

Directorate scheme of delegation

Directorate: Children and Families (Amended 16 May 2024)

Safeguarding and Family Support Division

	What the function/power is¹	Who may carry it out²	Any constraints/comments³	Decision (E/C/O⁴)
1.	Decision to accommodate a child S20 Childrens Act 1989	Chair of Alternatives to Care Panel	<p>The Alternatives to Care Panel will determine whether a child can become looked after.</p> <p>Each responsible Head of Service will respond to emergency requests outside of panel meetings and in these circumstances the case will be referred to the next available Alternatives to Care Panel.</p> <p>Decision to authorise a search prior to decision to place rests with Head of Service (LAC) however the Social Worker/Childrens social worker manager must have discussed the request with the responsible Head of service first.</p>	
2.	Approval to apply for Emergency Protection Order under Section 44 of the Children Act 1989	Responsible Head of service	The Head of Service will confirm legal advice on evidential quality and necessity for such an application. The case must be referred to the next available Alternatives to Care Panel retrospectively.	
3.	Decision to Instigate Care Proceedings under S31 Children’s Act 1989	Chair of Alternatives to Care Panel	Following prior authorisation from Childrens social work manager and responsible Head of service and with all correct documentation made available to Panel. Agreement to instigate proceedings does not mean that the	

¹ Say what the activity is that is being delegated and the source of the power e.g. decision to instigate care proceedings under s 31 of the Childrens Act 1989

² Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

³ Include any specific conditions or constraints which apply to the delegation e.g. requirement to first consult with xxx

⁴ Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activity); O = operational

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			decision to accommodate has also been made. Proceedings can lead to accommodation but can also have other outcomes.	
4.	Decision to instigate public law outline processes under the Public Law Outline (2014) and the Children and Families Act 2014	Chair of Alternatives to Care Panel	Following prior authorisation from the Childrens social work manager and responsible Head of service and with all correct documentation made available to Panel.	
5.	Approval of Initial Care Plans in Care Proceedings and Care Plan Amendments	Responsible Head of service	All Care Plans must be authorised with a signature by the Social worker, Childrens social work manager and responsible Head of service.	
6.	Approval of Final Care Plans	Responsible Head of service	All Care Plans must be endorsed by the relevant Independent Reviewing officer at a LAC review prior to Head of service approval.	
7.	Ratification of Looked After Review recommendations	Childrens social work manager	All Care Plans and proposed changes to Care Plans must be endorsed by an Independent Reviewing Officer at a LAC Review. Childrens social work managers must ratify LAC Review recommendations within 5 working days. If no objections are received in 5 working days their agreement will be assumed.	
8.	Approval for Looked after Child subject to Care Order to be placed with parents.	Assistant director safeguarding and family support; Director for children and families	Following completion of Placement with Parents Assessment then plan should be discussed and agreed at a LAC Review with the approval of the Independent reviewing officer and approved by the responsible Head of service prior to Assistant director approval.	

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			The placement should be part of a plan to revoke the care order.	
9.	Approval for overnight stays of Looked after Child at with the child's friends	Foster Carer	Delegated authority should permit pragmatic decision making by carers.	
10.	Approval for Looked after Child to have : <ul style="list-style-type: none"> • Routine medical • Emergency treatment • Surgery (local or general anaesthetic) 	<p><u>Routine medical</u> Foster carer can give consent to routine medical treatment (delegated by the authority). Consent from parents and other holders of PR to routine medical treatment should have been sought in the placement plan</p> <p><u>Non-routine medical treatment</u> Consent should be given by the responsible children's social work manager.</p> <p>IN ADDITION TO THIS:- For non-routine medical treatment and for those interventions that fall outside of the scope of the consent given in the placement plan, consent should always ALSO be obtained from parents and other holders of PR. If there is disagreement (and consent is not given) you need to contact legal as there needs to be a decision made about whether the local authority is able to make the decision which goes against the other holders' of</p>	<p>Please contact the legal department if there are any queries regarding consent and who needs to give consent for a LAC children and medical treatments and interventions.</p> <p>(Please also see the Council's guidance note for Medical intervention for LAC Children protocol)</p>	

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		<p>PR's views (these are decisions that fall within the scope of s33 Children Act 1989).</p> <p><u>Emergency treatment and surgery</u> Consent should be given by the responsible children's social work manager for emergency treatment and the Head of Service if surgery.</p> <p>IN ADDITION TO THIS:- For emergency treatment and surgery, consent should ALSO always be obtained from parents and other holders of PR. If there is disagreement (and consent is not given) or there is a question over the ability to give informed consent then please contact legal as an application to the High Court may be required.</p>		
11.	Decision to withhold or withdraw life preserving medical treatment	<p>Director for children and families in consultation with treating physician and parents; in absence of Director the Assistant director safeguarding and family support.</p> <p>IN ADDITION TO THIS:- For end of life decisions, consent should always ALSO be obtained from parents and other holders of PR. If there is disagreement between the local authority and</p>	<p>Please contact the legal department if there are any queries regarding consent and who needs to give consent for end of life decisions.</p> <p>(Please also see the Council's guidance note for decision to withhold or withdraw life preserving treatment for LAC Children protocol)</p>	

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		holders of PR (and consent is not given) or there is a question over the ability of parents/carers to give informed consent then please contact legal as an application to the High Court may be required.		
12.	Approval of enhancements to foster placement costs for: <ul style="list-style-type: none"> • Holiday payments • Additional Needs/Interest • Clothing Grant 	Child's Childrens social work manager or Fostering Childrens social work manager depending on relevant budget.	The additional needs should be discussed between child's Social worker and Fostering Social worker and identified explicitly in writing.	
13.	Looked after Child taking part in group social or sporting activities	Foster Carer	Delegated Authority is designed to address this. Parental consent to be obtained wherever possible / appropriate. Activities should be included in LAC Care Plan and discussed at LAC reviews.	
14.	Looked after Child taking part in activities with an element of risk eg climbing/skiing	Children's social work manager	Parental consent to be obtained wherever possible / appropriate. Risk Assessment to be undertaken in advance by the child's Social Worker.	
15.	Looked after Child going on holiday: <ul style="list-style-type: none"> • In UK • Abroad • Passport applications 	In the UK: Foster Carer / Childrens social work manager Abroad and Passport applications: Childrens social work manager	Parental consent must be obtained if s20. Parental consent to be obtained wherever possible / appropriate for all other Looked after Children. In many instances a child's foster carer will have the delegated authority to decide on holidays in the UK. These plans should be discussed with the child's Social Worker. If the authority has not been delegated to the foster carer, or if the young person is not in a foster placement, decision rests with Childrens social work manager.	

