

Sub-delegation scheme for Director of Children, Young People and Families

Signed:

A handwritten signature in black ink, appearing to read 'Sue Ross', written in a cursive style.

Sue Ross

Director Adults and Children

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Introduction

The Director of Children, Young People and Families is authorised to carry out functions on behalf of the Council.

This Sub-Delegation Scheme sets out:

- Which functions have been sub-delegated by the Director of Children, Young People and Families
- Which officers have been authorised by the Director of Children, Young People and Families to carry out functions; and
- Any conditions attached to the authority sub-delegation by the Director of Children, Young People and Families

If a particular function is not included in this scheme of delegation then that function will be reserved to the Service Director – for example applying for planning permissions and authorising the Service Director for Legal and Democratic to commence and defend legal proceedings – or to the Chief Executive, an individual Cabinet Member, the full Cabinet or the Leader of the Council.

Who is covered by this Sub-Delegation Scheme?

This Sub-Delegation Scheme will apply to all permanent, contract – for example consultants - and temporary staff working for the Council.

The exercise of all delegations is subject to compliance with the law, the Council's Constitution, its Financial Regulations and Procurement Rules and other relevant policies, procedures and rules. Although these functions have been delegated to officers, under the Constitution there is still a requirement to

- Notify the relevant Cabinet member of any action which is likely to be contentious or politically sensitive
- Consult other service areas where the decision is likely to have an impact on those service areas.

- Ensure that the following issues are considered:
 - The principles of decision making set out in Article 13 of the Constitution.
 - The Council Procedure Rules, Financial Regulations and Procurement Rules and whether the matter needs to be included in the Cabinet Forward Plan.
 - All relevant guidance, law and codes of practice including national and regional guidance.
 - The responses to consultation conducted in accordance with the Council's consultation Strategy and the views coming from that process.
 - The views of the relevant Cabinet Members, of Chairs of Boards or Panels or Committees, and where the decision may have cross cutting implications and/or relate to a specific area, the views of relevant Council Boards, Panels or Committees, Cabinet portfolio holders and local ward members.
 - The involvement of relevant statutory officers and/or other Executive Directors and service Directors;
 - Any risks in accordance with the Council's Risk Management Strategy.
 - The staffing, legal and financial implications including the need to secure value for money.
 - The range of available options.

An officer to whom authority has been sub-delegated under this scheme may decide not to exercise their authority in relation to a particular matter. They should refer any such matter to the Director of Children, Young People and Families

An officer to whom authority has been sub-delegated under this scheme must follow the employee code of conduct and any other rules or requirements in relation to personal conflicts of interest which apply to them.

Where does delegation come from?

The Council carries out executive and non-executive functions.

Non-executive functions are specifically identified in regulations issued under the Local Government Act 2000. They are carried out by full Council and its Boards and Committees. Non-executive functions are generally quasi-judicial¹, such as granting planning applications – development control – and dealing with licensing applications.

Full Council and its Boards and Committees delegate many of their non-executive functions to officers.

All other functions are executive functions.

All executive authority flows through the Leader of the Council who retains the authority to make any executive decisions and subject to this may delegate decision making to:

- The Cabinet
- A member of the Cabinet
- an Officer

The Cabinet may also delegate executive functions to officers.

Some functions are 'local choice' functions. This means that the Council decides whether to treat them as executive or non-executive functions.

Officer delegations for non-executive functions are set out in the following parts of the Constitution

- Articles – Part 2
- Full Council functions – Part 3:3.2

¹ 'Quasi-judicial' describes decision-making powers that are similar to those of a court judge.

- Licensing Board and Licensing Sub-Committee functions – Part 3:3.5²
- Planning Board functions – Part 3:3.6³

- Local choice functions – Part 3:6
- Council and Executive functions delegated to Officers – Part 3:7
- Proper Officer Delegations – Part 3:8

Officer delegations for executive functions are set out in:

- a. the following parts of the Constitution
 - Local choice functions – Part 3:6
 - Council and Executive functions delegated to Officers – Part 3:7
 - Proper Officer Delegations– Part 3:8
 - Financial Regulations and Procurement Rules – Part 4
- b. The Leader of the Council’s Scheme of Delegation
- c. The Chief Executive’s Scheme of Delegation

An officer may carry out their functions through other officers. To do so, they must sub-delegate the functions to appropriate officers and reference this in the relevant Sub-Delegation Scheme. These officers must be of suitable experience or seniority.

