

KIRKLEES DIRECTORATE FOR CHILDREN'S SERVICES SCHEME OF DELEGATION FOR LEARNING AND EARLY SUPPORT

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KIRKLEES DIRECTORATE FOR CHILDREN & YOUNG PEOPLE

DELEGATED POWERS

Purpose

To set out the delegations from the Council's Executive and Council bodies to Chief and Deputy Chief officers within the Directorate for Children and Young People.

Related Policies & Documents

- Council Constitution (Part 2: Article 13: Decision Making) - [Constitution Part 2 \(kirklees.gov.uk\)](http://kirklees.gov.uk)
- Council Constitution (Part 3: Responsibility for Functions) - [Part 3 Responsibility for Functions \(kirklees.gov.uk\)](http://kirklees.gov.uk)

Key Statutes/Legislation

The following pieces of legislation are instrumental in many of the delegated decisions outlined in this document:

- | | |
|---|--|
| Academies Act 2010 | Education & Skills Act 2008 |
| Adoption Agency Regulations 1983 and 1997 | Fostering Services Regulations 2002 |
| Adoption and Children Act 2002 | Powers of Criminal Courts (Sentencing) Act 2000 |
| Apprenticeships, Skills, Children and Learning Act 2009 | Learning & Skills Act 2000 |
| Carers and Disabled Children Act 2000 | Local Authority Social Services Act 1970 |
| Childcare Act 2006 | Mental Health Act 1983: Section 27 |
| Children Act 1989 | Placement with Parents Regulations 1991 |
| Children & Young Persons Act 2008 | Representation of the People Act 1983: Section 95 & 96 |
| Crime & Disorder Act 1998 | Safeguarding Vulnerable Groups Act 2006 |
| Criminal Justice Act 1991 | School Standard and Framework Act 1998 |
| Education Act 2005 | Supreme Court Act 1981: Section 41 |
| Education & Inspections Act 2006 | Children and Families Act 2014 |
| Education Act 2011 | Care Planning Regulations 2010 & 2015 |
| | Children's and Social Work Act 2017 |

Who is governed by this policy?

The scheme of delegations will apply to all permanent, contract and temporary staff working for the Council.

Summary

The Council's Constitution requires that the Directorate will prepare a Scheme of Delegation. Such schemes should clearly establish which officer posts have been given authority to make decisions under the delegated powers of the Strategic Director or Service Directors. All schemes of delegation will be lodged with the Council's Monitoring Officer and made available to the public on request.

All delegations are subject to compliance with the law, the Council's Constitution, its Procurement Code, Financial Regulations and other relevant policies and procedures. All delegations may be exercised by the Director of Children's Services as well as those posts set out in this Scheme of Delegation.