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16.	Looked after Child changing appearance eg ear piercing	Childrens social work manager	Parental consent to be obtained wherever possible / appropriate. To be discussed with Independent reviewing officer beforehand.	
17.	Application to court for a Looked after Child to change their name	Responsible Head of Service	Consent of Head of Service with Parental Responsibility to be obtained where possible/appropriate (except adoption). To be discussed with Independent reviewing officer beforehand.	
18.	Looked after Child obtaining contraceptive advice or provision	Foster Carer/Childrens social work manager	Parental consent to be obtained wherever possible / appropriate taken into account the child's wishes. Foster carer if specifically referred to within delegated authority, otherwise Childrens social work manager.	
19.	Application for Looked after Child to be placed in secure accommodation	Assistant director safeguarding and family support/ Director for children and families (DCS)	The criteria are explicit and the report to the Assistant director will provide evidence to support the application. Director for children and families (DCS) is able to authorise without a secure order for up to 72 hours. If child is aged under 13 years approval must be given by a Minister of State.	
20.	Approval of Section 34 contact expenses	Childrens social work manager	On presentation of written request with clear evidence including means test.	
21.	Funding of residential placements where more than one agency cannot meet the needs of the young person	Chair of Complex Needs Funding (CNF) Panel	Via CNF. CNF guidance must be followed.	
22.	Decision to end looked after child episode (s20)	Child under 16: Head of service Looked after children; 16-17:	Following agreement by the Independent reviewing officer at a LAC Review. Approval should scrutinise the decision making	

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		Assistant director safeguarding and family support	including identified ongoing needs of the child / family and how these will be met.	
RESIDENTIAL, FOSTER CARE AND ADOPTION				
23.	Approval of new Foster Carers	Fostering Panel recommendation to Agency decision maker	Assessments undertaken by Fostering Social worker, approval recommended by Childrens social work manager. Agency decision maker for Fostering is Head of service looked after children.	
24.	Temporary approval of Carers on receipt of appropriate written information (Reg. 24)	Fostering Agency decision maker	Viability assessment undertaken by Fostering Social worker, approval recommended by Childrens social work manager. Responsible Head of service must recommend approval. Agency decision maker for Fostering is Head of service looked after children.	
25.	Agreement to exceed Fostering approval limits	Fostering Panel recommendation to Fostering Agency decision maker Director for Children and Families	Via Fostering Childrens social work manager recommendation. Includes Independent fostering agencies within local authority area. <u>The Adoption and Children (Coronavirus) (Amendment) Regulations 2020</u> gives the ability as a local authority to exercise our discretion and allow Reg 24 temporary approval to be extended from the usual 16 weeks plus a further 8 weeks, to 24 weeks plus a further 8 weeks.	
26.	Search for Independent Fostering Agencies and Residential Providers	Head of service looked after children	On recommendation of Placements team following internal search.	

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			Any Head of Service can authorise in an emergency if Head of Service Looked after children is not available. Must be approved by Director for children and families (DCS) if placement is not in a neighbouring local authority.	
27.	Re-approval of Foster Carers	Fostering Agency decision maker	Home reviews carried out by fostering social workers. Must be reviewed at panel if: 1 st review; after an allegation or complaint; following a significant change in circumstances; any other circumstances at the discretion of the local authority.	
28.	Approval of plan for child to be adopted	Adoption Agency Decision Maker	Following recommendation of LAC Review and completion of Child Permanence Report. Agency decision maker for Adoption is the Assistant director safeguarding and family support.	
29.	Approval of matching child with prospective adopters	Adoption Panel recommendation to Adoption Agency decision maker	Following presentation of relevant paperwork from child's Social worker and prospective adopter's Social worker (Adoption Central England) to Adoption Panel.	
30.	Foster to Adopt placements	Responsible Head of Service / Fostering Agency decision maker	Decision that foster to adopt should be the child's care plan is the decision of each responsible Head of Service. Temporary approval of prospective adopters as foster carers (Reg. 22) must be sought from the Fostering Agency decision maker.	
31.	Approval of Adoption Allowances and review of Adoption Allowances	Head of Service Looked after children	Via recommendation of child's social worker	
32.	Special Guardianship Allowances in excess of Special Guardianship Financial Policy	Assistant director safeguarding and family support	Via recommendation of Children's social work manager for the child in consultation with Fostering Children's social work manager.	