² This section, whilst not setting out specific officer delegations, states that the relevant Service Director has delegated authority to make decisions on those licensing matters not reserved to full Council, the Licensing Board and the Licensing Sub-Committee.

³ This section, whilst not setting out specific officer delegations, states that the relevant Service Director has delegated authority to make decisions on those planning matters not reserved to the Planning Board.

The Template

The purpose of the template is to ensure consistency of approach by Directors in their sub-delegation to other officers.

The template should be followed by:

- Directors;
- the Chief Executive; and
- the Deputy Chief Executive;

References to directors refer to all of the officers listed above, unless otherwise specified.

There is a need for Directors to review their sub-delegation scheme

- following any change to the Council, Leader or Chief Executive's schemes of delegation.
- whenever there is a change to their delegation during the year; and
- whenever there is a change to the structure of their Directorate

If Directors do not keep their scheme of delegation up to date, decisions made by their staff may be challenged.

It is recommended that Directors review their schemes in any case every six months to see if any changes are necessary.

A copy of the updated scheme must be sent to the Monitoring Officer.

You will need to refer to the council's constitution. Please use the most up to date version, which is available on the internet.

By using this template, you can be sure your sub-delegation scheme is comprehensive.

Although your sub-delegation scheme should follow the template, it is up to you whether and how you sub-delegate your function

1. Power to deputise

Function delegated by Director of Children, Young People and Families (Service Director)	Officer to whom sub-delegated	Conditions
Authority to act in the absence of the Director of Children, Young People and Families, where a decision cannot reasonably be delayed until the return of that Director	Service Managers for: -Referral Assessment and Safeguarding -Planning for Permanence - LAC & Care Leavers -Quality Assurance and Safeguarding	

2. General Management Functions

Function delegated by Director of Children, Young People and Families	Officer to whom sub-delegated	Conditions
A. Financial Management		
Example functions:		
<ul style="list-style-type: none"> Setting discretionary fees 	Service Managers CSC	One off payments –no change to policy without due process being followed.
<ul style="list-style-type: none"> Virements 	Service Director Children & Young People / Community, Learning & Commissioning	In exceptional situations with advice from group accountant.
<ul style="list-style-type: none"> Debt write-off 	Service Director Children & Young People / Community, Learning & Commissioning	Following consideration with Group accountant.
<ul style="list-style-type: none"> External funding bids 	Service Managers CSC	

<ul style="list-style-type: none"> Approving expenditure – for example: Above £30,000– Service Director Between £10,000 - £30,000 - posts Between £5,000 - £10,000 - posts Between £500 - £5,000 - posts Up to £500 - posts 	<ol style="list-style-type: none"> Above £30,000 delegated to Service Manager Permanence for Planning Services in order to agree individual placements for looked after children. Above £30,000 delegated to all Service Managers to manage specific SLAs within their agreed responsibility. <ol style="list-style-type: none"> Team Manager delegated to approve: sums up to £500 for specifics to support children under Section 17. Responsible Service Manager must be informed. Packages of child care / family support must be agreed by Service Manager 	<ol style="list-style-type: none"> Best value must be fully considered with ART team and this decision must not be delegated below Service Manager decision. Spend only within agreed budget as set out at start of financial year-this must not be exceeded without Service Director Agreement.
<ul style="list-style-type: none"> Insurance claims 	Not delegated	
<p>Note – You must have regard to the Financial Regulations when completing this section</p>		
<p>B. Procurement</p>	Service Managers	Service Managers must be fully aware of Procurement rules and processes and liaise with Procurement colleagues for advice and support.
<p>Example functions:</p>		
<ul style="list-style-type: none"> External quotations, tenders etc 	External quotations for placements and brokerage delegated to ART	
<ul style="list-style-type: none"> Signing contracts 		
<ul style="list-style-type: none"> Extension/renewal of contracts 		
<ul style="list-style-type: none"> Amendments/variations to contracts 		
<p>Note – You must have regard to the Procurement Rules when completing this section. Consider using thresholds along the lines of the example set out under the 'Financial Management' section.</p>		

