

APPENDIX 2

The Directorate for Children and Young People Scheme of Delegation

1. Purpose

- 1.1 The Children and Young People's Directorate Scheme of Delegation sets out the post titles of those officers whom the Executive Director for Children and Young People (CYP) has nominated to take decisions on areas from the Council and Mayoral Schemes of Delegation where responsibility has been delegated to the Executive Director for CYP. The Executive Director for Resources and Regeneration delegates the financial matters listed in this scheme to the Executive Director for Children and Young People unless otherwise stated.
- 1.2 This Scheme of Delegation will remain in force until it is amended or revoked by the Executive Director for CYP or via changes to the Council and Mayoral Schemes of Delegation.
- 1.3 The purpose of the CYP Directorate scheme of delegation is to be clear about which officer has been nominated to make delegated decisions within this directorate.
- 1.4 The scheme is subject to the Council's Constitution, the Council and Mayoral Schemes of Delegation, Financial Regulations and Standing Orders.
- 1.5 Heads of Service will continue to be responsible for running their own services and taking decisions in line with their service requirements, unless specifically required in this scheme of delegation or determined by the Executive Director for CYP to seek other agreement.
- 1.6 Some decisions in this scheme of delegation will still be required to be taken directly by the Executive Director for CYP or, in their absence, they will nominate an appropriate officer/s to assume these responsibilities but, unless otherwise notified, the following delegations will apply:
 - Directorate financial decisions – Head of Financial Services
 - Legal decisions – Head of Law or Deputy Monitoring Officer/Principal Lawyers as appropriately nominated by the Head of Law
 - Schools Personnel/Human Resources decisions – Assistant Director (Education)
 - Acts under authority delegated to the Executive Director for CYP in his/her absence – Assistant Director (Education), (unless specifically delegated to a Head of Service or another Assistant Director)
 - Contract matters – Schools : Head of Corporate Resources

Note: schools covers all expenditure on the following services – standards and inclusion. It also includes all Special Education Needs expenditure and any other expenditure contained within the Dedicated Schools Grant.

- 1.7 All matters pertaining to Resources have been temporarily delegated to the Head of Corporate Resources, acting as the Chief Finance Officer. The Head of Financial Services is temporarily acting as Deputy Section 151 officer.
- 1.8 Where the word 'nominee' is used the nomination is to be made by the post holder referred to, in writing, and a record of all such nominations within the directorate must be kept in the directorate and available for inspection at any time.
- 1.9 Where power is delegated to the Executive Director, and officers are nominated by him/her under this Scheme of Delegation, the power will be exercised in a manner that decisions are not made in isolation and that the decision-maker takes into account the broader corporate implications for the Council. If officers take key decisions, as defined in Article 16 of the Constitution of the London Borough of Lewisham, the law requires them to comply with prevailing access to information

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regulations. In addition, for key executive decisions which are to be taken by officers individually, the Chief Executive may, from time to time, put in place a procedure to ensure that officer decision making is exercised in a manner which reflects corporate considerations. Officers may only exercise delegated authority in relation to key executive decisions by complying with the procedures as stated in the Constitution.

1.10 Please note that when the DEP/CEP process is in place, the necessary authorisation as specified by the process is required before any spend can be initiated.

2. Delegations

Unless required otherwise by law, the Constitution, the Council and Mayoral Schemes of Delegation or this Scheme of Delegation, the Executive Director for CYP nominates the following post holders to make the decisions set out in the table below as listed. Please note, throughout this document “Executive Director” refers specifically to the Executive Director for Children and Young People (CYP) unless specified otherwise. Where a Head of Service is referred to, it is the relevant and appropriate Head of Service that the authority is delegated to.

