

# **Executive Director for Children’s Services (Director of Children’s Services) Scheme of Delegation including Statutory & Regulatory Duties and Powers –Family Services and Education and Skills – 1 April 2019 to 31 March 2020**

## General Provisions

Article 9 (Chief Officers) of the Constitution details officers designated as Chief Officers. Article 9 sets out specific high-level delegations of Chief Officers, some of whom are also designated as Statutory Officers. Article 10 (Decision Making) states that “...Chief Officers have delegated authority to make decisions in accordance with the powers delegated (see Article 9) and other Officers under the Schemes of Delegation maintained by Chief Officers and published on the council’s website.” The Executive Director for Children’s Services is defined in the Constitution as a Chief Officer.

Whilst actions and decisions taken using authority delegated by a Chief Officer will be taken in the name of the individual officer with delegated authority, the Chief Officer is accountable for ensuring that decisions taken are lawful and in accordance with the Constitution. The Chief Officer should monitor the effectiveness of decisions taken under delegated powers, including ensuring that officers are appropriately skilled to exercise those powers.

To deliver effectively statutory arrangements the Executive Director for Children’s Services (DCS) must exercise the following powers personally and nothing in this scheme of delegation shall be interpreted to permit delegation of such decisions:

- Agreeing and managing services business at a strategic level, including determining whether decisions are needed at a Member level.
- Agreeing any changes to the contract with Cambridge Education (and its subcontractor ISS), subject to such variation being within his/her delegated powers
- Monitoring performance and assuring him/herself as to whether the quality of provision is good and the services effective at improving outcomes for children – this does not preclude the Executive Director from expecting other officers to monitor the performance of their service area
- Entry into formal partnership arrangements with other public bodies to deliver services, subject to such decision being within his/her delegated powers
- Adding items to the work programmes of the themed / commissioning committees

## Scheme of Financial Delegation

Chief Officers are required to ensure that all staff are aware of the Financial Regulations as required by Section 151 of the Local Government Act 1972, and to maintain a scheme of financial delegation. The scheme of financial delegation will define the authorisation limits in respect of ordering goods, services and works. The scheme of financial delegation applies to all officers within the Council, as well as joint employees of the Council, and is attached as an appendix to this document.

The Executive Director for Children's Services is also responsible for ensuring that strategic partners and contractors who incur expenditure on behalf of the Council have appropriate schemes of financial authorisation in place. The schemes of financial authorisation should clearly define the limits that employees can approve expenditure for managed budgets, as specified in the contract. The scheme of financial authorisation for Cambridge Education is attached as an appendix.

Schemes of financial authorisation should be maintained by the strategic partners/contractors and approved by the Executive Director for Children's Services on an on-going basis.

### Director of Children's Services

The Executive Director for Children's Services will fulfil the role of the Director of Children's Services (DCS). The Director of Children's Services has professional responsibility for the leadership, strategy and effectiveness of local authority children's services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers.

In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The DCS is responsible for the performance of local authority functions relating to the education and social care of children and young people. The DCS is responsible for ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself.

The DCS should have regard to the General Principles of the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services. The DCS should report directly to the Chief Executive (Head of Paid Service), who in turn is accountable to the Council for the performance of its chief officers. The services covered by Education and Skills and Family Services encompass a number of key statutory functions, including safeguarding children, working with vulnerable children and young people and their families, ensuring fair access to services, promoting educational excellence, ensuring sufficient school places, fair admission to schools and providing services for children with special educational needs. This involves close working with other statutory agencies, including the police, schools and health agencies. As well as having an understanding of the statutory framework, officers exercising delegated powers must act in accordance with statutory guidance, the Council's constitution and internal policies. Officers should seek advice from the DCS where appropriate.

The Chief Executive is authorised to discharge any functions delegated to the Chief Officer. The DCS is a statutory post. If the appointed DCS is unavailable due to illness or other emergency circumstances, the functions of the DCS shall ordinarily be exercised by the Executive Director for

Adults & Health. In the absence of the DCS, the Chief Executive has the authority to revert the power contained within the role of DCS back to the role of Chief Executive.

The Director Children's Social Care is the Agency Decision Maker for fostering and adoption, although the DCS can also exercise these powers and delegate an alternative officer in the absence of the Directors Children's Social Care

### Review of Schemes of Delegation

Schemes of Delegation must be reviewed on annual basis. Directors are responsible for reviewing and signing off their Scheme of Delegation. HB Public Law should be engaged in the annual review of the schemes to ensure that they reflect current legislation. Following sign-off and publication to the website, Directors are responsible to communicate the new schemes to Delivery Units and all other relevant services. If any urgent changes need to be made before the scheduled annual review (i.e. updates to legislation or constitutional changes which impact on the scheme) then schemes should be updated on an ad hoc basis (with HB Public Law engaged as appropriate) and published.

**General Powers of Family Services Delivery Unit Officers – powers must be exercised in accordance with the Council’s Constitution and in accordance with Council policy**

Decision/Power	Officer with Delegated Authority (to lowest relevant level)						Recording of Decisions	
	Chief Officer	Direct or Children’s Social Care	Assistant Director	Head of Service	Deputy Head of Service	Team Manager	Other requirements	Recording of Decision
<b>PROCUREMENT</b>								
Decision that are required must be made via the Council’s Contract Procedural Rules set out with the Council’s Constitution: <a href="https://barnet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD350&amp;ID=350&amp;RPID=586750395">https://barnet.moderngov.co.uk/ecSDDisplay.aspx?NAME=SD350&amp;ID=350&amp;RPID=586750395</a>								
Reporting must be followed as identified as set out within APPENDIX 1 - TABLE								
Authorisation to commence and accept a procurement process under £10,000	✓	✓	✓	✓	✓		Variation: must move to next threshold if £10,000 or above. Documentation : Audit Trail	Audit Trail
Authorisation to commence a procurement process between £10,000 - £50,000	✓	✓	✓	✓	✓			Audit Trail or on Procurement forward Plan
Acceptance process up between £10,000 - £50,000	✓	✓	✓	✓	✓			Chief Officer List of Decisions
Variation or extension acceptance for contract value between £10,000 - £50,000	✓	✓	✓	✓	✓		.	Chief Officer List of Decisions

