

Executive Director for Children’s and Family Services (Director of Children’s Services) Scheme of Delegation including Statutory & Regulatory Duties and Powers – Updated April 2024

General Provisions

Article 7 (Officers) of the Constitution details officers designated as Chief Officers and Statutory Officers. Article 7 sets out specific high-level functions and responsibilities of Chief Officers (section 7.3).

Part 2G sets out functions not to be the responsibility of the Executive – this details that certain functions must be undertaken by a committee or a council officer.

Part 4J is a Protocol for Recording Decisions made by Officers and details which type of decisions must be recorded. It also states that the Chief Officer’s Scheme of Delegation will indicate whether a Delegated Powers Report (DPR) or an Officer Decision is required. Section 3 states:

“Chief Officers have the following delegated powers in respect of all matters which are not key decisions and not reserved for decision by the Council, Cabinet or by a Committee of the Council

a) to make decisions and approve expenditure relating to their functions and the functions of their Department, where necessary. They should also comply with (b) and (c) below. The sum expended must be within the approved budget for the Department and/or relevant portfolio, and the amount in relation to any single matter must not exceed £214,905.

b) to determine employment matters relating to staff including all changes to staffing structures. This power will not include changes to terms and conditions of employment or additional payments to any individual member of staff above £100K.

c) to approve tender strategies and award contracts in accordance with the Council’s Contract Procedure Rules within Part 4 of the Constitution.

3.2 Where appropriate the Head of Paid Service may exercise any function delegated to any other officer, e.g., in case of absence.

3.3 Where a Chief Officer believes that a matter that is within their delegated authority is significant or sensitive they have the discretion to refer it to Members for decision.”

Whilst actions and decisions taken using authority delegated by a Chief Officer will be taken in the name of the individual officer with delegated authority, the Chief Officer is accountable for ensuring that decisions taken are lawful and in accordance with the Constitution. The Chief Officer should monitor the effectiveness of decisions taken under delegated powers, including ensuring that officers are appropriately skilled to exercise those powers.

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Scheme of Financial Delegation

Chief Officers are required to ensure that all staff are aware of the Financial Regulations as required by Section 151 of the Local Government Act 1972, and to maintain a scheme of financial delegation. The scheme of financial delegation will define the authorisation limits in respect of ordering goods, services and works. The scheme of financial delegation applies to all officers within the Council, as well as joint employees of the Council, and is attached as an appendix to this document.

The Executive Director for Children’s Services is also responsible for ensuring that strategic partners and contractors who incur expenditure on behalf of the Council have appropriate schemes of financial authorisation in place. The schemes of financial authorisation should clearly define the limits that employees can approve expenditure for managed budgets, as specified in the contract. The scheme of financial authorisation for Barnet Education and Learning Service is attached as an appendix.

Schemes of financial authorisation should be maintained by the strategic partners/contractors and approved by the Executive Director for Children’s Services on an on-going basis.

Director of Children’s Services

The Executive Director for Children’s and Family Services will fulfil the role of the Director of Children’s Services (DCS). The Director of Children’s and Family Services has professional responsibility for the leadership, strategy and effectiveness of local authority children’s services and, as such, this post should be at first tier officer level. The DCS is responsible for securing the provision of services which address the needs of all children and young people, including the most disadvantaged and vulnerable, and their families and carers.

In discharging these responsibilities, the DCS will work closely with other local partners to improve the outcomes and well-being of children and young people. The DCS is responsible for the performance of local authority functions relating to the education and social care of children and young people. The DCS is responsible for ensuring that effective systems are in place for discharging these functions, including where a local authority has commissioned any services from another provider rather than delivering them itself.

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The DCS should have regard to the General Principles of the United Nations Convention on the Rights of the Child (UNCRC) and ensure that children and young people are involved in the development and delivery of local services. The DCS should report directly to the Chief Executive (Head of Paid Service), who in turn is accountable to the Council for the performance of its chief officers. The services covered by Education and Skills and Family Services encompass a number of key statutory functions, including safeguarding children, working with vulnerable children and young people and their families, ensuring fair access to services, promoting educational excellence, ensuring sufficient school places, fair admission to schools and providing services for children with special educational needs. This involves close working with other statutory agencies, including the police, schools and health agencies. As well as having an understanding of the statutory framework, officers exercising delegated powers must act in accordance with statutory guidance, the Council’s constitution and internal policies. Officers should seek advice from the DCS where appropriate.

The Chief Executive is authorised to discharge any functions delegated to the Chief Officer. The DCS is a statutory post. If the appointed DCS is unavailable due to illness or other emergency circumstances, the functions of the DCS shall ordinarily be exercised by the Executive Director for Adults & Health. In the absence of the DCS, the Chief Executive has the authority to revert the power contained within the role of DCS back to the role of Chief Executive.

The Director Children’s Social Care is the Agency Decision Maker for fostering and adoption, although the DCS can also exercise these powers and delegate an alternative officer in the absence of the Directors Children’s Social Care

Review of Schemes of Delegation

Schemes of Delegation must be reviewed on annual basis. Chief Officers are responsible for reviewing and signing off their Scheme of Delegation. Where legislation is cited it is deemed to include the subsequent legislation and amendments to legislation. However, HB Public Law should be engaged in the annual review of the schemes to ensure that the scheme is updated as quickly as possible after any change in legislation. Following sign-off and publication to the website, Chief Officers are responsible to communicate the new schemes to services, external delivery partners and all other relevant parties.