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			Clear evidence must be provided re exceptional circumstances. Special Guardianship Allowances within the remit of the financial policy should be set out in the Special Guardianship Order support plan and approved by the Fostering Childrens social work manager.	
33.	Formal respite care with foster carers friends or relatives	Childrens social work manager	For all types of placements patterns of overnight stays should be monitored to ensure they do not become a regular respite arrangement by default. If an arrangement becomes part of the Care Plan then a formal assessment of the respite carers should take place. The respite carers should then become subject to review and monitoring as for any approved foster carer.	
34.	Approval of short break packages for children with disabilities under the Chronically Sick and Disabled Act 1970	Head of additional needs (responsible for Children and Disabilities team); Assistant Director Education development and skills; Director for Children and Families	For short breaks to provide respite for parents/carers and to enable moves towards independence for children and young people with disabilities.	
INFORMATION SHARING				
35.	Subject Access Requests	Childrens social work manager	To be completed by Information Access Team on formal request from Children social work manager. Withheld material agreed with Childrens social worker manager responsible for the case.	
36.	Disclosure of information to other agencies not for safeguarding purposes (e.g. to assist in criminal investigation)	Childrens social work manager	Childrens social work manager contacts Information Governance Team.	

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			On receipt of Legal advice refer to Head of service if child welfare implications.	

Education Skills and Development / Commissioning

37.	To address the significant degree of educational underachievement of looked after children compared to all children; as defined under the Children Act 1989 as amended by section 52 of the Children Act 2004 Section 22(3)a.	Director for children and families; Assistant director education development and skills; Head of learning and achievement; Virtual head teacher	Secondary - Section 22(3)a of the Children Act 1989 placed a duty on local authorities to safeguard and promote the welfare of a child looked after by them. Section 52 of the Children Act 2004 amended that to include a particular duty on local authorities to promote their educational achievement.	
38.	For local authorities to be responsible for securing that sufficient education is available to meet the needs of the population in their area under the Education Act (EA) 1996 Section 13A.	Director for children and families; Assistant director education development and skills; Interim education and capital manager	Section 13A added by Section 5 of the School Standards and Framework Act (SSFA) 1998 – to ensure that in exercising education and training general functions (e.g. section 13 EA 1996) local authorities promote high standards of education and ensure fair access to education. Section 13A was inserted by Section 1 of Education and Inspections Act (EIA) 2006 – duty to promote high standards and the fulfilment of potential. – Amended by Para 3, Schedule 2 of Apprenticeship, Skills, Children and Learning Act (ASCL) 2009.	
39.	The Education Act (EA) 1996 Section 14 required all local authorities to be responsible for securing sufficient primary and secondary schools in their area. The survey provides the Department for education (DfE) and Partnership for Schools with data on the number of surplus school places, and the areas of projected shortfall, across England,	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Sufficiency planning and capital investment manager	General duty on local authorities to secure sufficient schools in their area. Section 14 (3A) added by Section 2 of Education and Inspections Act (EIA) 2006 – to secure diversity of provision of schools and increasing opportunities for parental choice. Secondary legislation - The Information as to Provision of Education (England) Regulations 2008	

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	and the actions local authorities are taking to address this.			
40.	Under the Education Act (EA) 1996 Section 14A, added by Section 3 of Education and Inspections Act (EIA) 2006 it requires local authorities reasonably to consider parental representations regarding the provision of schools.	Director for children and families; Assistant director education development and skills; Interim education and capital manager	The local authority must respond accordingly, including outlining any proposed action, or where it is considered action is not needed, to explain the reasons for this.	
41.	Under the Education Act 1996 Section 19 (3A) and (3B). Secondary: Education (Provision of Full-Time Education for Excluded Pupils) England Regulations 2007(SI 2007/1870) introduced measures to make exclusions more effective	Director for children and families; Assistant director education development and skills; Head of additional needs	These measures were introduced to make exclusions a more effective sanction and to reduce the disruption to a child's education caused by exclusion.	
42.	To ensure that funding follows the pupil in the case of an exclusion as required under the Education Act 1996 Section 494. Section 47 of the Schools Standards and Framework Act 1998. Secondary - The School Finance (England) Regulations 2008 (No. 228). The School Finance (England) (Amendment) Regulations 2007 (No. 365). The Education (Amount to Follow Permanently Excluded Pupil) (Amendment) (England) Regulations 2001 (No. 870). Secondary - The School Finance (England) Regulations 2006 (No. 468). The School Finance (England) (Amendment) Regulations 2007 (No. 365).	Director for children and families; Assistant director education development and skills; Head of additional needs	The funding is to be transferred to the admitting school or the local authority's central schools budget (if the pupil is not admitted within a set timescale to another school) to ensure that there is at least some funding available to contribute to the costs incurred by the new provider. The regulations also deal with excluded pupils who are subsequently educated in another local authority. This is intended to ensure that where an excluded pupil is reinstated in the school from where they had been permanently excluded, an appropriate level of funding is reallocated to the school.	
43.	To ensure that children who cannot (for whatever reason) be in mainstream education, continue to receive a suitable education under Education Act 1996 Section 19 and schedule 1	Director for children and families; Assistant director education development and skills; Head of additional needs	Secondary - Enactment regulations apply other areas of education law to Pupil Referral Unit (PRU). (Section 19 has been amended by section 3 of the Children Schools and Families Act 2010). Section 3 of the Children Schools and Families Act 2010 amends section 19 EA 1996 to provide that all children to whom the	

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			section 19 EA 1996 duty applies should receive full time provision (with an exception for medical needs). This provision has not yet been commenced.	
44.	Under the Education Act 1996, schedule 1. Secondary - Education (Pupil Referral Units) (Management Committees etc.) England Regulations 2007. Education (Pupil Exclusions and Appeals) (Pupil Referral Units) England Regulations 2008 there is a requirement for the local authority to establish management committees for every pupil referral unit	Director for children and families; Assistant director education development and skills; Head of additional needs	This is to improve their management of PRUs, by giving them similar responsibilities to governing bodies of mainstream schools.	
45.	Education Act 1996 Section 3A, as amended by Section 3 of the Children and Families Act 2010 imposes a duty that any pupils placed in alternative provision by a local authority receive full-time education unless it is not in the child's interests.	Director for children and families; Assistant director education development and skills; Head of additional needs		
46.	Education Act 1996 Section 447 provides a basis for an Education Supervision Order which can help where parents find it difficult to exercise a proper influence over their child, and where the child has developed a pattern of irregular attendance.	Director for children and families; Assistant director education development and skills; Head of additional needs	It gives the backing of the court to the supervising officer and can help bring home to parents the need to fulfil their responsibilities for their child's education.	
47.	Under Education Act 1996 Section 436A the local authority has the duty to identify children missing education.	Director for children and families; Assistant director education development and skills; Head of additional needs; Head of learning and achievement; Elective home education officer; Family support service manager (E&C) Court manager (ECC)		
48.	Under the Education Act 1996 Section 437 the local authority must ensure that all children get a suitable education	Director for children and families; Assistant director education development and skills; Assistant	.	