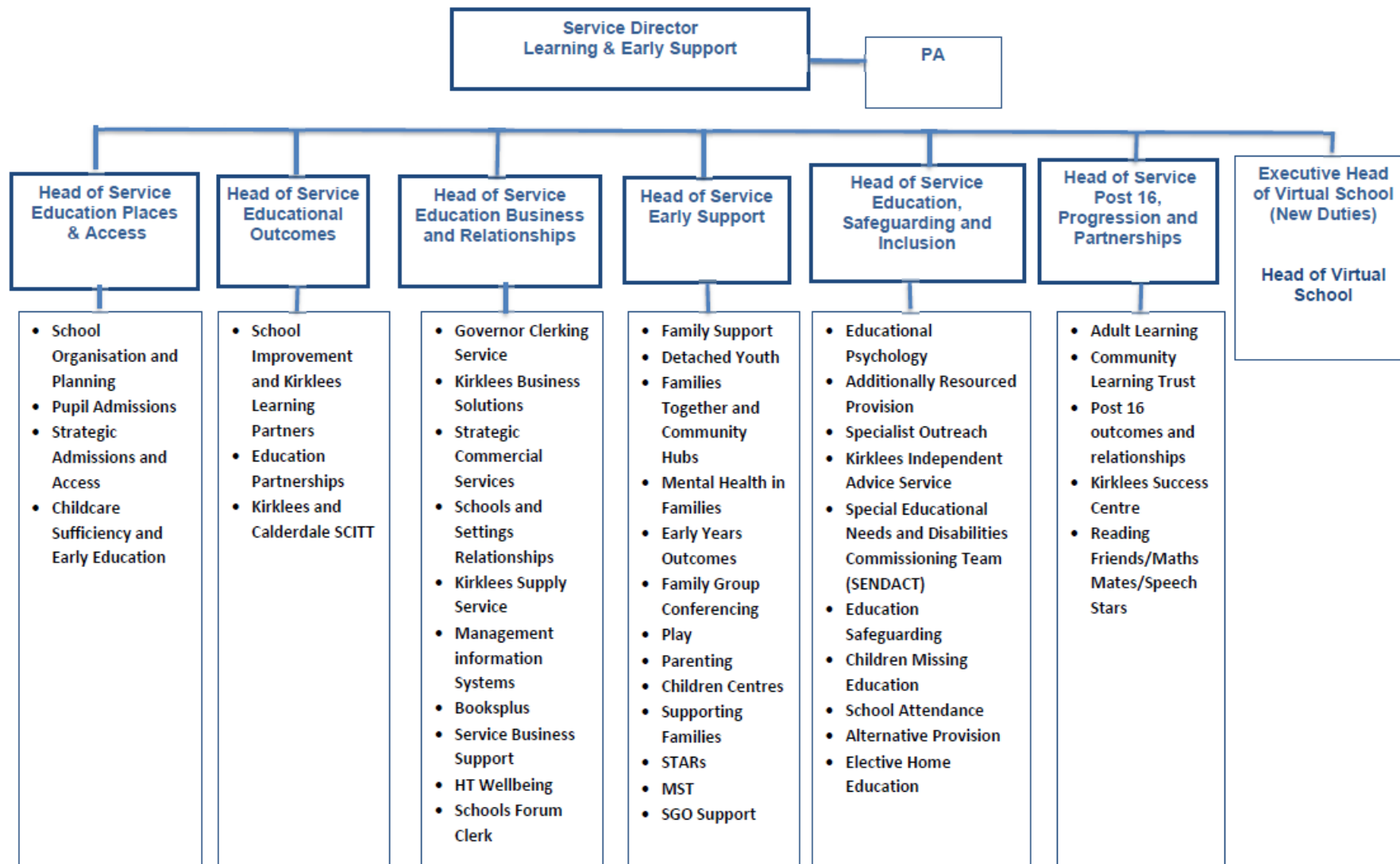
Delegation is simply a way of allocating matters to the levels appropriate to ensure that the Directorate's business is dealt with in the most efficient way possible. This means that some matters will be considered and approved by the Children's Services Senior Leadership Team (SLT) (Strategic Director & Service Directors) as appropriate, whereas others can be dealt with efficiently and properly by other members of the Children's Services Family Support and Child Protection and Learning and Early Support Leadership teams (defined at Grades 17-19), or other Officer Posts.

Delegated power will normally be exercised at the lowest level to which it has been given. However, all such powers will also be held by SLT and no delegation shall preclude the reference of matters for a decision to that body, except where action has already been taken. This provision is subject to statutory requirements which may apply from time to time.

Where an officer post to which any function has been delegated is renamed or is affected by a staffing reorganisation, then the relevant delegation shall be treated as applying to the renamed post or, as appropriate, to the post which has been allocated the same or substantially the same relevant duties as the original post following that reorganisation.

Although powers have been delegated to officers, there is a requirement to consult local ward councillors and community lead councillors if the decision you are making has a direct impact on a local community. Local ward councillors should be kept aware of any decision made and implemented under delegated powers that affects members of the community in their ward.