Mayoral Areas of Delegation

Area of delegation	Officer with delegated authority
<p>Day to day control and regulation of the directorate’s finances.</p> <p>Strategic oversight and monitoring of the overall directorate budget.</p> <p>Day to day control and monitoring of individual service budgets. The exception is care packages for individual service users which are subject to separate delegated arrangements set out below.</p>	<p>Executive Director</p> <p>Head of Financial Services in consultation with the Group Finance Manager</p> <p>Budget holders</p>
<p>Budget Virements</p> <p>A Budget Virement is a transfer of a budget from the purposes for which Council originally voted in setting the Budget and Council Tax to another purpose (e.g. from one service to another), or another use (e.g. from pay to non-pay or vice versa).</p> <p>Revenue Budget Virements</p> <p>Within the Directorate</p> <p>Within the same Service area</p> <p>a) Up to £20k</p>	<p>Group Finance Manager in consultation with the Head of Service</p>

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<p>b) Up to £100k</p>	<p>Head of Financial Services or Head of Corporate Resources in consultation with Head of Service</p>
<p>c) Up to £500k</p> <p>Across Service areas</p>	<p>Executive Director</p>
<p>a) Up to £100k</p>	<p>Head of Financial Services or Head of Corporate Resources in consultation with the affected Heads of Service</p>
<p>b) Up to £500k</p>	<p>Executive Director</p>
<p>Cross Directorate</p>	
<p>a) Up to £100k</p>	<p>Head of Financial Services or Head of Corporate Resources in consultation with the affected Heads of Service</p>
<p>b) Up to £500k</p>	<p>Executive Director (via Executive Management Team)</p>
<p>All Revenue Budget Virements above these limits are reserved to Members</p>	
<p>Capital Budget Virements (on the Council's Capital Programme)</p>	
<p>Up to £500k</p>	<p>Executive Director</p>
<p>Over £500k</p>	<p>Members</p>
<p>Budget Adjustments</p>	
<p>A Budget Adjustment is a transfer of a budget from one cost centre to another whilst retaining the original purpose for which the budget was approved.</p>	
<p>Within the same Service Area in the same Directorate</p>	<p>Group Finance Manager</p>
<p>Across Service Areas in the same Directorate</p>	<p>Group Finance Manager in consultation with the affected Heads of Service</p>
<p>Across Directorates</p>	<p>Executive Directors of both Directorates</p>
<p>Budget transfers relating to technical accounting adjustments</p>	<p>Head of Corporate Resources or Head of Financial Services</p>

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<p>Any items that fall outside the above definitions must be referred to the Head of Financial Services or the Head of Corporate Resources for further clarification</p> <p>Loans</p> <p>Approval of any loan for Treasury Management purposes and the Employee Loan Scheme (all other loan decisions are reserved to Members)</p>	<p>Head of Corporate Resources</p>
<p>CONTRACTS</p> <p>Note:</p> <ul style="list-style-type: none"> • Certain decisions relating to contracts are reserved to Members: see the Mayoral Scheme of Delegation Section R. • The Contract Procedure Rules in the Constitution set out what the 'Categories' of contract are: see Rule 5.1 of Contract Procedure Rules. 	
<p>(Note that some decisions are reserved to Members; and other decisions may be affected by the requirements set out at 2 – 15 below)</p> <p>1. Decisions relating to contracts</p> <ol style="list-style-type: none"> a) where the estimated expenditure is £50,000 or less; b) where the estimated expenditure is over £50,000. 	<p>Head of Service</p> <p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>2. Contract Pre-tender authorisations (Contract Procedure Rules 3.1) (Note: see reservations to Members)</p>	<p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>3. Contract Competitive Quotes and Tenders (Contract Procedure Rules 5.1) Decisions about 'Permitted method of competition':</p> <ol style="list-style-type: none"> a) All decisions other than those set out in b) b) Decisions about Category A or Category B contracts where the proposal is for use of a Framework Agreement or use of a Dynamic Purchasing System (either of which must have been established by the Council or a public sector body or bodies, be competitively tendered and be EU compliant) 	<p>Executive Director or nominee in accordance with their delegated financial limits</p> <p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>