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		director safeguarding and family support / Head of additional needs; Elective home education officer Family support service manager (E&C) Court manager (ECC)		
49.	Local authorities have the power and are responsible for ensuring the regulations are enforced for maintained schools as set out in the Education Act 1996. Secondary - The Education (School Premises) Regulations 1999.	Director for children and families; Assistant director education development and skills; Interim education and capital manager	Applies to: All existing and new schools maintained by a local authority in England and Wales.	
50.	Under the Education Act 1996 Section 543. Secondary - The Education (School Premises) Regulations 1999; the local authority need to ensure that schools have a minimum playing field area.	Director for children and families; Assistant director education development and skills;; Interim education and capital manager; Sufficiency planning and capital investment manager		
51.	Keeping arrangements for Special Educational Needs provision under review as defined under the Education Act 1996 Part IV, Chapter 1 (sections 312-332B) and Schedules 26 and 27. Secondary - The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 (SI 2001/3455).	Director for children and families; Assistant director education development and skills; Head of additional needs; Senior special educational needs officer	Identifying and assessing special educational needs, making and reviewing education healthcare plans and a transition plan from age 14. Making arrangements for an advice and information service and a dispute resolution service for parents of children with special educational needs.	
52.	Under the Education Act 1997 section 14 the local authority has a duty to provide sufficient schools for the local area.	Director for children and families; Assistant director education development and skills; Head of additional needs	Local authorities must have particular regard for the need to secure special educational needs provision for pupils with special educational needs.	
53.	Under the School Standards and Framework Act (SSFA) 1998 Section 84 - the School Admissions Code and School Admissions Appeal Code provides a framework to provide fair opportunities to gain places in maintained schools for all children.	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Admissions and transport policy manager	The local authority reviews this framework on a regular basis to ensure that all children are provided with fair opportunities to gain access to maintained schools.	

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54.	School Standards and Framework Act 1998 Section 86(1A) as amended by section 42 of the Education and Inspections Act 2006 sets out the support parents can expect to enable them to decide on a school place and allow them to express a preference for at school.	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Admissions and transport policy manager		
55.	School Standards and Framework Act 1998 Section 88P. School Admissions (Local Authority Reports and Admission Forums) (England) Regulations 2008 sets out the requirement to provide a national picture of admissions issues.	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Admissions and transport policy manager		
56.	To provide local parents with a collated set of admission arrangements for schools in their area as set out under the School Standards and Framework Act 1998 Section 92.	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Admissions and transport policy manager		
57.	To impose a duty on governing bodies for schools that are their own admission authorities and local authorities to act in accordance with any relevant provisions of the Appeals Code under the School Standards and Framework Act 1998. School Admission Appeals Code Section 94.	Director for children and families; Assistant director education development and skills; Interim education and capital manager; Admissions and transport policy manager		
58.	To ensure that local authorities and schools provide Religious Education in accordance with the law under the School Standards and Framework Act 1998 Section 69.	Director for children and families; Assistant director education development and skills; Head of learning and achievement; School improvement adviser		
59.	This duty is designed to ensure that all registered pupils attending a maintained school take part in a daily act of collective worship under the School Standards and Framework Act 1998 Section 70.	Director for children and families; Assistant director education development and skills; Head of learning and achievement	The government believes that the requirement for collective worship in schools encourages pupils to reflect on the concept of belief and the role it plays in the traditions and values of this country. Parents have the	

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			right to withdraw their children from collective worship and sixth-formers have the right to withdraw themselves.	
60.	To ensure the school estate is not subject to decay which could put the health and safety of children at risk under the School Standards and Framework Act 1998 Section 22, as amended by Education Act 2002 and Education and Inspections Act 2006.	Director for children and families; Assistant director education development and skills; Interim education and capital manager		
61.	The Education (Infant Class Sizes) (England) Regulations 1998 sets out the limits of the size of an infant classes (4 to 7 year olds) to 30 pupils per school teacher to improve teaching and learning	Director for children and families; Assistant director education development and skills; Interim education and capital manager		
62.	The School Standards and Framework Act 1998 Section 77 as amended by schedule 4 to the Education and Inspections Act 2006 sets out the responsibility for the Protection of School Playing Fields	Director for children and families; Assistant director education development and skills; Interim education and capital manager		
63.	The School Standards and Framework Act 1998 Sections 45A, 45AA, 47, 47ZA, 47A and 48 and Schedule 14 . Secondary - School Finance (England) Regulations 2008 (as amended), School Finance (England) Regulations 2011 Schools Forums (England) Regulations 2010 set out the provisions for approval of deficits, management of delegated budgets and banking arrangements.	Director for children and families; Assistant director education development and skills		
64.	To ensure young people with a learning difficulty or disability are able to secure appropriate learning provision in the Further Education Sector under the Learning and Skills Act 2000 Section 139A (as amended by Education and Skills Act 2008, Section 80);	Director for children and families; Assistant director education development and skills; Head of additional needs; Post 16 senior adviser	Contract / Agreements can be electronic signed in accordance with the contract procedure rules subject to the individual placement costs remaining below £500k; as this is the delegated authority within the council's finance procedure rules.	

