated to them;
- reviewing how risk assessments are undertaken in your area, so they don't stand in the way of children taking appropriate risks (e.g. not duplicating risk assessments undertaken by another competent body, such as by a school in relation to a school trip; not stopping a young person doing activities their peers might reasonably enjoy, such as sports with some element of risk, unless there is a good reason for this in relation to the individual child's circumstances; etc.).

## **Review**

We recommend that the named officer with responsibility for the implementation of your delegated authority policy sets a regular date (e.g. annually) for reviewing progress with your carers, children, staff and independent providers, and deciding whether your policy, commitments and/or action plan need updating.



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