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<p>4. Two Stage Procurement Process (Contract Procedure Rules 5.8) Decisions about agreement on the shortlist following expressions of interest</p>	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>5. Liquidated and Ascertained Damages (Contract Procedure Rules 9.3) Decisions that it is not appropriate to provide for liquidated damages</p>	<p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>
<p>6. Security and Guarantee (Contract Procedure Rules 9.4) Decisions about the sufficiency of security and/or guarantee for the due performance of a contract in relation to contracts with a value above £50,000</p>	<p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>
<p>7. Submission of Tenders (Contract Procedure Rules 10.1) Where the proposal is to take a different approach to that set out in Table 2 of Contract Procedure Rules</p>	<p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>
<p>8. Late Submissions, Errors etc (Contract Procedure Rules 10.5)</p> <p>a) Decisions to accept late tender or quotation (Contract Procedure Rules 10.5.1)</p> <p>b) Decisions to allow alteration of tenders (Contract Procedure Rules 10.5.3)</p>	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law</p> <p>Acting Chief Finance Officer or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>9. Contract Award – Energy and Water Contracts (Contract Procedure Rules 13) Decisions about award of those Energy and Water Contracts which are not reserved to Members</p>	<p>Executive Director for Resources and Regeneration</p>
<p>10. Contract Award – Contracts Exceeding the Written Estimate (Contract Procedure Rules 13, and see Rule 4.1) (Note: see reservations to Members) Decisions about award of contracts where the difference between ‘Expenditure per contract’ and the original ‘Estimated expenditure per contract’ is greater than the levels set out below:</p> <ul style="list-style-type: none"> • Goods or Services: difference is more than 10% and less than 20% subject to a maximum of £100,000; • Works: difference is more than 10% and less than 25% (subject to a maximum of £250,000). 	<p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>

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<p>11. Insurance arrangements Decisions about insurance arrangements where either:</p> <ul style="list-style-type: none"> • The value of the premium payable does not exceed £3 million or • The insurance premium does not exceed the rate for the previous year by more than 10% 	<p>Executive Director for Resources and Regeneration</p>
<p>12. Execution of Contract (Contract Procedure Rules 14.3) (Note: see Contract Procedure Rules) Execution of contracts where the cumulative value is £200,000 or below but above £50,000</p>	<p>Executive Director or nominee in accordance with their delegated financial limits</p>
<p>13. Commencement of Contract (Contract Procedure Rules 15.2) Works contracts only: Decisions about use of a letter of intent</p>	<p>Executive Director for Resources and Regeneration or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>14. Permitted Extension or Variation of Contracts or Framework Agreements (Contract Procedure Rules 17.7) (Note: see reservations to Members) Decisions about Permitted Extensions or Variations of Contracts or Framework Agreements in relation to expenditure at the levels set out below, whichever is the greater of -</p> <ul style="list-style-type: none"> • Where the value of an extension or variation is not more than 10% of the original contract, the value of that extension or variation; or • The value of the extension or variation is £500,000 or less (Goods or Services) or £1,000,000 or less (Works). 	<p>Executive Director or nominee in accordance with their delegated financial limits upon the advice of the Head of Law.</p>
<p>15. Exemption from the Contract Procedure Rules (Contract Procedure Rules 13 and 18) (Note: see reservations to Members) Decisions about exemption from the requirements of Contract Procedure Rules where there is no value involved or where the value is £500,000 or less (Goods or Services) or £1,000,000 or less (Works)</p>	<p>Executive Director for Resources and Regeneration upon the advice of the Head of Law.</p>
<p>Grants and Assistance to Voluntary Organisations</p> <p>Unless the law, the Constitution, or the Mayoral Schemes of Delegation requires otherwise, the following executive powers are delegated to the Chief Executive and to each Executive Director in relation to grants and assistance to voluntary organisations:-</p> <p>(a) the power to make a grant or to give other assistance (excluding loans) to a voluntary organisation</p>	<p>Executive Director</p>