Authorisation to commence a procurement process £50,001 - £181,301	✓	✓	✓					Audit Trail or Procurement Forward Plan
Acceptance process £50,001 - £181,302	✓	✓	✓					Chief Officer List of Decisions
Variation or extension Acceptance for contract value £50,001 - £181,301)	✓	✓	✓					Chief Officer List of Decisions
Authorisation to commence a procurement process £181,302 - £500,000	✓ (In consultation with Theme Committee Chairman)						Must be consultation with Theme Committee Chairman in advance of decision	Full DPR

Acceptance process over £181,302 - £500,000)	✓ (In consultation with Theme Committee Chairman)						Must be consultation with Theme Committee Chairman in advance of decision	DPR
Variation or extension Acceptance for contract value £181,302 - £500,000	N/A	N/A	N/A	N/A	N/A		If within budget – relevant theme committee	Committee Report
Authorisation to commence a procurement process £500,000 and above								Relevant Theme Committee Decision; or Procurement Forward Plan
Authorisation to accept £500,000 and above								If within budget: DPR (Committee Chairman jointly with Chief Officer) If not within budget: relevant thematic Committee report, or Policy and Resources Report
Variation or extension of £500,000 and above								If within budget, relevant thematic committee

<b>HUMAN RESOURCES – all delegated powers to be exercised in accordance with the Council’s Human Resources Policy and Article 19 – HR Regulations- of the Constitution.</b>								
Agree advertisement and appointments to vacant posts at the same level or lower than the delegated officer (with the exception of Director Children’s Social Care and Assistant Director level posts that require C&GPC approval)	✓	✓	✓	✓	✓	✓		N/A
Officers to undertake arrangements and participate in recruitment selection panels	✓	✓	✓	✓	✓	✓	Officer to be 1 level above being recruited to	N/A
Recruitment selection decision for Director Children’s Social Care/Assistant Director	Constitution, HR Regulations, Section 2.1  *No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (Constitution & General Purposes Committee, Policy and Resources Committee or Urgency Committee) and not by delegated powers.							
New starters paperwork to be reviewed including pre-employee checks for official sign off	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Changes to location / position of roles (and/or individuals) advised in writing to HR. For post within the directorate only and limited to posts below the notifying officers level	✓	✓	✓	✓			HR letter	N/A
Authorise loans and payments in advance to employees	✓	✓	✓				HR form/ Letter/Core HR	N/A
Recruitment and Retention allowances in accordance with policy	✓	✓	✓	✓			CMT/C&GPC	N/A

Authorise salary change and accelerated increment (excluding national and annual increments and restructures) movement through the range and above where appropriate	✓	✓	✓	✓			HR form/ Letter/Core HR	N/A
Authorise overtime payments to Grade G	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise overtime payments above Grade G	✓	✓	✓	✓ (may be required in some areas)			HR form/ Letter/Core HR	N/A
Authorise car allowance claims	✓	✓	✓	✓	✓		HR form/ Letter/Core HR	N/A
Authorise season ticket loans	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise /acting up allowances	✓	✓	✓				HR form/ Letter/Core HR	N/A
Sick absence return to work meeting	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise annual leave / flexi leave / TOIL	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise annual leave carry over within policy	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A



Authorise special leave – unpaid	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise special leave – paid	✓	✓	✓	✓	✓		HR form/ Letter/Core HR	N/A
Authorise time off/ facilities for Trade Union officials in agreement with the HR Director (internal)	✓	✓	✓	✓	✓		N/A	N/A
Notification of leaver to HR	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Termination of agency employee contract	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Disciplinary or capability action up to and including final written warning	✓	✓	✓	✓	✓		HR form/ Letter/Core HR	N/A
Hear appeal against dismissal and other disciplinary action as appropriate	✓	✓	✓				HR form/ Letter/Core HR	N/A
Dismissal	✓	✓	✓				HR form/ Letter/Core HR	N/A
Issuance of at risk and notice of redundancy letters in relation to major restructures and situations where redundancy/TUPE would apply for 20 or more employees	✓	✓	✓				HR form/ Letter/Core HR	N/A
Sign off establishment list changes within financial envelope	✓	✓	✓				HR form/ Letter/Core HR	N/A

Sign off establishment changes within financial envelope / existing budget	✓	✓	✓				HR form/ Letter/Core HR	N/A
Change in designation of a post within the organisation structure without change in grade	✓	✓	✓	✓			HR form/ Letter/Core HR	N/A
Agree settlement/instruct lawyers to defend Employment Tribunal	✓	✓	✓				N/A	N/A
Reporting Industrial injury in compliance with RIDDOR	✓	✓	✓				N/A	N/A
Disclosure and Barring Service / Border agency / HMRC statutory bodies enquiries	✓	✓	✓	✓	✓	✓	N/A	N/A
Consultants: check status and compliance	✓	✓	✓	✓	✓	✓	N/A	N/A
Agency worker deployment including placement of order and recruitment selection	✓	✓	✓	✓	✓	✓	N/A	N/A
Finance and Business Planning – authorise change at end of Finance and Business Planning consultation	Directors (Chief Officers)						Incorporate into business planning report to P&R and Full Council	No
Service restructures - opening of service consultation	Directors (Chief Officers)	✓	✓	✓			N/A	Yes
Service restructures – authorisation (redundancy consultation affecting fewer than 20 officers)	Directors (Chief Officers)	✓	✓	✓			N/A	
TUPE in and out (less than 20 officers)	Directors (Chief Officers)	✓	✓	✓				Yes

Authorise ad hoc Voluntary Redundancy, Compulsory Redundancy, Early Retirement, severance in line with Management Of Change and <100k	Directors (Chief Officers)	✓	✓				HR form/ Letter/ Core HR	N/A
Redundancy and payment authorisation after consultation	Directors (Chief Officers)	✓	✓				N/A	N/A
Write off monies owed by employees	Directors (Chief Officers)	✓					HR form/ Letter/ Core HR	N/A
UK Border Agency - Licence under the Home Office Certificate of Sponsorship Scheme – to take decisions on behalf of the Council as required	Chief Finance Officer /Section 151 Officer	✓					N/A	N/A
Authorisation of payroll – scheduled and adhoc payments	Chief Finance Officer /Section 151 Officer	✓					N/A	N/A
Pensions discretions as defined and agreed by the Pensions Fund Committee	Chief Executiv e  Chief Finance Officer /Section 151 Officer	✓					N/A	N/A

