

DELEGATED POWERS TO THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

The following Delegated Powers should be read in conjunction with all other relevant parts of the Constitution, in particular –

- The General Scheme of Delegation to Heads of Departments (Part 3)
- The Financial Procedural Rules and Standard Financial Instructions (Part 4F)
- The Contract Procedure Rules (Part 4G)

and the Local Conditions of Service.

Officers should also have regard to any departmental rules and conventions before exercising these powers.

NOTE: -

- *Any exercise of a delegated power shall not involve a key decision.*
- *Any delegation to a head of department may be exercised on his or her behalf by any officer authorised by him or her either generally or specifically for the purpose.*

POWER

**COMMITTEE/
SUBCOMMITTEE**

Education

1. **Financial Support**

Power to administer the provision of financial support to students and post-16 pupils in partnership with outside agencies as appropriate and the provision of free school meals and milk, in line with the current approved criteria.

CABINET
14/12/10

2. **Premature Retirement Policy for Teachers**

Power:

- (a) in consultation with the Director of Corporate Resources, to offer premature retirement with compensation to teachers in accordance with regulations in force for the time being;

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COMMITTEE
06/02/20

- (b) to agree exceptional cases of early retirement of teachers over the age of 55 in the interests of the

efficiency of the service, after consultation with the Leader and Deputy Leader or their nominees.

3. **Admissions**

Power to agree school admission limits in relation to maintained schools, and admission of pupils to such schools in accordance with the current Schools Admission and associated policies and to direct admission where appropriate under the relevant legislative provisions.

CABINET
24/03/20

4. **Non School Attendance**

Power to institute and conduct legal proceedings in respect of non-school attendance under the legislation in force for the time being.

CABINET
14/12/10

5. **Adjustment to Catchment Areas**

Power to make small adjustments to catchment areas for maintained schools which are supported by headteachers and governing bodies where appropriate under the legislation in force for the time being.

CABINET
24/03/20

6. **Community, Foundation and Voluntary Schools**

Power to determine maintained school organisational changes (including establishment, making of prescribed alterations and closure) where there are no objections and in circumstances which do not require the approval of the School Adjudicator under the relevant legislative provisions in force for the time being.

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24/03/20

7. **Appointment of Local Authority Governors**

Power, after consultation with the appropriate Cabinet Lead Member(s), to approve all appointments to vacancies on governing bodies of primary, secondary and special schools and education foundations subject to consultation, as appropriate, with the Group Whips.

CABINET
14/12/10

8. **Approval of Loans**

Power, in consultation with the Director of Corporate Resources and after consultation with the Lead Member, to approve loans to maintained

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24/03/20

schools of up to 7 1/2% of the school budget for a period of up to 5 years.

9. **School Term Dates**

Power to:

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| (a) | agree minor changes to school term dates if requested by individual schools to meet particular local circumstances; | CABINET
14/12/10 |
| (b) | amend school term dates in response to any changes to Bank Holidays or other holidays which the Government might announce in respect of national events. | CABINET
03/04/12 |

10. **Schools Forum Constitution**

Power, after consultation with the Cabinet Lead Member, to effect changes in the proportionality of Schools Forum membership annually at the commencement of each academic year.	CABINET 26/07/11
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Special Educational Needs

11. **Special Educational Needs**

Power to take all necessary decisions in respect of the provision to be made for children with special educational needs under assessment and the legislation in force for the time being including the power to conduct tribunal hearings.	CABINET 14/12/10
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Children's Social Care

12. **Accommodation for Looked After Children**

Power to take all necessary decisions in respect of the assessment and provision of accommodation for looked after children, including acting as guarantors of or entering into tenancy and license agreements with housing providers on behalf of looked after children.	CABINET 24/03/20
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13. **Visiting Children**

Power to:	CABINET 14/12/10
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| (a) | visit children, for the purposes of safeguarding their |
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interests and/or welfare, who are accommodated within the area of the Authority by or on behalf of Voluntary Organisations;

- (b) appoint independent visitors for children who are looked after by the Authority.