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<p>within their area of responsibility, where the total value of the assistance in money or moneys worth does not exceed £10,000</p> <p>(b) the power to reduce or withdraw a grant or other assistance, and the power to award a grant or give other assistance to a voluntary organisation (irrespective of the value of the grant or assistance) within their area of responsibility if the value of the change in grant is no more than 10% or £5,000, (whichever is the greater), than the grant awarded in the previous year.</p> <p>All grants considered to be sensitive or controversial to be included in the forward plan</p>	<p>Executive Director</p>
<p>Application for External Funding</p> <p><u>Revenue and Capital</u></p> <p>Approval of any application for external funding which is below £1 million with no match funding and/or revenue implications, or</p> <p>a) Is below £1 million, and</p> <p>b) would require match funding from the Council of below £250,000, and</p> <p>c) would have revenue implications of below £250,000 per annum</p> <p>Note: All other applications must be approved by Members.</p> <p><u>Capital Only</u></p> <p>Before submitting a report to Mayor and Cabinet to seek approval to bid for funding, an initial agreement to proceed must be sought from the Capital Programme Delivery Board.</p>	<p>Executive Director or in his/her absence, Acting Chief Finance Officer or Head of Financial Services in consultation with the Capital Programme Delivery Board.</p>
<p>Subscriptions - affiliations to and payment of subscriptions to outside bodies up to a maximum of £25,000 per annum.</p> <p>Within own area of responsibility up to £5k</p> <p>Above £5k up to £25k</p>	<p>Head of Service</p> <p>Executive Director (or in their absence the Head of Financial Services or Acting Chief Finance Officer)</p>

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<p>Bad Debt Write Off</p> <p>Recommendation of write-off of bad debts (excluding housing rents) to the Executive Director for Resources & Regeneration (up to £50,000) or the Mayor (£50,000 and over)</p>	<p>Executive Director in consultation with Head of Financial Services</p>
<p>Write off and/or disposal of non-land and non-building assets</p> <p>Write off up to £20,000</p> <p>(must be recorded in the directorate inventory log as stated in the Financial regulations)</p>	<p>Heads of Service in consultation with Head of Financial Services or Head of Corporate Resources</p>
<p>Directorate Employment Matters</p> <p>Employment matters relating to the Directorate, namely recruitment, appointments, disciplinary, and grievance</p>	<p>Head of Service</p>

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Directorate Specific

Area	Matters to be delegated to Service Unit Manager (SUM) or other named postholder	Matters to be delegated but reserved to Head of Service (or equivalent)	Matters to be reserved to the Executive Director	Matters to be reserved to Members
Educational Psychologists & Learning Support	Principal Educational Psychologist to exercise all statutory powers to identify and meet children's special educational needs under the Education Act 1996 and all Code of Practice stages within the prescribed timescales.			
Governors' Support	SGM School Services to exercise powers including governor elections, information packs for governors, governor training programme, resolutions from Annual Parents' meetings, recruitment of governors, clerking provision, servicing of governor fora etc.			
Special Educational Needs	<p>SGM Children with Complex Needs to determine additional support provided through a formal assessment.</p> <p>SGM Children with Complex Needs to determine provision of free transport for eligible pupils, subject to notifying Assistant Director (Education) of any decisions made at SEN Tribunals which are contrary to LA policy.</p>	Assistant Director (Education) to agree contracts between the LA and Independent/non-maintained schools.		
Educational Access	Team Manager, Schools Admissions and Appeals to implement policies on admissions matters including:	SGM Access, Inclusion and Participation to be responsible for:		

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	<ul style="list-style-type: none"> • preparation of statements setting out arrangements on limits to infant class sizes • carrying out of statutory consultation on admission policies • publication of information on admissions arrangements • arrangements for admissions and exclusions appeals. 	<ul style="list-style-type: none"> • attendance of children of compulsory school age • arrangements for out of school provision • exceptional admissions decisions e.g. children of teachers and those with social/medical needs • pre-exclusion intervention • monitoring and improving educational outcomes for children looked after • enforcement of child employment legislation <p>Assistant Director (Education) to direct schools to admit specific pupils when they have a vacancy.</p>		
<p>Employment Matters (Schools)</p> <p>Probationary appeals</p> <p>Disciplinary and capability appeals</p> <p>Suspensions</p>		<p>Heads of Service to hear probationary appeals for employees in their division.</p> <p>Heads of Service hear disciplinary and capability appeals for employees in their division.</p> <p>Heads of Service to approve suspension from duty of any employees within their divisions,</p>	<p>Executive Director to hear probationary appeals for Heads of Service.</p> <p>Executive Director to hear disciplinary and capability appeals for Heads of Service</p> <p>Suspension of Heads of Service (or equivalent salary level) or any staff</p>	