Function delegated by Director of Children, Young People and Families	Officer to whom sub-delegated	Conditions
C. Asset Management	No delegation	
Example functions:		
<ul style="list-style-type: none"> Acquiring or disposing of assets other than land or buildings – for example Law Library resources, ICT 		
D. Management of staff		
Example functions from Chief Executive's Scheme of Delegation:		
<ul style="list-style-type: none"> Requests for Flexible retirement in accordance with Local Government Pension Scheme Regulations 2008 (as amended). 	Service Director	With advice from HR Business Partner and Group Accountant.
<ul style="list-style-type: none"> To authorise payment of overtime within established budgets. 	Service Managers	Must follow HR policy and be within allocated budget.
<ul style="list-style-type: none"> To authorise payment of overtime for Officers over Spinal Column Point 28, Grade 6, within established budgets. 	Service Managers	As above
<ul style="list-style-type: none"> HR <ol style="list-style-type: none"> To apply and monitor the HR policies, procedures and best practice as set out in HR Online – for example disciplinary, grievance and dismissal. Approval of job, and person specification for existing posts Decision on whether to proceed with appointment where a DBS has 	<p>Service Managers</p> <p>Service Managers for posts below grade 13.</p> <p>Appointing Officer undertakes risk assessment for Service Director</p>	<p>Must seek advice from HR. Service Managers must ensure that they and all recruiting staff are trained and conversant with BBC policies and processes.</p> <p>In conjunction with Appointing Officer to complete Risk Assessment form to be</p>

<p>shown up a criminal conviction or when applicant discloses a criminal conviction</p> <p>4. Decision to appoint prior to police check being received (where confirmation of previous DBS/CRB by another Authority has been undertaken)</p> <p>5. Social Work and Family Support Worker Progression Grade 6 to Grade 7</p> <p>6. Decision to suspend an employee</p> <p>7. Ensure regular supervision of staff on all casework as per CSC policy</p>	<p>Service Director</p> <p>Service Managers</p> <p>Investigation decision by Service Director</p> <p>Service Managers and delegated to Team Managers</p>	<p>authorised by the Service Director before forwarding to Divisional Business Management for HR records. Advice from Directorate HR team.</p> <p>In line with CSC grading Panel process.</p> <p>In consultation with HR refer to HR Guidance</p> <p>In line with CSC supervision policy and procedures</p>
<ul style="list-style-type: none"> To apply and authorise the Maternity Support Leave Provisions as agreed by Bournemouth Council. 	<p>Service Managers</p>	
<ul style="list-style-type: none"> To authorise Compassionate Leave within the agreed policy. 	<p>Service Director</p>	
<ul style="list-style-type: none"> To consider and, if appropriate, approve annual leave or flexi leave at short notice for an employee following the death of any other relation or friend not included in the Compassionate Leave Policy. 	<p>Service Managers</p>	
<ul style="list-style-type: none"> To grant reasonable time off with pay for employees attending job interviews with other Service Units of this authority and other Local Authorities 	<p>Service Managers</p>	

dependent on the location, travel arrangements, interview programme and so on.		
<ul style="list-style-type: none"> To apply the flexible working hours scheme. 	Service Managers	
<ul style="list-style-type: none"> To consider requests from employees to engage in any other regular employment for which payment is received. 	Service Director	
<ul style="list-style-type: none"> To approve carry over, of up to a maximum of 10 days annual leave from one leave year to the next. or pay off up to a maximum of 10 days annual leave, where work commitments make taking carried over leave difficult. 	Service Director	
<ul style="list-style-type: none"> To approve Officers' reasonable expenses in excess of the standard subsistence and accommodation allowance rates. 	Service Director	
<ul style="list-style-type: none"> To agree with managers the advertising of internal and external vacancies. 	Service Director	
<ul style="list-style-type: none"> To formally extend probationary period for new employees by not normally more than two periods of 12 weeks. 	Service Director	Liaison with HR if there are competency issues.
<ul style="list-style-type: none"> To grant ex-gratia payments to employees for damage or loss of personal items such as clothing or glasses resulting from an accident whilst undertaking authorised duties. 	Service Director	
E. Health and Safety/Risk		
Example functions:		
<ul style="list-style-type: none"> Approval of risk assessments 	Service Managers	
<ul style="list-style-type: none"> Restricting access to abusive/violent customers 	Service Director	

<ul style="list-style-type: none"> • Fire Marshalls 	Business Support Manager CLC	
<ul style="list-style-type: none"> • Working from home assessment 	Business Support Manager CLC	
F. Emergency Planning		
Example functions:		
<ul style="list-style-type: none"> • Emergency Planning command process 	As defined in Emergency Planning Scheme	
<ul style="list-style-type: none"> • Business Continuity 	Business Support Manager CLC	
G. Equalities and Diversity		
Example functions:		
<ul style="list-style-type: none"> • Approval of Equalities Impact Assessments 	Service Director	