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	Placement Agreements / Contracts for young people aged 16-25 with an EHCP.			
65.	To ensure decent standards in children's homes as set out in the Care Standards Act 2000.	Director for children and families; Assistant director education development and skills; Childrens joint commissioning manager	Includes regulations governing children's homes and secure units (e.g. Children's Homes Regulations 2001).	
66.	The Special Educational Needs (Provision of Information by Local Education Authorities) (England) Regulations 2001 (SI 2001/2218) sets out the information the local authority is required to have in relation to the Special Educational Needs policies and the arrangements and activities in carrying them out.	Director for children and families; Assistant director education development and skills; Head of additional needs		
67.	The Education (Special Educational Needs) (City Colleges) (England) Regulations 2002 (SI 2002/2071) sets out arrangements whereby local authorities may make payments to an approved Academy in respect of a child for whom a statement is made.	Director for children and families; Assistant director education development and skills; Head of additional needs; Special educational needs manager	Local authorities are required to review the payment arrangements, in consultation with governing bodies.	
68.	The Education Act 2002 section 19(2) c. Secondary - School Governance (Constitution) (England) Regulations 2007 sets out how governing bodies are to include a local authority representative.	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
69.	The School Governance (Constitution) (England) Regulations 2007. School Governance (Federations) England Regulations 2007 provide a framework for decision making and accountability. School Governance (Constitution) (England) Regulations 2012 provides the authority to seal and make an instrument of governance for schools.	Director for children and families; Assistant director education development and skills; Head of learning and achievement	Relates to decision making and accountability of schools	

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70.	To provide information they consider appropriate and training they consider necessary free of charge for governors of maintained schools to enable governors effectively to discharge their duties as set out in Section 22 of the Education Act 2002.	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
71.	The Education Act 2002 section 34. Secondary - School Governance (New Schools) (England) Regulations 2007 provides guidance on the setting up of a new school, especially recruiting the head teacher	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
72.	The Education Act 2002 Section 88(1A) sets out the requirement for local authorities to ensure head teachers fulfil their statutory duty in implementing and administering Key Stage assessment arrangements.	Director for children and families; Assistant director education development and skills; Head of learning and achievement	An external review of KS2 testing and accountability is carried out.	
73.	The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (article 6) (made under section 87 of the Education Act 2002) sets out the requirement for local authorities to moderate assessment in at least 25% of schools to ensure consistency of standards.	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
74.	Key Stage 1 data is reported to the DfE for school performance monitoring purposes as set out in section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783,	Director for children and families; Assistant director education development and skills; Head of learning and achievement; Business intelligence officer education analysis	Assessment and reporting arrangements for Early Year Foundation Stage and Key Stage 1 – document has statutory force but also includes non-statutory guidance to local authorities	
75.	Ensuring schools are equipped to undertake Key Stage 1 teacher assessment and capture / submit results by virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783,	Director for children and families; Assistant director education development and skills; Head of learning and achievement	Includes the assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1	

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76.	By virtue of section 87(11) of the Education Act 2002 and article 9 of SI 2004/2783 local authorities have to ensure security of assessment documents.	Director for children and families; Assistant director education development and skills; Head of learning and achievement	Includes the assessment and reporting arrangements for Early Years Foundation Stage and Key Stage 1	
77.	The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003 (article 6) (made under section 87 of the Education Act 2002 and article 11 of the Order). Requirement for local authorities to visit 10% of schools during test week to ensure they are being administered correctly	Director for children and families; Assistant director education development and skills; Head of learning and achievement; School improvement advisor; Early years lead improvement advisor		
78.	To ensure that the curriculum provided by maintained primary and secondary schools is broad based and balanced and that it comprises the National Curriculum and provision for religious education and, for pupils in secondary school, sex education under the Education Act 2002 Section 79	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
79.	Basic feature first laid out in the Education Reform Act 1988 to deliver the national curriculum and amended in the Education Act 2002 Section 88.	Director for children and families; Assistant director education development and skills; Head of learning and achievement	Part 6 of the Education Act 2002, as amended, provides for the current curriculum requirements in maintained schools.	
80.	To ensure that schools provide the full entitlement of available courses unless disproportionately expensive as set out in the Education Act 2002 Section 88(2)	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
81.	The Education Act 2002 section 52. Secondary - The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (No. 3178). The Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2002 provide a framework for exclusion	Director for children and families; Assistant director education development and skills; Head of additional needs; Social inclusion officer	This is to control how pupils are removed from school and provides independent scrutiny.	
82.	The Education Act 2002 Section 32 fixes the minimum number of sessions which schools	Director for children and families; Assistant director education		

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	must hold in a year and requires governing bodies to set the times of the school sessions.	development and skills; Interim education and capital manager; Schools admissions and transport officer		
83.	To ensure effective performance management arrangements are put in place for teachers as set out in the Education Act 2002 Sections 21, 131 and 210. Secondary - 'The Education (School Teacher Performance Management) (England) Regulations 2006'.	Hoople		
84.	Under the Education Act 2002 Sections 79 (6) and (7) local authorities must have regard to statutory guidance on sex education issued by the Secretary of State when exercising any function that may affect the provision of sex education in maintained schools	Director for children and families; Assistant director education development and skills; Head of learning and achievement		
85.	To promote and encourage better co-operation and partnership working among the various agencies which provide or commission services for children (and families) at every organisational level from strategic planning to front line multi-agency team work as set out in the Children Act 2004 Section 10 (1)	Director for children and families; Assistant director education development and skills; Childrens joint commissioning manager		
86.	To standardise existing arrangements by creating a statutory body in every local authority area to oversee the co-operation arrangements to improve children's well-being as set out in the Children Act 2004 Section 12A as amended by the Apprenticeship, Skills, Children and Learning Act 2009	Director for children and families; Assistant director education development and skills; Assistant director safeguarding and family support		
87.	To facilitate the investigation, by Ofsted, of a parental complaint about a maintained school as defined under Education Act 2005 Sections 11B and 11	Director for children and families; Assistant director education development and skills; Head of learning and achievement		