**FINANCE – Subject to Financial Regulations, in the event of dispute, the Financial Regulations take precedence.**

Approve changes to fees and charges within Children's Service annually where the change is broadly in line with inflation	✓					N/A	DPR
<ul style="list-style-type: none"> <li>• Manage the Family Services Delivery Unit within the budget set by the council</li> <li>• Ensure that any expenditure incurred within their service is in accordance with both the purpose and objectives of the services being provided and provides value for money</li> <li>• Ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision</li> <li>• Notify the Section 151 Officer of forecast revenue budget or capital project overspends</li> <li>• Submit proposals to the Section 151 Officer for offsetting any forecast revenue overspend</li> <li>• Notify the Section 151 Officer of all revenue underspend, over-recovery of income or windfall benefits arising within their revenue budgets</li> <li>• Ensure that their capital project managers do not enter into commitments before satisfying</li> </ul>	✓	✓	✓			N/A	N/A

<p>themselves there is sufficient approved budget provision</p> <ul style="list-style-type: none"><li>• Notify the Section 151 Officer of all underspend, over-recovery of income or windfall benefits arising within their revenue and capital budgets</li><li>• Submit accurate forecasts to the finance function in line with the monitoring timetable set out by the finance function</li></ul>								
---	--	--	--	--	--	--	--	--

<ul style="list-style-type: none"><li>• Notify the Section 151 Officer if there is the possibility of expenditure slipping past a funding deadline</li><li>• Explore all feasible options that maximise external funding available to the Council within the Family Services Delivery Unit</li><li>• Provide the Section 151 Officer with details of all bids for external funding within the Family Services Delivery Unit</li><li>• Communicate forecast overspends on approved capital projects to the Section 151 Officer immediately and submit options to the Section 151 Officer for offsetting the forecast overspend</li></ul>	✓	✓	✓	✓				
---	---	---	---	---	--	--	--	--

<ul style="list-style-type: none"> <li>• Advise the Section 151 Officer of all grant and subsidy notifications as soon as they are received</li> <li>• Ensure that all external funding is received from the paying body and, wherever possible, received ahead of the planned expenditure</li> <li>• Ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time</li> <li>• Ensure compliance with all requirements for the audit of external funding where applicable</li> </ul>	✓	✓	✓	✓			N/A	N/A
<p>Ensure all adequate financial controls are in place before entering into a partnership with another organisation that involves pooling some of the Council's budgets. A financial risk assessment must also be prepared and monitored over time</p>	✓	✓	✓				N/A	N/A
<p>Ensure that Family Services Delivery Unit adheres to the timetable and requirements set out by the Section 151 Officer for the closing of accounts, and provide any information and evidence required in relation to this</p>	✓	✓	✓				N/A	N/A
<p>Ensure that staff in Family Services Delivery Unit who use the Procurement Cards adhere to the requirements of the LBB Purchasing Card (PCard) Guide and Terms and Conditions</p>	✓	✓	✓	✓			N/A	N/A

Ensure the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service	✓	✓	✓				N/A	N/A
Notify the Section 151 Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks within Family Services and Delivery Unit	✓	✓					N/A	N/A
Agree financial settlement up to £5,000 where recommended by the Ombudsman or if related to court proceedings and in accordance with legal advice.	✓	✓	✓				N/A	N/A
Decisions and review of joint-funding arrangements	✓	✓	✓	✓			Relevant Panels	
Decisions on complex and exceptional cases	✓	✓	✓				Relevant Panels	
Enter any S75 agreement with Health Partners and monitor arrangements and Agreement and management of S75 agreements	✓	✓	✓					
<b>INFORMATION MANAGEMENT</b>								
Authorisation of final responses and decision on redactions for Freedom of Information (FOI) requests within Family Services Delivery Unit	✓	✓	✓				Statutory requirement to respond within 20 working days	N/A
Approval of responses to Subject Access Requests (SAR) for Family Services	✓	✓	✓	✓			Statutory requirement to respond within 1 month	N/A



Approval of member enquiry responses	✓	✓	✓					
Approval of Complaint responses	✓	✓	✓	✓	✓	✓		
To decide whether a complaint should be referred to an external investigator as a stage 2 complaint (statutory Children Act complaints only)	✓	✓	✓	✓			In discussion with the Complaints Officer	
Business continuity decisions for Family Services and Delivery Unit <ul style="list-style-type: none"> <li>• Strategic</li> <li>• Tactical</li> <li>• Operational</li> </ul>	✓	✓ (strategic)	✓ (strategic)	✓ (operational)		✓ (operational)	Business continuity Lead (tactical)	
Senior Information Risk Officer (SIRO)/Chief Information Officer responsibilities including decisions on the acceptance of information risk	✓	✓	✓				Information Management and Governance Group in consultation with relevant Operational director	
In incidence of data breach authorisation to notify the Information Commissioner's Office (ICO)	✓	✓	✓				Assurance Group lead in discussion with Delivery Unit Information Management and Governance Group and DU Caldicott Guardian	

<p>In incidence of data breach powers to:</p> <ul style="list-style-type: none"> <li>• assess risks</li> <li>• decide on data recovery process</li> <li>• decide on notifying affected parties</li> </ul>	✓	✓	✓	✓	✓	✓	<p>Members of Information Management and Governance Group in discussion with Delivery Unit Caldicott Guardian</p>	
<p>Restricting or unrestricting a record on ICS/EHM</p>	✓	✓	✓	✓				
<p>Application to court regarding reporting restrictions and other related orders</p>	✓	✓	✓				<p>Decision to issue proceedings is delegated to Harrow Council via HB Public Law or to Director of Assurance</p>	