Learning and Early Support Structure 2023



Scheme of Delegation & Decision Making (Learning & Early Support)

Section 1: Learning & Early Support specific

Education Safeguarding Team

Responsibility	Service Manager	Head of Service	Service Director	Procedure Reference
Education Safeguarding Service				
Authorisation for the issue of Fixed Penalty Notices under the Anti-Social Behaviour Act 2003.	✓	✓		
Authorisation for the application of an Education Supervision Order under Children’s Act 1989	✓	✓		
Authorisation for the prosecution of Education Act 1996 offences	✓	✓		
Authorisation of prosecution of Education Act offences using the Single Justice Procedure under the CJCA 2015	✓	✓		
School attendance orders to parents	✓			
Representing the Authority in Court with regard to school attendance orders.	✓			
Granting licences to children under 16 to take part in performances, or sports, or to work as a model, for payment.	✓	✓		
Supervision, regulation and control of employment of children not over compulsory school age.		✓		
To establish, as far as it is possible to do, the identities of children in the area who are not registered pupils at a school and are not receiving a suitable education otherwise	✓	✓		
To identify missing children and facilitate their return to education	✓	✓		
To ensure that the LA has robust policies and procedures in place in order to meet statutory duties, including the appointment of a named person to whom schools and agencies can make referrals.			✓	
To make regular reviews of processes to ensure that they continue to be fit for purpose in identifying missing children		✓		
To work with other LAs where a child has moved and share information to ensure that the child can access education.	✓	✓		
To arrange and provide full time educational provision by day 6 of a child’s exclusion		✓		

Responsibility	Service Manager	Head of Service	Service Director	Procedure Reference
To arrange an Independent Review Panel hearing to review the decision of the Governing Body (if applied for by parents within the timeframe)	✓			
To adjust the budget share for maintained schools and PRUs where a Panel orders a financial readjustment		✓		
SEND Assessment and Commissioning Team				
Organisation and oversight of the Education Health and Care Plan (EHCP) assessment process within statutory timescales: <ul style="list-style-type: none"> Decision to undertake EHC needs assessment / reassessment Decision to issue an EHCP 	✓			Children and Families Act, Sections 36 & 44 Supported by SEN Panel ToR and EHCP QA processes
Organisation and oversight of the Education Health and Care Plan (EHCP) annual review process within statutory timescales: <ul style="list-style-type: none"> Decision to keep / amend / cease following annual review 	✓			Children and Families Act, Sections 97, 44, 45
Agreement of special school / specialist provision places in partnership with health and social care where appropriate (in line with financial delegations)		✓	✓	Children and Families Act, Section 33, 39 and 40 Supported by SEN Panel, CASP and External placement ToR
Agreement of independent special school / specialist provision places in partnership with health and social care where appropriate		✓	✓	
Allocation of funding to the EHCP in partnership with health and social care where appropriate (in line with financial delegations)		✓	✓	Supported by SEN Panel,

Responsibility	Service Manager	Head of Service	Service Director	Procedure Reference
				CASP and External placement
Consideration of EHCP Personal Budget Requests	✓	✓		Children and Families Act, Section 49
Education Psychology Team				
Completion of EHCNAs within statutory time frames	✓	✓		
Approving SENDIF	✓			
Kirklees Additionally Resourced Provision				
Service contract management		✓		
Kirklees Local offer				
Sign off of content		✓		
Publication of content on Kirklees Local offer website	✓			SEND COP chapter 4 Children & Families Act Chapter 30
FOI's				
Approve draft FOI	✓			
Approve final service FOI		✓		

Complaints				
Respond to complaint at Stage 1 of the procedure	✓	✓ (only if complaint relates to the actions of a Team Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓ (only if complaint relates to the actions of a Head of Service)	
Adjudicate Stage 2 complaints			✓	
Financial Delegation				
Authorise Purchase Payment (up to £20) E5A	✓			
Authorise Purchase Payment (above £20,000) E5A		✓		
Authorise Purchase Payment (above £100,000) E5A			✓	
Large Purchase Orders (SAP)	✓	✓		
GDPR				
Privacy Notice		✓		
Information Sharing Agreements		✓		
DPIA		✓		
Business Continuity				
Staffing numbers		✓		
Office accommodation		✓		