Directorate scheme of delegation

88.	To ensure local authorities take action when a school goes into an Ofsted category as defined under the Education Act 2005, Section 15	Head of learning and achievement		
89.	The Education and Inspections Act 2006 Sections 7, 10 and 11. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 outlines the statutory process and local decision making arrangements.	Interim education and capital manager; Head of learning and achievement		
90.	Education and Inspections Act 2006 Section 15. Secondary legislation - The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 sets out how local authorities are able to take an overview to plan the provision of schools to meet local needs	Interim education and capital manager; Head of learning and achievement		
91.	Education and Inspections Act 2006 Section 19. Secondary legislation - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 outlines the statutory process and local decision making arrangements.	Interim education and capital manager	To ensure a consistent, open and transparent process when proposing changes to existing maintained schools.	
92.	To achieve early intervention by local authorities in schools causing concern under the Education and Inspections Act 2006 Section 60	Head of learning and achievement	A school is eligible for intervention if it is in an Ofsted category or if it fails to comply with a valid warning notice issued by a local authority where there are concerns over performance, poor management and governance or where the safety of pupils and staff are threatened.	
93.	To allow a local authority to require a school eligible for intervention to enter into a contract or arrangements with another school, FE college or named person for the	Head of learning and achievement		

Directorate scheme of delegation

	purpose of school improvement under the Education and Inspections Act 2006 Section 63			
94.	To strengthen the local authority voice on the Governing Body and/or to appoint governors with expertise in key areas to support a school's improvement under the Education and Inspections Act 2006 Section 64	Head of learning and achievement		
95.	To secure a step change in the leadership and membership of a school through a specially appointed Governing Body for a temporary period under the Education and Inspections Act 2006 Section 65	Head of learning and achievement	Used where the governing body is providing insufficient challenge to the Head, proving an obstacle to progress or where relations are having an adverse impact on standards.	
96.	Under Education and Inspections Act 2006 Section 66 provision is made for schools to secure control over staffing and spending decisions in order to achieve improvements or where the budget is proving a distraction from improvement priorities.	Director of Children's Wellbeing, Assistant director education development and skills		
97.	The Education and Inspections Act 2006. Secondary - The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 provides the legislation that governs the transfer of land from one body to another as a school changes category, e.g. if a community school becomes a Trust.	Interim education and capital manager or Head of learning and achievement		
98.	Under the Education Act 2006 Sections 60A and 69B provision is made to ensure that that local authorities (or ultimately the Secretary of State) can ensure that teachers receive their statutory entitlements regarding their terms and conditions.	Assistant director education development and skills		
99.	Section 1 of the Childcare Act 2006 places a duty on local authorities to improve the	Head of learning and achievement; Early years strategy manager	The gap relates to all children under 5 and those with the poorest outcomes by ensuring	

Directorate scheme of delegation

	outcomes of all children under 5 and close the gaps		early years' services are accessible to all families.	
100.	Childcare Act 2006 Section 1(3) and (4). Secondary - Local Authority Targets (Well-Being of Young Children) Regulations 2007 (SI 2007 / 1415) gives powers to Secretary of State to set targets in relation to the local authority early years outcome duties and underpinning regulations set out the process to be followed.	Head of learning and achievement; Early years lead improvement advisor	Local authority targets set must relate to the Early Years Foundation Stage Profile. Local authorities are under a duty to act in response to targets set for them by the Secretary of State in relation to Early Years outcomes.	
101.	Section 3 of the Childcare Act 2006 encourages local authorities to work with health services and employment services when arranging early years services	Early help manager; Early years strategy manager	It also encourages them to take into account the views of interested parties, and to promote early year's services to those parents least likely to use them.	
102.	To ensure Local authorities work with and Jobcentre Plus to achieve their early years outcome duty as set out under Childcare Act 2006 Section 4	Early help manager		
103.	Provision is made under Childcare Act 2006 Section 99. Secondary - The Childcare (Provision of Information About Young Children) Regulations 2009 (SI 2009 / 1554) for data collection.	Head of learning and achievement; Business intelligence officer education analysis		
104.	To ensure that local authorities establish and maintain a service providing information, advice and assistance for parents and prospective parents as set out on the Childcare Act 2006 Section 12. Secondary - SI 2007 No 3490: Children and Young Persons, England – The Childcare Act 2006 (Provision of Information to Parents (England) Regulations 2007.	Childrens joint commissioning manager	Information is published in respect of the provision of childcare and on other services or facilities that may benefit them or children or young people. They should also provide particular help to parents from groups likely to find it more difficult to access suitable childcare, e.g. parents of disabled children.	
105.	To ensure there are sufficient children's centres in all local authority areas as set out in the Childcare Act 2006 Section 5A	Early help manager		

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106.	To ensure there are advisory boards for all children's centres as set out in the Childcare Act 2006 Section 5C	Early help manager; Early years strategy manager	These provide advice and assistance to children's centre leaders, who are responsible for managing children's centres	
107.	To ensure that local parents and any other interested parties are consulted about any major changes that are proposed to be made to children's centre provision as set out in the Childcare Act 2006 Section 5D	Early help manager;		
108.	The Childcare Act 2006 Section 5E(2) makes provision to ensure that local authorities (and Primary Care Trusts and Job Centres Plus) actively consider whether services to young children and/ or their parents should be provided through children's centres.	Early help manager; Early years strategy manager		
109.	The Childcare Act 2006 Section 98C (3) enables parents and others interested to see how any concerns arising during an inspection are going to be addressed.	Assistant director education development and skills; Early help manager; Early years strategy manager	This relates to the quality of children's centre provision	
110.	The Childcare Act 2006, Section 6 require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work.	Early help manager; Early years strategy manager		
111.	To ensure that all 3 and 4 year olds can access high quality free nursery education under the childcare act 2006 section 7.	Early help manager; Early years strategy manager		
112.	To ensure local authorities undertake an assessment to childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents (s6 Childcare Act 2006)	Early help manager; Early years strategy manager		
113.	To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality	Head of learning and achievement		