Decision/Power	Executive Director	Directors Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team Manager – Social Care	Agency Decision Maker	Other
<b>FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – SAFEGUARDING</b>						
Making any representations on behalf of the Authority as children's services authority to the Committee exercising the Authority's functions under the Licensing Act 2003 or the Gambling Act 2005 for the purpose of protecting children from harm.	✓	✓	✓			
Exercising all the duties and functions of the Authority as children's services authority. References to legislation are to the Children Act 1989, unless otherwise stated. If legislation is superseded, the delegation will take effect under new legislation, where the power or duty is substantially the same.						
<b>FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – CIN / CP</b>						
To make arrangements for the provision of services and assistance whether in kind or in cash to children in need, their families and others, pursuant to Section 17 of the Act, or direct payment to qualifying persons under Section 17A. (Children Act 1989) subject to the restrictions below	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority		
Decisions to provide <b>ongoing</b> accommodation and subsistence for persons with no recourse to public funds under S.17	✓	✓	✓			

Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team Manager – Social Care	Agency Decision Maker	Other
Decision to initiate S.47 Enquiry	✓	✓	✓	✓		
Recommendation not to proceed to conference following S.47 Enquiry where child protection concerns have been substantiated			✓			
Decision to place on (or remove from) Child Protection Register			✓	✓		Chair of CP Case Conference
Agreement to transfer case responsibility for a child/young person from one local authority to another	✓	✓	✓	✓		
<b>FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – ACCESS TO CARE</b>						
Authorise for a child to be kept in secure accommodation for up to 72 hours (pending an application to court)	✓					
Planned admission to S.20 accommodation	✓	✓	✓			
Emergency admission to S.20 accommodation and s.21 accommodation	✓	✓	✓			

Decision/Power	Executive Director	Directors Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Out of hours emergency admission to accommodation ( non-internal Fostering)	✓	✓	✓			EDT worker
Out of hours emergency admission to accommodation (non-internal Fostering)	✓	✓	✓			Head of Service on out of hours duty cover
To provide services in accordance with co-operation duties under s.27 and to seek recoupment of costs of providing any services	✓					
<b>FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – INITIATION OF LEGAL PROCEEDINGS</b>						
Authorise the institution of legal proceedings for relevant orders under the Children Act 1989 and associated legislation and provide continuing instructions in the proceedings, unless such authorisation is specifically reserved to a more senior officer.	✓	✓	✓			Decision to issue proceedings is delegated to Harrow Council via HB Public Law or to Assistant Chief Executive
Authorise the institution of proceedings to apply for a secure accommodation order under Section 25 of the Act and extension of such orders	✓	✓				Decision to issue proceedings is delegated to Harrow Council via HB Public Law or to Assistant Chief Executive

<b>Decision/Power</b>	<b>Executive Director</b>	<b>Director Children's Social Care</b>	<b>Head of Service – Social Care</b>	<b>Deputy Head of Service / Team manager – Social Care</b>	<b>Agency Decision Maker</b>	<b>Other</b>
Leave for a child in the care of the local authority to live abroad	✓	✓	✓			
Decisions to approve payment of the legal expenses of applicants for a Child Arrangement Order or other Section 8 Orders in respect of children in care to the extent that they are not met by Legal Aid	✓	✓	✓			
<b>FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – DECISIONS FOR CHILDREN IN CARE AND LEAVING CARE</b>						
<b>Restriction – decision to cease to accommodate a child aged 16 or 17 under s.20 Children Act 1989 is reserved to the DCS</b>						
Exercising all the duties and functions of the Authority with regard to looked after children and young people and all other enabling powers (maintenance, advice etc) including making any decisions reasonably necessary for their health and well-being.	✓	✓	✓			
Authorisation of passports for child in care	✓	✓	✓	✓		
Authorisation of travel abroad for child in care	✓	✓	✓			

<b>Decision/Power</b>	<b>Executive Director</b>	<b>Director Children's Social Care</b>	<b>Head of Service – Social Care</b>	<b>Deputy Head of Service / Team manager – Social Care</b>	<b>Agency Decision Maker</b>	<b>Other</b>
Consent to termination of pregnancy for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓				
Consent to HIV Testing for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓	✓	✓		
Consent to surgical operation for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓	✓			
Acceptance of criminal injury compensation awards for children in care	✓	✓	✓			
Authorisation for DBS check (relatives)	✓	✓	✓	✓		

Decision/Power	Executive Director	Directors Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Decisions to give consent to the marriage of a young person in care	✓	✓				
Day to day operational decisions for LAC, including applications for school places, where not specifically covered elsewhere in this scheme of delegation	✓	✓	✓	✓		
<b>FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – PLACEMENTS</b>						
<b>Restriction: Distant placement decisions (placements not in Borough or neighbouring Borough, unless within exceptions set out in Regulations) are reserved to the DCS.</b>						
Placement with parents agreement (planned and emergency)	✓	✓	✓			
Planned change in Care Placement	✓	✓	✓			Virtual School Head and IRO comment essential
Change in school without a change of placement	✓	✓	✓			Virtual School Head comment essential
Emergency change in Care Placement	✓	✓	✓			
Permanent exclusion from Council's children's residential setting	✓	✓	✓			
Agreement to a young person remanded to local authority care being placed at home or with friends	✓	✓				



## Adoption and Permanence

Exercising all the powers and functions of the Authority under the Adoption and Children Act 2002 and all other enabling powers:

- a) in relation to the Adoption Service;
- b) as an adoption agency; and
- c) generally.

Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Authorisation for DBS check of prospective adopters (and foster carers?)	✓	✓	✓	✓		
Approval (and de-registration) of adopters					✓	
Decision to present adoptive parent application to Adoption and Fostering Panel	✓	✓	✓	✓		Agency Advisor
Decision to present Child Permanence Report to Adoption and Fostering Panel	✓	✓	✓	✓		Agency Advisor
Clearance of adoption/permanency applications where offences are identified on DBS checks	✓	✓				
Decision that adoption is in the best interest of the child					✓	
Decision that Special Guardianship Order is in the best interest of the child		✓	✓			

Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Decision that long-term fostering is in the best interest of the child					✓	
<b>Fostering</b> Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers. Approving loans or other financial assistance under Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.						
Approval (and de-registration) of foster carers					✓	
Approval of Foster Carer Reviews (Year 1 and where circumstances have changed and approval varied )					✓	
Approval of Foster Carer Reviews (not required to be presented to Fostering Panel)	✓	✓	✓			
Supporting foster carers' application for a Special Guardianship Order	✓	✓	✓			
Authorisation of a Special Guardianship or Adoption Support Package	✓	✓				
Decision to present foster carer application to Fostering Panel	✓	✓	✓	✓		Agency Advisor

<b>Decision/Power</b>	<b>Strategic Director</b>	<b>Director Children's Social Care Social Care</b>	<b>Head of Service – Social Care</b>	<b>Deputy Head of Service / Team manager – Social Care</b>	<b>Agency Decision Maker</b>	<b>Other</b>
Decision to authorise placements under Reg 24 of the Foster Service Regulations	✓	✓	✓			
Clearance of foster carer applications where offences are identified on DBS checks	✓	✓				
<b>FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – EARLY YEARS</b>						
Exercising all the duties and functions of the Authority with regard to early years provision	✓	✓				May require approval from members
<b>FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – YOUTH OFFENDING</b>						
Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17	✓	✓	✓	✓		
Assessing a young person and arranging for him/her to participate in a rehabilitation programme if appropriate	✓	✓	✓	✓		

This scheme of authorisation relates to the delivery of education services and sets out arrangements for the delegation of powers by the Executive Director, Children's Services to Council employees, including employees employed under joint employment contracts with Cambridge Education. For the avoidance of doubt, this scheme of delegation relates to statutory functions which are retained by the Council and any delegation to a joint employee relates to their employment with the Council, as opposed to with Cambridge Education. Any functions that have been contracted out to Cambridge Education will be exercised in accordance with its scheme of delegation and exercised in accordance with the services contract.

## **Context for Education and Skills**

The aim of the Education and Skills service is to ensure that excellent school standards result in all children achieving their best, being safe and happy and able to progress to become successful adults. In December 2016, it was approved for the Council to enter into a strategic partnering arrangement with Mott MacDonald Ltd trading as Cambridge Education for the future delivery of Education and Skills services in Barnet. The contract commenced on 1 April 2016.

A number of statutory functions in relation to education matters are capable of being contracted out to a third party. For functions that are not capable of being contracted out, it is appropriate for the Council to retain responsibility for ensuring compliance with these functions, even when a third party assists in delivery of the services.

In addition to contracting out functions, a number of employees will be employed under a joint employment contract, meaning that they will have an employment contract with the Council and Cambridge Education. These employees will have delegated authority from the Council to exercise a number of statutory functions, including making decision to prosecute for education welfare offences, making decisions in relation to child performance licences and making decisions in relation to Education, Health and Care plans. The Director of Children's Services will be responsible for ensuring that these staff are properly supervised and supported by the Council when exercising statutory functions.

The post of virtual head will remain a council employee, as a statutory role. This officer will work closely with Cambridge Education staff, in order to ensure the effective working of the virtual school.

## **General Powers Delegated to Education and Skills Service.**

Council employees must exercise powers in accordance with the Council's Constitution and in accordance with Council policy

### **Notes in relation to this scheme of authorisation**

- The Executive Director for Children's Services and Young People is also the council's Director of Children's Services. This post is a Chief Officer post.
- The Virtual Headteacher is a statutory post and required to be directly employed by the council.
- As part of the contract for the delivery of education services from Cambridge Education, there are a number of joint employment posts. As set out in the contract, HR matters in relation to these posts will be led by Cambridge Education in consultation, where required, with the council.
- The arrangements for the exercising of functions and responsibilities in relation to the strategic partnership with Cambridge Education are contained in the contract and in particular, are referenced in:
  - Schedule 4.1 - Protocol on accountability relationship between Cambridge Education and the Director of Children's Services in respect of the statutory functions of the DCS
  - Joint Employment Contract – TUPE staff
  - Joint Employment Contract – New staff Staff Guidebook
  - Joint Employment Contracts – Addendum to Contract
  - Draft Protocol for management of Virtual Headteacher
  - Draft Protocol for Management of staff on joint employment contracts
  - List of Statutory Duties for EWS Staff
  - List of Statutory duties for SEN Staff

## What is covered by this scheme of authorisation

This Education and Skills scheme of authorisation provides for

Section A: Authorisation arrangements in relation to general education and skills functions

Section B: Authorisation arrangements in relation to the post of the virtual headteacher

Section C: Authorisation arrangements in relation to statutory functions to be exercised by joint employees with Cambridge Education

Section D: Financial authority levels

<b>Section A: Arrangements in relation to general education and skills functions</b>					
	Officer with Delegated Authority (to lowest relevant level)			Recording of Delegated Powers	
Decision/Power	LBB		Joint Employee	Other requirements	DPR/COD
	Chief Officer (DCS)	Assistant Director Education, Strategy & Partnership			
<b>Curriculum and Standards</b>					
Decision to exercise formal intervention powers in relation to maintained schools causing concern.	✓	in absence of DCS			
<b>School Governance and Staffing</b>					
Decision to exercise human resources, personnel or staffing functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies.	✓	in absence of DCS			

Recommend appointments to the Standing Advisory Council for Religious Education.	✓	in absence of DCS		C&GP Committee	
Decision to make written representation within 14 days to a voluntary aided or foundation school Governing Body if an applicant (headteacher) is deemed not suitable for appointment by the LA.	✓	in absence of DCS			
Decision to fix the academic calendar for community schools including school terms and holidays.	✓	in absence of DCS			
Agree to meet the redundancy cost for maintained school staff and/or one-off costs associated with retirement for maintained school staff	✓	in absence of DCS			
<b>School Attendance and Discipline</b>					
Exercise the Authority's reserve powers under the School Standards and Framework Act 1998 to prevent a breakdown of discipline in schools.	✓	in absence of DCS			
<b>Admissions</b>					
<p>Make arrangements for school admissions to enable a parent of a child to express a preference for a school when making an admission application and duty to provide advice and assistance to parents.</p> <p>This duty has been contracted out to Cambridge Education, who will exercise it in accordance with the services contract. If for</p>	✓	✓			