Education Outcomes

Responsibility	KLP Team	KLP Senior Leader	Head of Service	Service Director	Procedure Reference
School Causing Concern (Segmentation 4 from stage 2 onwards)			✓		
School round table (Segmentation 3)		✓			
Sign off school support funding (Schools Forum)			✓		
KLP allocations to Schools (maintained & academy)		✓			
Management and commissioning of contracts and sign off			✓		
Segmentation (via change of segmentation form)		✓			
Headteacher Recruitment Advisory Role	✓				
Headteacher Appraisal	✓				
Staff meetings		✓			
KPH / KSHS / KSSH Planning		✓ (with HoS EB&R)	✓		
Drafting the support plan	✓				
Education Improvement Committee meetings (of the ELPB)			✓		
Education and Learning Partnership Board				✓	
Risk review meeting		✓	✓	✓	
Outcomes report / Cabinet reports			✓	✓	
National Project roll out				✓	
Staff recruitment (Associate KLP's)		✓	✓		
Govenors					
GLAD (Governor training package) delivery	✓				
GLAD (Governor training package) Strategic planning and content			✓		
Governor Briefing			✓		
FOI's					
Approve draft FOI	✓				
Approve final service FOI			✓		

Responsibility	KLP Team	KLP Senior Leader	Head of Service	Service Director	Procedure Reference
Complaints					
Respond to complaint at Stage 1 of the procedure		✓	✓ Only if complaint relates to actions of KLP Senior Leader		
Respond to complaint at Stage 2 of the procedure			✓	✓ (Only if complaint relates to actions of HOS)	
Adjudicate Stage 2 complaints				✓	
Financial Delegation					
Authorise Purchase Payment (up to £20,000) E5A		✓			
Authorise Purchase Payment (above £20,000) E5A			✓		
Authorise Purchase Payment (above £100,000) E5A				✓	
GDPR					
Privacy Notice			✓		
Information Sharing Agreements			✓		
DPIA			✓		
Business Continuity					
Staffing Numbers			✓		
Accommodation			✓		

Education Places and Access

Responsibility	Team Manager	Head of Service	Service Director	Procedure Reference
School Organisation & Planning				
Support for school re-organisation and statutory changes (in line with financial delegations)		✓ (within financial limits)	✓	
Approve applications to the Schools Adjudicator for variations in school admission arrangements following engagement with the Portfolio Holder for Learning, Aspiration and Communities			✓	Cabinet approval – Feb 2023
Pursue appeals against a determination of admission arrangements by an own admission authority following engagement with the Portfolio Holder for Learning, Aspiration and Communities			✓	Cabinet approval – Feb 2023
Pupil Admissions				
Decision to admit pupils above Published Admission Number or an admission limit for community and voluntary controlled schools	✓ (approval by two admission managers in absence of HoS)	✓		
Setting of school term dates each academic year following engagement with the Education and Learning Partnership Board and neighbouring local authorities			✓	Cabinet approval – Dec 2021
Decisions to LA allocate a school place	✓			
Decisions to challenge and support schools who are not adhering to legislation (school admissions code)	✓			
Decision to Direct a community or voluntary controlled school to admit a pupil		✓		
Decisions to proceed to the Office of the Schools Adjudicator /Secretary of State to request a direction to an Own Admission Authority School to admit a pupil		✓		
Childcare Sufficiency				

Responsibility	Team Manager	Head of Service	Service Director	Procedure Reference
Approval of grants for Ofsted registered childcare providers recommended by a grant panel [cabinet report 17 Jun 2013 permits the Service Director to approve a 'nominated representative who will act as Chair of the Panel' to undertake this duty]			✓	Cabinet approval June
Approve Free Early Education and Care provider payment schedule after consultation with Early Years Reference Group	✓			
Approve quality assurance checks of Free Early Education and Care provider payment batches	✓			
FOI'S				
Approve draft FOI	✓			
Approve final service FOI		✓		
Complaints				
Respond to complaint at Stage 1 of the procedure	✓	✓ (only if complaint relates to the actions of a Team Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓ (only if complaint relates to the actions of a Head of Service)	
Adjudicate Stage 2 complaints			✓	
Financial Delegation				
Authorise Purchase Payment (up to £20) E5A	✓			
Authorise Purchase Payment (above £20,000) E5A		✓		
Authorise Purchase Payment (above £100,000) E5A			✓	
GDPR				
Privacy Notice		✓		
Information Sharing Agreements		✓		
DPIA		✓		
Business Continuity				

Responsibility	Team Manager	Head of Service	Service Director	Procedure Reference
Staffing Numbers		✓		
Accomodation		✓		