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<p>Reorganisations</p> <p>Settling Employment Tribunal claims out of court.</p> <p>Resignation/Retirement of Headteachers</p> <p>Services for Children's Social Care</p> <p>Placements in Secure Accommodation</p> <p>Placements in residential or foster care</p> <p><u>Authorisation of Children Act (1989) foster carer enhancements</u></p> <p>Authorisation levels for Children Act (1989) Sect .17 Children in Need payments:</p>	<p>SGMS to prepare proposals for consultation</p> <p>HR Business Manager Schools Team. to settle claims to £5,000</p> <p>up to £50 per payment up to a maximum of £250 per family per annum – Team Leader</p>	<p>advised by HR Business Manager Schools Team.</p> <p>Heads of Service to approve proposals and take to DMT.</p> <p>Head of Corporate Resources to settle claims over £5,000 advised by legal and HR Business Manager Schools Team.</p> <p>Assistant Director (Education) and Head of Corporate Resources to approve packages in excess of 6 months gross pay in consultation with Chair of Governors.</p> <p>Assistant Director of Children's Services</p> <p>Service Group Manager / Care Planning Panel</p> <p>up to £5,000 per payment up to a maximum of £15,000 per family per annum. – Service Group Manager</p>	<p>reporting directly to them, as advised by head of Corporate personnel.</p> <p>All cases where costs to be met by DSG.</p>	
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<p>Authorisation levels for Children Act (1989) s.23 payments to LAC & s.24 Leaving Care payments:</p>	<p>up to £500 per payment up to a maximum of £2,500 per family per annum - Service Group Manager</p> <p>up to £50 per payment - Team Leaders</p> <p>up to £1,000 per payment - Service Group Manager</p>	<p>up to £15,000 per payment up to a maximum of £50,000 p.a. - Head of Service</p> <p>up to £5,000 per payment - Group Managers</p> <p>over £5,000 per payment - Head of Service</p>		
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3. General

All non-executive functions not reserved to Members, shall be delegated to the Chief Executive or such officer as he or she shall nominate in writing, unless there is a statutory requirement that the function be carried out by another officer, for example the personal statutory responsibilities of the Director of Children's Social Care.

4. General Guidance

Unless the law, the Constitution or this Scheme of Delegation requires otherwise, the following powers are delegated to the Executive Director for CYP:-

- (a) Authority to exercise the Council's executive functions in relation to education, including but not limited to, those contained in the Education Act 1996 and School Standards and Framework Act 1998, Learning & Skills Act 2000 and all other relevant legislation in force from time to time, with the exception of the matters listed in Table 2 above.
- (b) The exercise of all executive functions relating to the provision of opportunities for education, training and learning outside the formal school environment, including pre-school.
- (c) All executive decisions relating to the internal management of the Directorate of Children and Young People which are not otherwise reserved to members on any ground.

5. Exemptions

The Mayoral Schemes of Delegation states that authority to exercise executive functions and make executive decisions is delegated to officers, except where there is an exemption to the contrary. Where such an exemption exists, the general rule is that those decisions will be made by the Mayor individually, in consultation with his colleagues in the Executive. Officers should refer to the Mayoral Schemes of Delegation; to Section I and Table 1 for general exemptions, and to Section J and Table 2 for exemptions specific to the CYP Directorate. Exemptions which may override delegated authority to officers to make decisions, as detailed in Section 2 of the CYP Directorate of Delegation, are repeated below.

1. Any matter in which the officer who would otherwise have delegated authority to act is aware that a councillor (or a person, company or organisation with which the councillor is involved) has a personal interest under the Council's Member Code of Conduct.
2. Any matter in which the officer who would otherwise have delegated authority to act has an actual or potential interest.
3. Any matter which in the opinion of the Executive Director for CYP, the Chief Executive or the Head of Law because of the scale of the decision, its potential impact, the sensitivity of the decision or for any other reason would more appropriately be dealt with by members.

Signed

Sara Williams
Executive Director for CYP

Date