any reason, the Council need to exercise this function, in the event of failure of the contractor to do so, this delegation will apply.					
Approve making a direction for a child to attend a maintained school	✓	✓			
Agree changes to the admissions numbers for schools where the LA is the admission authority, including temporary changes to planned admission numbers.	✓	✓			
Agree admissions arrangements for local authority maintained schools	✓	in absence of DCS			✓
Decide to refer an admission arrangement to the Schools Adjudicator as required.	✓	✓			
Power to direct schools to admit looked after children.	✓	✓			
<b>School Funding</b>					
In consultation with schools and Schools Forum, to determine each school's budget share through the development and implementation of a local Fair Funding Formula, subject to any statutory and constitutional requirements.	✓	in absence of DCS			
Approve agenda and reports for the schools forum	✓	✓			
Authorise the implementation of the pay discretions for schoolteachers in accordance with the local authority's schoolteachers Pay Policy.	✓	in absence of DCS			



## Capital Strategy and School Premises

Approve priorities for the capital spend on the school estate in relation to the modernisation programme	✓	✓		Education Capital Board	✓ DPR may be required or need to be included in Children, Education and Safeguarding (CES) Committee Report
Approve the prioritisation of capital investment in new school places or new provision on the school estate	✓	✓		Consult the School Organisation and Place Planning Board Education Capital Board	Annual strategy to CES Committee, quarterly reporting as part of council's capital programme
Approve in-year changes to the capital investment programme in new school places, within the overall prioritisation of the new school places capital programme	✓	✓		Consult the School Organisation and Place Planning Board Education Capital Board	
Authorise the removal of a person from premises and to instruct HBPL to institute legal proceedings against an individual who is unlawfully present of educational premises and who is causing or permitting a nuisance or disturbance on said property.	✓	✓			

### School Organisation

Approve the publication of a statutory notice of any proposal for the change of character, closure, opening or expansion of a maintained school	✓	✓		School Organisation and Place Planning Board	
Determine/approve the proposal for the change of character, closure, opening or expansion of a maintained school	✓	in absence of DCS		School Organisation and Place Planning Board	Director DPR or Committee Decision may be required if significant objections

### Statutory and Regulatory Duties and Powers

Decision to submit plans/bids for funding to the DfE or other Government Directorates as required, following appropriate consultation.	✓	✓			
--	---	---	--	--	--

## Section B: Arrangements for the delegated powers in relation to the virtual headteacher

There is a statutory requirement for the Virtual Headteacher to be directly employed by the local authority. Although the Virtual Headteacher will be employed by the council, the officer is regarded as belonging to Education and Skills, and responsible for contributing to the successful delivery of the services for which Cambridge Education is responsible

Decision/Power	Officer with Delegated Authority (to lowest relevant level)			Recording of Decisions	
	LBB				
	Chief Officer Director (DCS)	Assistant Director Education, Strategy & Partnership	Virtual headteacher	Other requirements	DPR/COD
Agree arrangements to promote education of looked after children.	✓	✓	✓	N/A	N/A
Agree Personal Education Plan	✓	✓	✓	N/A	N/A

## Section C: Arrangements for the delegated powers of joint employment posts

The following functions are the responsibility of the local authority as they cannot be contracted out and are delegated by the council to staff on joint employment contracts

Decision/Power	Officer with Delegated Authority (to lowest relevant level)					Recording of Delegated Powers	
	Assistant Director, SEND and Inclusion	Head of SEN Assessment and Placements	Senior SEN Casework Manager (when deputising for the Head of SEN Assessment and Placements)	Licensing and Placements Officer	Education Welfare Officers/ Court Officers	Other requirements	DPR/COD
<b>SEND and Inclusion</b>							
Making arrangements for the transport of pupils and students to school or college. Making determinations on eligibility of pupils or students to use home to school transport.	✓	✓	✓				N/A
Deciding of appeals against determinations on eligibility of pupils or students to use home to school transport. Appeals will be heard by a more senior officer than the original decision maker	✓	✓					N/A
Authorising payment of claims for recoupment by another local education authority in respect of the provision of education to a Barnet pupil of compulsory school age with special educational needs or "looked after" by that authority, and decisions on recoupment of costs incurred in providing education to persons from another local authority area.	✓	✓					N/A
Authorising in exceptional cases variations from approved scales of fees, charges or allowances	✓						N/A

To instruct HBPL to respond to appeals made in relation to Education, Health and Care Plans by parents to the Special Educational Needs Tribunal, or, with HBPL's agreement, to respond directly or to engage a suitably qualified professional to respond to such appeals on the council's behalf.	✓	✓	✓				<b>N/A</b>
To authorise assessments and determine appropriate provision for children with Special Educational Needs.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
To authorise funding for placements of children in non-maintained schools, subject to cost.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
Authorising students to receive education at an educational institution maintained by another local education authority.	✓	✓	✓				<b>N/A</b>
To decide whether to initiate an EHC assessment.	✓	✓	✓				<b>N/A</b>
To decide whether to issue an EHC Plan.	✓	✓	✓				<b>N/A</b>
To make decisions on the content of EHC Plans, including placement.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
Following Annual Reviews and assessment, decide on whether to amend and what the amendments are for a Statement and/or EHC Plan.	✓	✓	✓				<b>N/A</b>

Decide whether to cease to maintain an EHC Plan or Statement.	✓	✓	✓				<b>N/A</b>
Decide whether an EHC Plan should continue for the year during which a person attains the age of 25.	✓	✓ when deputising for AD SEND and Inclusion					<b>N/A</b>
Make decisions on whether to defend Tribunal appeals.	✓	✓ when deputising for AD SEND and Inclusion					<b>N/A</b>
Decide and give instructions on settlement options (for Tribunal cases).	✓	✓ (up to an agreed financial limit)					<b>N/A</b>
Make decisions on whether to make provision otherwise than in schools.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
Make decisions on whether to fund payment of fees.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
To authorise post-16 educational or training placements.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				<b>N/A</b>
Decisions to recoup from schools all or part of the costs incurred in providing education to a permanently excluded pupil.	✓	✓					<b>N/A</b>

## Education Welfare

To consider, refuse, grant, vary and revoke licences in respect of child employment and children taking part in entertainment, including approval of child chaperones.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Instituting proceedings for offences in relation to education welfare and child employment and performance related offences.				✓	✓ (when deputising for the Licensing and Placements Officer)	Subject to written agreement from the Head of Legal, HBPL.	
Power of entry by authorised officer of LA.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Making application for warrant to enter premises.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Duties to ensure and be satisfied of certain matters.				✓	✓ (when deputising for the Licensing		N/A

					and Placements Officer)		
Duty to approve places of residence and performance and rehearsal.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Making decisions, in consultation with the Education Welfare Team Manager, to prosecute parents/carers of children in relation to their failure to ensure their child/children attend school.					✓	Subject to written agreement from the Head of Legal, HBPL.	