Education Relationships & Business

Responsibility	Service Manager	Head of Service	Service Director	Procedure Reference
Learning Service				
Staff Recruitment	✓			
HT Wellbeing				
HT Induction Programme Year 1 (New) Year 2 (2 nd Year)	✓	✓		
Organisation/delivery of Training	✓			
MIS Team				
Staff Recruitment	✓			
School Governor Service				
Staff Recruitment	✓	✓		
Governor Clerk Claims	✓			
LA Governor recruitment and removal (via a panel)	✓	✓	✓	
Kirklees Business Solutions				
Development of System Purchases	✓	✓		
Development of Service decisions	✓	✓		
Charging Procedures	✓	✓		
Kirklees Supply Service				
Complaints (Safeguarding, Competence or Criminal – to HoS)	✓	✓		
HR Processes	✓	✓		
All Supply staff Recruitment • DBS Positive Disclosure Risk Assessment (Criminal Cases – HoS)	✓			
Negative Feedback from Schools/supply staff	✓			
Books Plus				
Development of Service & Priorities	✓	✓		
Recruitment Decisions	✓	✓		

FOI'S				
Approve draft FOI	✓			
Approve final service FOI		✓		
Complaints				
Respond to complaint at Stage 1 of the procedure	✓	✓ (only if complaint relates to the actions of a Team Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓ (only if complaint relates to the actions of a Head of Service)	
Adjudicate Stage 2 complaints			✓	
Financial Delegation				
Authorise Purchase Payment (up to £20) E5A	✓			
Authorise Purchase Payment (above £20,000) E5A		✓		
Authorise Purchase Payment (above £100,000) E5A			✓	
Large Purchase Orders (SAP)	✓	✓		
GDPR				
Privacy Notice		✓		
Information Sharing Agreements		✓		
DPIA		✓		
Business Continuity				
Staffing Numbers	✓			
Office Accommodation	✓	✓		

Early Support

Responsibility	Family Support Worker/ES Consultant	Team Leader	Team Manager	Service Manager	Head of Service	Service Director	Procedure Reference
Assessments, Reports and Referrals							
Authorise Early Support Assessment inc formulation		✓					
Authorise Step Downs from Social Care (Decision Making)			✓				
Sign off reports to ICPC/RCPC		✓					KSCP Procedures
Sign off TAF Plans		✓					
Agree referrals from Partners (Decision Making)		✓	✓				
Agree referrals to parenting programmes FGC or MST		✓					
Agree referrals (step up) to social care		✓	✓				Early Support Safeguarding Procedure
Agree referrals to other Services	✓						
Case Transfer & Closure							
Case closure		✓					
Case transfer to another Team		✓					
Case transfer to another Local Authority (referral)		✓					
External Documents Delegation							
Authorise documents for use by external partners				✓	✓		
Change in Working Arrangements (Team Leaders discuss with Manager in supervision and make a proposal, decision sign off by EESLT)				✓	✓		
Approval of extended or Unpaid Leave					✓		
Approval of over 3 weeks leave					✓		
Extending Payment Arrangements							
Extending paid sickness beyond entitlement in extenuating circumstances						✓	
Payment in lieu of holiday in extenuating circumstances						✓	
FOI's							
Approve draft FOI				✓			
Approve final Service FOI					✓		

Responsibility	Family Support Worker/ES Consultant	Team Leader	Team Manager	Service Manager	Head of Service	Service Director	Procedure Reference
Complaints							
Respond to complaint at Stage 1 of the procedure		✓	✓ (only if complaint relates to the actions of a Team Leader)	✓ (Only if complaint relates to the actions of a Team Manager)	✓ (only if complaint relates to the actions of a Service Manager)		
Respond to complaint at Stage 2 of the procedure			✓ As above	✓ As above	✓ As above		
Adjudicate Stage 2 complaints					✓	✓	
Financial Delegation							
Authorise Purchase Payment (up to £20) E5A		✓					Early Support financial payment principles
Authorise Purchase Payment (up to £20,000) E5A				✓			Early Support financial payment principles
Authorise Purchase Payment (up to £100,000) E5A					✓		Early Support financial payment principles
GDPR							
Privacy notice					✓		
Information Sharing agreements					✓		
DPIA					✓		
Grants							
Approval of grants and commissioning				✓			Financial Procedure Rules Contract Procurement Rules
Approval of grants and commissioning – under £25,000				✓	✓		Financial Procedure Rules Contract Procurement Rules Including submission