Function delegated by Director of Children, Young People and Families	Officer to whom sub-delegated	Conditions
H. Legal		
Example functions:		
<ul style="list-style-type: none"> • Compensation payments 	Not delegated	
<ul style="list-style-type: none"> • Claims 	Not delegated	
<ul style="list-style-type: none"> • Powers of entry/seizure 	Not delegated	

3. Directorate Specific Functions

Function delegated by Director of Children, Young People and Families	Officer to whom sub-delegated	Conditions
Service Management/Delivery		
Changes to staff establishment	Director	Within budget constraints

Authorisation to take on agency staff member and agree terms	Director	Must use ART to agree options and must liaise with HR Business Partner
Assessment, Care Planning and Service Provision		
Preventative Services: <ul style="list-style-type: none"> Decision to provide services under S17 (Children in Need) including payment Decision to make Family Budget payment for Turnaround Families 	Service Manager over £500 per transaction; over £5,000 per child per annum Team Manager up to £500 per family. Team Manager	Must be within allocated budgets. Accountant must be informed.
Child Protection: <ul style="list-style-type: none"> Implementation of Section 47 enquiries/investigation processes Decision to convene Child Protection Conference (CPC) and responsibility to manager process Implementation of care planning regs 	Team Manager Team Manager IRO's/Team Managers	Statutory Working Together 2013 guidance must be used As above Inform Service Manager and SM: Safeguarding & Quality.
Court Proceedings for Children: <ul style="list-style-type: none"> Decision to hold a Legal Planning Meeting Decision to commence care proceedings Decision to apply for an emergency protection order 	Team Managers, to ensure case is referred to PPCL Panel for discussion and Service Manager agreement. Service Managers via PPCL Panel Service Managers	Refer to Practice Protocols in Children's Services Handbook Refer to Practice Protocols in Children's Services Handbook Refer to Practice Protocols in Children's Services Handbook
Residential Foster Care <ul style="list-style-type: none"> Decision to place child with person (relative or friend) not approved as 	Service Manager	Refer to Practice Protocols in Children's Services Handbook and Care Planning Regulations

<p>a foster carer under Reg. 24 Immediate Placements</p> <ul style="list-style-type: none"> • Exemption from “usual fostering limit” or agreement to placement of a child outside terms of approval (e.g. number of children approved to take): <ul style="list-style-type: none"> • in an emergency and out of hours • in an emergency during office hours • Approval for B&B accommodation for a young person 	<p>Service Manager</p> <p>Service Manager</p> <p>Service Manager</p> <p>Service Director</p>	<p>Maximum seven day exemption</p>
<p>Looked After Children:</p> <ul style="list-style-type: none"> • Decision to accommodate or extend period of accommodation • Permission for LAC to go abroad (other than emigration) including signing passports for children in care • Giving permission for child in care to marry • Permission to join Armed Forces • Agreement to routine medical treatment and minor procedures: <ul style="list-style-type: none"> • If child accommodated under S.20 • If child subject to Care Order/ Interim Care Order/Placement Order 	<p>Service Manager</p> <p>Service Director</p> <p>Service Director</p> <p>Service Director</p> <p>Service Director</p>	<p>Refer to Practice Protocols in Children’s Services Handbook</p> <p>Consult with persons with parental responsibility as appropriate</p> <p>Consult with persons with parental responsibility as appropriate</p> <p>Refer to Children’s Services Handbook Includes agreement to termination of pregnancy. In consultation with those with Parental responsibility where practicable</p>

<ul style="list-style-type: none"> • Agreement to Special Guardianship or Residence Order Support • Authorisation for staff to travel to undertake statutory duties abroad • Authorisation to apply for a Secure Accommodation Order for a child or place a child in an emergency. 	<p>Service Manager</p> <p>Service Director</p> <p>Director of Children’s Services</p>	<p>Refer to Children’s Services Handbook</p>
<p>Children with Disabilities:</p> <ul style="list-style-type: none"> • Decision re use of Direct Payments/Other grants 	<p>Service Manager</p>	
<p>Management of SLA’s</p>	<p>Service Managers</p>	
<p>Monitoring and Oversight of QA Function</p>	<p>Service Managers</p>	