## Section D: Financial authority levels

The Council's Contract Procedure Rules can be found on [www.barnet.gov.uk](http://www.barnet.gov.uk). Any procurement activity must comply with the law and the council's Contract Procedure Rules. In relation to arrangements in relation to children with special educational needs, Paragraph 8.8 of the council's contract procedure rules states:

*'For non-procurement activity that results in a contractual obligation for social care placements and special educational needs (SEN) where the decision has been made on the council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework is contained within the Responsibility for Functions as set out in the Constitution.'*



Decision/Power	Officer with Delegated Authority (to lowest relevant level)					Recording of Delegated Powers	
	Chief Officer Tier 1	Operational Director Tier 2	Head of Service Tier 3	Service Manager Tier 4	Team Manager Tier 5	Other requirements	Recording of Decisions
<b>Procurement</b> Subject to Contract Procedure Rules as set out in Barnet Council's Constitution, in the event of dispute, the Contract Procedure Rules take precedent							
Authorisation and Acceptance of procurement Under £10,000 (purchase order)	✓	✓	✓				Audit Trail

Variation or Extention Acceptance and Documentation Under £10,000	✓	✓	✓			Must move to next threshold if £10,000 or above	Audit Trail
Acceptance process £10,000 - £50,000	✓	✓	✓				Audit Trail or Procurement Forward Plan
Variation or extension Acceptance for contract value £10,000 - £50,000	✓	✓	✓			Must move to next threshold if above £50,000	Chief Officer List of Decisions
Authorisation to commence a procurement process £50,001 - £181,301	✓	✓					Chief Officer List of Decisions

Acceptance process £50,001 - £181,301	✓	✓				N/A	Chief Officer List of Decisions
Variation or extension Acceptance for contract value £50,001 - £181,301	✓	✓				N/A	Chief Officer List of Decisions
Authorisation to commence a procurement process £181,302 - £500,000	✓ (In Consultation with Committee Chairman)	N/A	N/A	N/A	N/A		DPR
Acceptance process over £181, 302 - £500,000	✓ (In Consultation with Committee Chairman)						DPR
Variation or extension Acceptance for contract value £181, 302 - £500,000)	N/A	N/A	N/A	N/A	N/A	If within budget – relevant theme committee	Committee Report
Sign off of single source tender action  *Single Tender Actions are only allowed in certain circumstanced – see the Contract Procedure Rules for more details	✓* A single tender action or commitment is not allowed unless it is in compliance with the					Audit trail of value for money review undertaken by authorising officer	In accordance with standard contract procedure rules depending on the value of the contract

	Law and approved in advance by the Director of Commercial Services.						
--	---	--	--	--	--	--	--