Directorate scheme of delegation

	childcare that meets the needs of the community as required under the Childcare Act 2006 Section 13			
114.	Childcare Act 2006 Section 99. Secondary - the Childcare (Provision of Information about Young Children) (England) Regulations 2009 underpins various information collections and enables the Secretary of State to obtain information collected by local authorities from childcare providers to help compile Early Years Foundation Stage Profile data and the Early Years Census returns.	Head of learning and achievement	Local authorities need a range of information to exercise their roles and responsibilities effectively. They are required to provide information to parents and families in their areas about provision.	
115.	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 enables local authorities to ensure schools and early years providers fulfil their statutory duty in implementing and administering early years foundation stage assessment arrangements	Head of learning and achievement		
116.	The Early Years Foundation Stage (Learning and Development Requirements) Order 2007 set out the requirement to provide data to the DfE.	Head of learning and achievement	The duty is intended to support the accuracy and consistency of early year's foundation stage profile data reported to parents and practitioners.	
117.	The Information as to Provision of Education (England) Regulations 2008 No. 4 requires the local authorities to provide the Secretary of State with a report on secondary school admissions	Interim education and capital manager; Head of learning and achievement; Admissions and transport policy manager	The local authority must provide the Secretary of State with a report on secondary school admissions on 1st March (or in any year which 1st March is not a working day, on the next working day.)	
118.	The Education School Information (England) Regulations 2008 SI 2008/3093 Regulation 5. Places a duty on local authorities to publish annually, and make available to parents, a composite prospectus which includes all local primary and secondary schools.	Head of learning and achievement	Amendments to these Regulations (SI 2010/1006), intended to broaden the range of statutory information to be included in composite prospectuses, came into force 1 September 2010.	

Directorate scheme of delegation

119.	The Education School Information (England) Regulations 2008 Regulation 8 of SI 2008/3093 places a duty on local authorities to publish miscellaneous information annually (including the making of educational grants, Special Educational Needs provision, school transport strategies, school uniform policies etc.).	Head of learning and achievement	The amendments to these regulations (SI 2010/1006), which came into force on 1 September 2010, do not amend this duty.	
120.	Local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13-19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training as set out in Education and Skills Act 2008 Section 68.	Head of additional needs; Post 16 senior adviser; Early help manager; Learning and curriculum senior adviser	These arrangements will mean local authorities no longer provide a universal careers guidance offer, but they will retain responsibility for providing targeted support for vulnerable young people and have greater flexibility to do so.	
121.	The establishment of an all-age service will impact on the use of this power, as local authorities will no longer be required to provide careers guidance when supporting young people not in education, employment, or training as set out in Education and Skills Act 2008 Section 69.	Early help manager; Learning and curriculum senior adviser	Local authorities' use of client management systems to support the work of lead professionals working with young people will continue. The systems form the basis of information used to monitor delivery and performance and also returned to DfE on a monthly basis	
122.	The Education and Skills Act (2008) chapter 2 section 10 is the key driver behind Raising the Participation Age with the local authority required to promote the effective participation in education or training of the young people in their area to 18 (or 25 for those with learning difficulties or disabilities).	Director for children and families, Assistant director education development and skills; Head of learning and achievement; Head of additional needs	These arrangements support the delivery of Speech and Language Therapy and support at relevant tribunal cases to ensure that children's needs are effectively represented.	
123.	Local authorities act as the strategic commissioner of provision for young people aged 16-19 (and those aged up to 25 who are subject to a learning difficulty assessment); as	Director for children and families, Assistant director education development and skills; Head of	Contract / Agreements can be electronic signed in accordance with the contract procedure rules subject to the individual placement costs remaining below £500k; as	

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	defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 41 inserts sections 15ZA and 15ZB into the Education Act (1996); Placement Agreements / Contracts for young people aged 16-25 with an EHCP.	additional needs; Post 16 senior adviser	this is the delegated authority within the council's finance procedure rules.	
124.	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 42 inserts section 15ZC into Education Act (1996) sets out the requirement on local authorities to encourage participation in education and training.	Director for children and families, Assistant director education development and skills; Early Help Manager; Learning and curriculum senior officer; Head of additional needs; Post 16 senior adviser		
125.	As defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 44 inserts section 51A into Further and Higher Education Act 1992 local authorities, if necessary, can require a provider to make provision for a named individual	Director for children and families, Assistant director education development and skills; Head of additional needs; Senior special educational needs officer; Post 16 senior adviser		
126.	The Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 45, inserts section 17A - 17D in the Education Act (1996) defines the core and additional entitlements and the local authority's role in securing these.	Director for children and families, Assistant director education development and skills; Head of additional needs; Post 16 senior adviser		
127.	Local authorities have a power to secure boarding accommodation for young people aged over 16 but under 25 who are subject to a learning difficulty assessment as defined in Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 46 inserts section 514A - in the Education Act (1996)	Director for children and families, Assistant director education development and skills; Head of additional needs; Senior special educational needs officer		
128.	Apprenticeships, Skills, Children and Learning Act (2009) Part 2 section 47 inserts section 560A into the Education Act (1996) sets out the role of the local authority in securing work	Director for children and families, Assistant director education development and skills; Head of		