Responsibility	Family Support Worker/ES Consultant	Team Leader	Team Manager	Service Manager	Head of Service	Service Director	Procedure Reference
Approval of grants and commissioning – over £25,000					✓	✓	Financial Procedure Rules Contract Procurement Rules Including submission
Business Continuity							
Staffing Numbers					✓		
Office Accomodation					✓		

Post 16 & Adult and Community Learning

Responsibility	Service Manager	Head of Service	Service Director	Procedure reference
ACL				
Contract Management (sits with Learning and ES) Including sub contracting/ DPS system, contract compliance.	✓			
Ofsted/ QA of provision	✓			
SCITT				
Recruitment and retention of students	✓			
Ofsted/ QA of provision	✓			
FOI's				
Approve draft FOI	✓			
Approve final service FOI		✓		
Complaints				
Respond to complaint at Stage 1 of the procedure	✓	✓ (only if complaint relates to the actions of a Team Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓ (only if complaint relates to the actions of a Head of Service)	
Adjudicate Stage 2 complaints			✓	
Financial Delegation				
Authorise Purchase Payment (up to £20) E5A	✓			
Authorise Purchase Payment (above £20,000) E5A		✓		
Authorise Purchase Payment (above £100,000) E5A			✓	

Large Purchase Orders (SAP)	✓	✓		
GDPR				
Privacy Notice		✓		
Information Sharing Agreements		✓		
DPIA		✓		
Business Continuity				
Staffing numbers		✓		
Office Accomodation		✓		

Virtual School

Responsibility	Service Manager VS TM	Head of Service VS Head	Service Director	Procedure reference
PEP Quality Assurance and sign off	✓			
FOI'S				
Approve draft FOI	✓			
Approve final service FOI		✓		
Complaints				
Respond to complaint at Stage 1 of the procedure	✓	✓ (only if complaint relates to the actions of a Team Manager)		
Respond to complaint at Stage 2 of the procedure		✓	✓ (only if complaint relates to the actions of a Head of Service)	
Adjudicate Stage 2 complaints			✓	
Financial Delegation				
Authorise Purchase Payment (up to £20) E5A	✓			
Authorise Purchase Payment (above £20,000) E5A		✓		
Authorise Purchase Payment (above £100,000) E5A			✓	
Large Purchase Orders (SAP)	✓	✓		

GDPR				
Privacy Notice		✓		
Information Sharing Agreements		✓		
DPIA		✓		
Business Continuity				
Staffing numbers		✓		
Office Accomodation		✓		

Section 2 – Finance and Governance. (where not covered in the individual schemes above)

Responsibility	Team Manager	Service Manager	Head of Service	Service Director	DCS	Named individuals	Procedure reference
Financial procedures							
Standards of behaviour							
Sign off Gifts & Hospitality Register		✓ > £25	✓ < £25				Employee Handbook
Sign off Declarations of Interest				✓			Employee Handbook
Assets							
Ensure detailed inventories are compiled and kept up to date	✓						Financial Procedure Rules
Surplus or obsolete goods or inventory items are disposed of correctly	✓						Financial Procedure Rules
Stock records completed	✓						Financial Procedure Rules
Security							
A register of all safe keys/codes and key/code holders is maintained	✓						Financial Procedure Rules
Nominated officer responsible for overseeing lost property and maintaining the register				✓			Financial Procedure Rules
Cheques and Petty Cash							
Register of all officers authorised to sign cheques and other bank documents maintained				✓			Financial Procedure Rules
Record of all petty cash imprests, including imprest holder, amount, location maintained and approver		✓					Financial Procedure Rules
Purchasing Cards							
Review of monthly credit, transaction and cash limits and purchasing categories			✓				Financial Procedure Rules
Approving application form for new purchase card			✓				
Approving a temporary limit increase			✓				
Named purchasing card are always kept safe						✓ All card holders	Financial Procedure Rules
All expenditure incurred is supported by adequate records						✓ All card holder	Financial Procedure Rules
Authorisation Levels							
Check SAP requisitioner approvers and requisitioner type	✓						
Approving SAP procurement approvers and approval limits				✓			