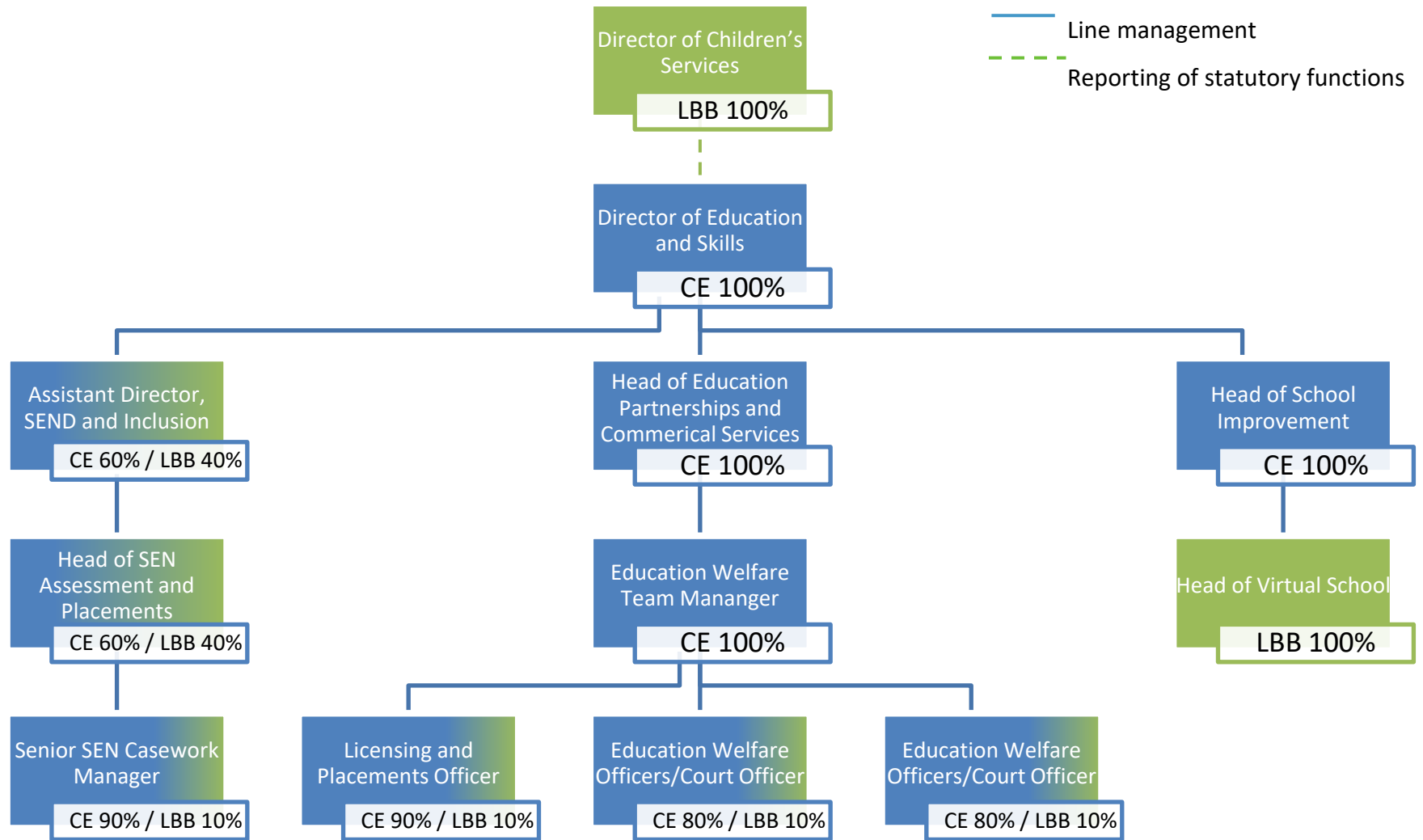
Tier 1:  
Strategic Director

Tier 2:  
Assistant Director, SEND and Inclusion

Tier 3  
Strategic Lead, Education and Learning

Tier 4:  
Head of SEN Assessment and Placements  
Virtual Headteacher

## Appendix 1: Organisational structure reflecting joint employment posts and reporting of statutory functions in Education and Skills



## LB Barnet Scheme of Financial Delegation - Family Services

Role	Purchasing		Debt	Reserve transfers**	
	Authorise supplies and services Orders and Invoices	Purchase cards	Bad debt write off	Transfer to Reserves	Transfer from reserves
Committee approval	Approval in accordance with the constitution	New purchase cards MUST be approved by a head of service or above. The following limits apply: Head of Service can sign off new cards with a monthly limit up to £2,500.	As per annual R&P then Council	£250,000+	£250,000+
Chief Executive AND Deputy Chief Executive/S151 Officer	Over £10,000,000				
Director of Finance (S151)	£5,000,000	Directors can sign off monthly card limit of £5,000.		£250,000	£250,000
Director/Strategic Director AND another Chief Officer	£1,000,001 to £9,999,999				
Executive Director	£1,000,000	Any cards requiring a monthly limit over that must be signed off by the S151 officer			
Delivery director/Divisional Directors	£500,000				
Heads of Service/Clinical leads	£181,302				
Team Manager—See chart below/Appendix 3	£2,000 to £6,000				

\* Emergency payments made must be reported to the next Committee meeting

\*\* Includes transfers to and from central contingency

\*\*\* Director of Finance and Chief Officers can approve virements between service areas up to £250,000 but it must be reported to the next Policy and Resources committee

\*\*\*\* Capital virements are approved by Policy and Resources committee. Funding substitutions are approved by the Director of Finance

**FAMILY SERVICES FINANCIAL AUTHORITY LEVELS Team managers & exceptional authority (Controcc)**

Level	Authorising spend via Integra or LCS
Up to £2k	Team Manager † (tier 4)
Up to £2k	Team Manager– MASH, Duty and Assessment, Intervention and Planning
Up to £2k	Team Manager– Intervention and Planning, Children in Care†
Up to £6k	Team Manager - MASH, Duty and Assessment, Intervention and Planning
Up to £6k	Team Manager– Intervention and Planning, Children In Care
Up to £6k	Team manager - 0-25 services Team Manager– Onwards & Upwards†

\* Exceptional authority applies where budget managers can authorise expenditure outside of the cost centres they normally manage

**Virements as per Financial Regulations - extract**

Virements for allocation from contingency for amounts up to and including £250,000 must be approved by the Chief Finance Officer

Virements for allocation from contingency for amounts over £250,000 must be approved by Policy and Resources Committee

Virements within a service that do not alter the approved bottom line are approved by the Service Director

Virements between services (excluding contingency allocations) up to and including a value of £50,000 must be approved by the relevant Chief Officers

Virements between services (excluding contingency allocations) over £50,000 and up to and including £250,000 must be approved by the relevant Chief Officer and Chief Finance Officer in consultation with the Chairman of the Policy and Resources Committee and reported to the next meeting of the Policy and Resources Committee

Virements between services (excluding contingency allocations) over £250,000 must be approved by Policy and Resources Committee.

No revenue virement is allowed between the following budgets without approval of the Policy and Resource Committee;

- Financing charges,
- Rates and other taxes,
- Recharges and Insurances.

Amendments to the capital budget can only be made with approval as per the table below:

#### Capital Virements

Policy & Resources Committee approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between approved capital programmes i.e. as per the budget book. The report must show the proposed:

- i) Budget transfers between projects and by year;
- ii) Funding transfers between projects and by year; and
- iii) A summary based on a template approved by the Chief Finance Officer

Policy and Resources Committee approval is required for all capital additions to the capital programme. Capital additions should also be included in the quarterly budget monitoring report to Performance and Contract Management Committee for noting.

Funding substitutions in order to maximise funding are the responsibility of the Chief Finance Officer.



## LB Barnet Scheme of Financial Authorisation - Cambridge Education

The authority to perform Council functions, including spending public monies, flows from the Cambridge Education contract .

This scheme of financial authorisation is in line with the Education and Skills Services Agreement between the Council and Mott Macdonald Ltd, including Service Specifications.

	<b>Purchasing</b>
Role	Authorise supplies and services Orders and Invoices
Committee approval	Approval in accordance with the constitution
Chief Executive AND Deputy Chief Executive/S151 Officer	Over £10,000,000
Director of Finance (S151)	£5,000,000
Strategic Director/Deputy CE AND another Chief Officer	£1,000,001 to £9,999,999
Strategic Director	£1,000,000
Education and skills Director	£1,000,000
Assistant Director - Schools Access and Corporate Services	£500,000
Strategic Lead/Head of Service	£181,302
Team manager, project manager, senior business resource manager, Passenger Transport Co-ordinator, Head of Specialist and Inclusion Services	£25,000