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	experience for young people aged 16-19 (25 for those who are subject to a learning difficulties assessment)	additional needs; Post 16 Senior advisor		
129.	To develop accessibility strategies to facilitate better access to education for disabled pupils. Under this same legislation schools also have to develop access plans which build upon the local authority access strategy as required under the Equality Act 2010 Section 88 and Schedule 10	Director for children and families, Assistant director education development and skills; Head of additional needs		
130.	Tackling child poverty requires action at national and local levels, and the Child Poverty Act therefore compels both tiers of government to act (the Act requires the Government to publish a UK child poverty strategy). Part 2 of the Child Poverty Act 2010 aims to ensure that all local authorities take steps to enable more effective cooperation at local level, grounded in strong knowledge and understanding of child poverty in local areas and leading to clear strategies and plans through which cooperation and partnership working can have a demonstrable impact on child poverty in local areas.	Director for children and families, Assistant director education development and skills; Children's joint commissioning manager		
131.	To ensure that where a school serves a community which is predominantly of a faith other than Christian, they have the flexibility to change the nature of their daily act of collective worship in order to reflect the needs of the local community under Education Act 1996 Section 390	Director for children and families, Assistant director education development and skills; Head of learning and achievement		
132.	To provide on-going support and guidance to 18 year old care leavers particularly with regard to their education under the Children Act 1989 sections 23C and 24B	Director for children and families, Assistant director education development and skills; Early help		

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		manager; Learning and curriculum senior officer		
133.	To increase in the number and range of placements available within the local authority area and so reduce the use of out of area placements, unless they are the most appropriate for the child. Leading to a more efficient and cost effective commissioning process as defined under the Children Act 1989 Section 22G	Director for children and families, Assistant director education development and skills; Children's joint commissioning manager		
134.	Set out the local authority role and responsibilities in relation to intervening in sixth form colleges and making appointments to their governing bodies as required under the Apprenticeships, Skills, Children and Learning Act 2009 - Schedule 8 - para 8	Director for children and families, Assistant director education development and skills; Head of learning and achievement (lead); Head of additional needs; Post 16 senior adviser		
135.	Placement Agreements under the following frameworks / contracts West Midlands Regional Foster Care Framework; National Fostering Contract; West Midlands Residential Framework Contract; National Residential Contract; National Schools and College Contract; West Midlands Sub-Regional Supported Accommodation Framework; Spot Purchase Supported Accommodation for Looked After Children aged 16+; Supported Living (Staying Put and Supported Lodgings Arrangements); Provision Of Tier 3 Specialist Short Breaks (Framework); Provision Of Tier 3 Specialist Short Breaks (Spot Purchase).	Heads of service can agree and sign up to an amount £1500 per week; any amount above this can be signed off by the assistant director safeguarding and family support or Director for children and families.	Agreements can be electronic signed in accordance with the contract procedure rules subject to the placement costs remaining below £500k; as this is the delegated authority within the council's finance procedure rules.	O
136.	The Department for Education provides statutory guidance, updated in March 2018, for local authorities (in line with the legal requirements set out in Section 48 and	Director for children and families, Assistant director education development and skills; Head of learning and achievement.	Local Management of Schools scheme for financing schools as agreed by legal services and the schools finance manager.	O

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	Schedule 14 of the School Standards and Framework Act 1998 and the Schools and Early Years Finance Regulations 2018) in relation to schemes for financing schools.			
137.	The Education and skills funding agency contracts with the local authority to provide adult and community learning; contract agreements to be issued by local authority under the adult and community learning provider framework	Director for children and families, Assistant director education development and skills	Agreements can be electronic signed in accordance with the contract procedure rules and the ESFA contact clauses and funding rules; in addition the delegated authority contained within the council's finance procedure rules.	
138.	The Local Authority has a duty to assess whether a young carer in their area has needs for support, and if so, what those needs are and how they are met (Children and Families Act 2014).	Director for Children and Families, Assistant director education development and skills or the Early help manager.	Young carer's grants are to be awarded, following consideration of an application and paid in accordance with the financial procedure rules of the local authority.	○
139.	The local authority has a statutory duty under the children and young person's act 2009 to appoint an independent visitor service for looked after children	Director for Children and families, Assistant director safeguarding and family support or the Head of service looked after children	An independent visitor service is targeted at looked after children where communication and visits between the child and family are infrequent	○
140.	To use section 106 contributions to aid the statutory roles in childcare and educational provision to offset the impact of the development on the local infrastructure	Director for children and families or Assistant director Education Development and Skills in their absence.	Allocation of section 106 monies will be made in accordance with the financial procedure rules and the contract procedure rules of the local authority and in line with the Policy for the use of, and determination or projects for, Children and Families S106 Funding	○
141.	The calculation of any direct payments and any uplift to ensure that a reasonable amount is available to purchase the eligible service is to be agreed on a case by case basis in accordance with the direct payments policy of the council.	Director for children and families, Assistant director education development and skills, Assistant director safeguarding and family support or the Head of service additional needs	Any direct payments made will be in accordance with the current direct payments policy and the assessed need and be allocated in line with the financial procedure rules of the council.	○

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142.	The local authority has a statutory duty under the Children Act 1989, Section 17 (and related duties in Schedule 2 to the Act) to safeguard and promote the welfare of children in their area who are in need. And, so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level early help or edge of care services appropriate to those children's needs.	Director for children and families, Assistant director education development and skills, Assistant director safeguarding and family support or Early Help Manager	Services will be provided to meet the identified needs of children and their families to ensure that are supported to remain within their family environment where appropriate.	O
143.	In relations to schools, apply for planning permission, building regulation and listed building consent for alteration, development, re-development or change of use of council schools, or third party schools.	Director Children and Young People, Service Director Education Skills and Learning Children and Young People and Head of Educational Development Children and Young People.	A Sub delegation can be made in writing by a person with a delegation to other officers where necessary.	