14. **Provision of Services**

Power to provide and approve the provision of services for children and young people, whether directly or through others, and the recovery of charges where appropriate, within an agreed policy framework and in accordance with any statutory provisions in force for the time being, including enabling the Director to:

CABINET
14/12/10

- (a) give medical consents in those cases where the Authority is legally able to do so;
- (b) arrange for or assist in arranging for a child looked after by the Authority to live outside England and Wales;
- (c) consent to the marriage of children in respect of whom the Authority has parental responsibility;
- (d) make adaptations to property.

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15. **Child Arrangement Orders and Special Guardianship Orders**

Power in consultation with the Director of Law and Governance to authorise the payment of reasonable legal costs of applications for child arrangement orders and special guardianship orders in respect of children looked after by the Authority, and to make payments in accordance with the scheme in force for the time being.

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16. **Financial Payments**

Power to make payments to young people leaving care, looked after children, and to the carers of children in need in accordance with the schemes in force for the time being.

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24/03/20

Adoption and Fostering

17. **Adoption**
- Power to take all necessary decisions in relation to arrangements for the adoption of children and young people and the provision of adoption services, including establishing and maintaining an Adoption Panel, the payment of legal expenses (after consultation with the Director of Law and Governance) and adoption allowances in accordance with the scheme in force for the time being. CABINET
14/12/10
18. **Payments to Foster Carers**
- Power:
- (a) to provide financial assistance by way of grants or loans to County Council registered foster carers and to recover such assistance, in respect of loans, in accordance with any agreed policy framework or statutory provision in force for the time being; CABINET
05/02/21
- (b) to make ad-hoc temporary payments to foster carers in addition to their skills fee, based on the needs of the child in placement. CABINET
09/01/18
19. **Foster Care**
- Power to assess and approve applications from persons applying to be foster parents, to place children and young people with foster parents and to make payments of foster care allowances in accordance with the scheme in force for the time being. CABINET
14/12/10
20. **Private Fostering**
- Power to visit children who are privately fostered to impose requirements and prohibitions and to take other steps as appropriate under the statutory provisions in force for the time being. CABINET
14/12/10
21. **Fostering Service Fee Policy**
- Power to amend and update the Fostering Service Fee Policy in accordance with the increase in the nationally recommended minimum allowance and to make other minor changes provided that the CABINET
06/07/18

Cabinet Lead Member and the Director of Corporate Resources have first been consulted.

Youth Offending Service

22. **Youth Offending**

Power to the Head of the Youth Offending Service to initiate proceedings for breach of Orders in relation to young people subject to intervention and to initiate proceedings in relation to young people and their families under the Anti-Social Behaviour Legislation in force for the time being.

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14/06/11

Legal Matters

23. **Legal Proceedings**

Power to:

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14/12/10

- (a) authorise officers to institute and defend proceedings subject to the concurrence of the Director of Law and Governance relating to the welfare of children and young people, including proceedings relating to child protection, adoption, and placement in secure accommodation under the legislation in force for the time being.
- (b) act as Litigation Friend on behalf of children and young people where appropriate and to make claims to the Criminal Injuries Compensation Authority (CICA).

24. **Preparation of Court Reports**

Power to authorise officers to prepare reports for and provide information to the courts in any proceedings (including family and youth justice proceedings) relating to children and young people.

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25. **Police and Criminal Evidence Act 1984**

Power to attend as an appropriate adult at interviews of suspects conducted by the Police in accordance with the Police and Criminal Evidence Act 1984.

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26. Unaccompanied Asylum-Seeking Children

Power to provide services to undertaken assessments of, and, subject to the concurrence of the Director of Law and Governance, institute and defend proceedings relating to children and young people who are Unaccompanied Asylum-Seeking Children in accordance with the legal framework in force for the time being.

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27. Trustees

Power, jointly with the Director of Corporate Resources (in consultation with the Director of Law and Governance), to undertake the duties of Trustees for children and young people who are looked after by the County Council and who receive a capital payment.

Cabinet
26/04/22