Responsibility	Team Manager	Service Manager	Head of Service	Service Director	DCS	Named individuals	Procedure reference
Approving contract amendments or extensions for supplies and services			✓				
People Panel approval for requests to fill honorarium acting ups secondments extension to temporary arrangements agency workers			✓				
Signatory List							
Authorise entries on the corporate/ central contract signatory list are correct				✓			
Cabinet and Key Decision Notices (KDNs)							
Authorise documents or reports to be shared with Portfolio Holders or Councillors				✓			
Authorise flight path journey through to Cabinet				✓			
Sign off Key Decision Notice					✓		
Communication & Information							
Sign off new public facing information, correspondence, guidance, and policies (both printed and web formats)				✓			
Sign off amended/updated public facing information, correspondence, guidance, and policies (both printed and web formats)				✓			
Sign off new internal procedures, correspondence, staff guidance and service updates			✓				
Sign off amended/updated internal procedures, correspondence, staff guidance and service updates			✓				
Sign off intranet content uploads			✓				
Sign off website content uploads				✓			
Sign off Press Release					✓	Portfolio Holder	Social Media Guidelines
Sign off interactions with the Press					✓	Head of Comms	Social Media Guidelines
Sign off Social Media accounts for service presence					✓	Comms Rep	Social Media Guidelines
Hazard Warning							

Responsibility	Team Manager	Service Manager	Head of Service	Service Director	DCS	Named individuals	Procedure reference
Decision to enforce a banning order		✓					
Review an appeal when a banning order is in place			✓				
Sign off Hazard Warning Database Authorised User list		✓	✓				Telephone Alert, Hazard Warning and Incident Reporting Guidance
Sign off Hazard Warning Database Service Link Officer		✓	✓				Telephone Alert, Hazard Warning and Incident Reporting Guidance
Review entries on the Hazard Warning Database.						Service link officer ✓	Telephone Alert, Hazard Warning and Incident Reporting Guidance
Approve entries to be removed from the Hazard Warning Database.	✓	✓				Originator ✓	Telephone Alert, Hazard Warning and Incident Reporting Guidance
Sign off completed V1 forms in role of Authorising Manager.	✓						Telephone Alert, Hazard Warning and Incident Reporting Guidance
Review Authorising Manager names on submitted form to ensure correct and complete. If Authorising Manager has left the role, to identify a replacement						Service link officer ✓	Telephone Alert, Hazard Warning and Incident Reporting Guidance
Emergency Planning							
Decision to implement emergency planning protocol				✓			Business Continuity Framework & Policy
Information Governance							
Receipt of new Freedom of Information requests from the Information Governance Team				✓			
Assign Freedom of Information request to appropriate manager(s) or team(s) to collate information and/ or draft response				✓			
Sign off completed Freedom of Information requests			✓				
Drafting and maintaining privacy notice	✓						
Sign off new or amended privacy notice		✓					
Drafting and updating Data Protection Impact Assessment (DPIA)	✓						
Sign off DPIA		✓					
Create and maintain (where needed) Information Sharing Agreement		✓					

Responsibility	Team Manager	Service Manager	Head of Service	Service Director	DCS	Named individuals	Procedure reference
Sign off new or amended information sharing agreements			✓				
Information Asset Owner				✓			

Note regarding School Governing Bodies: The purpose of a governing body is to

- help the school to set high standards by planning for the school's future and setting targets for school improvement
- keep the pressure up on school improvement
- be a critical friend to the school, offering support and advice
- help the school respond to the needs of parents and the community
- make the school accountable to the public for what it does
- work with the school on planning, developing policies and keeping the school under review
- exercise its responsibilities and powers in partnership with the headteacher and staff
- not intervene in the day-to-day management of the school unless there are weaknesses, when it then has a duty to take action.

A school's governing body is a corporate body. This means it has a legal existence separate from that of its individual members. A governing body can delegate any of its statutory functions to a committee, a governor or the headteacher, subject to prescribed restrictions. Each governing body will remain accountable for any decisions taken, including those relating to functions delegated to a committee or individual.



Mel Meggs
Director for Children & Families