If any urgent changes need to be made before the scheduled annual review (i.e. updates to legislation or constitutional changes which impact on the scheme) then schemes should be updated on an ad hoc basis (with HB Public Law engaged as appropriate) and published.

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Exercising powers under the Coronavirus Act

To exercise any powers under the Coronavirus Act and any other legislation passed in response to the Covid 19 pandemic required for operational effectiveness within their area subject to the caveats of the delegations to officers in the constitution.

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General Powers of Family Services Delivery Unit Officers – powers must be exercised in accordance with the Council’s Constitution and in accordance with Council policy

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	Officer with Delegated Authority (to lowest relevant level)							Recording of Delegated Powers	
	Cabinet / Cabinet Member	Executive Director Children & Families	Director	Assistant Director	Head of Service	Service Manager	Team Leader	Other requirements	Recording of Decision
PROCUREMENT									
Decisions must be made in accordance with the delegated authority limits below and the provisions of the Contract Procedure Rules (Part 4B) and Land and Property Transaction Authorisation and Delegated Powers (Part 4B1): Agenda for Constitution on Tuesday 11th July, 2023 (modern.gov.co.uk)									
Authorisation to commence a procurement process under £25,000		✓	✓	✓	✓	✓	✓	Procurement method and recording requirements as set out in Contract Procedure Rules	
Authorisation to commence a procurement process £25,000 - £60,000		✓	✓	✓	✓			Procurement method and recording requirements as set out in Contract Procedure Rules	
Authorisation to commence a procurement process £60,001 - £90,000		✓	✓	✓				Procurement method and recording requirements as set out in Contract Procedure Rules	
Authorisation to commence a procurement process £90,001 - £214,904		✓	✓						
Authorisation to commence a procurement process £214,905 - £500,000	Cabinet Member ✓ (or Procurement Forward Plan)							Portfolio Holder DPR or Procurement Forward Plan	

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Authorisation to commence a procurement process £500,000 and above	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Authorisation is via: Cabinet Report; or Procurement Forward Plan
Acceptance process below £25,000		✓	✓	✓	✓	✓	✓	Procurement method and recording requirements as set out in Contract Procedure Rules
Acceptance process £25,000 - £60,000		✓	✓	✓	✓			Procurement method and recording requirements as set out in Contract Procedure Rules
Acceptance process £60,001 - £90,000		✓	✓	✓				Procurement method and recording requirements as set out in Contract Procedure Rules
Acceptance process £90,001 - £214,904		✓	✓					Procurement method and recording requirements as set out in Contract Procedure Rules
Acceptance process £214,904 - £500,000		✓	✓					Officer DPR
Acceptance process £500,000 and above if within budget		✓	✓					Officer decision only when within approved budget. If not within budget, Cabinet report required. Officer DPR
Variation or extension acceptance for contract value below £25,000		✓	✓	✓	✓	✓	✓	Procurement method and recording requirements as set out in Contract Procedure Rules
Variation or extension £25,001 - £214,904		✓	✓	✓				Procurement method and recording requirements as set out in Contract Procedure Rules
Variation or extension		✓	✓					Officer decision only when within approved budget. If not

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acceptance £500,000 and above								within budget, Cabinet report required. Officer DPR
<p>*Authority is also delegated to the Assistant Director Commercial and Procurement (as the Service Lead for Procurement) and Assistant Director Finance</p> <p><i>Assistant Director of Commercial and Procurement - As per the Contract Procedure Rules this post holder has authority to approve a single tender action and the award of a contract. They may also waive the requirement to seek two written quotes under the OJEU threshold. These powers are delegated to the Deputy Chief Executive in the absence of the Assistant Director of Commercial and Procurement.</i></p>								

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HUMAN RESOURCES – all delegated powers to be exercised in accordance with the Council’s Human Resources Policy and Article 19 – HR Regulations- of the Constitution.								
	Executive Director	Director	Assistant Director	Head of Service	Service Manager	Team Leader	Other requirements	Recording of Decision
Agree advertisement and appointments to vacant posts at the same level or lower than the delegated officer (with the exception of Director Children’s Social Care and Assistant Director level posts that require Employment Sub-Committee approval)	✓	✓	✓	✓	✓	✓		Vacancy filler HR forms Interview panels, scoring etc
Officers to undertake arrangements and participate in recruitment selection panels	✓	✓	✓	✓	✓	✓	Officer to be 1 level above being recruited to	N/A
Recruitment selection decision for Director Children’s Social Care/Assistant Director	Constitution, HR Regulations, Section 2.1 *No vacant posts at Assistant Director level or above shall be advertised or recruited to without prior Committee approval and all new posts at Assistant Director level or above shall be created by committee decision (Employment Sub-Committee) and not by delegated powers.							
New starters paperwork to be reviewed including pre-employee checks for official sign off	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A

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Changes to location / position of roles (and/or individuals) advised in writing to HR. For post within the directorate only and limited to posts below the notifying officers level	✓	✓	✓	✓			HR letter and letter	N/A
Authorise loans and payments in advance to employees	✓	✓	✓				HR form/ Letter/Core HR	HR/Finance forms
Recruitment and Retention allowances in accordance with policy	✓	✓	✓	✓			CMT/C&GPC	N/A
Authorise salary change and accelerated increment (excluding national and annual increments and restructures) movement through the range and above where appropriate	✓	✓	✓	✓			HR form/ Letter/Core HR	N/A
Authorise overtime payments to Grade G	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise overtime payments above Grade G	✓	✓	✓	✓ (may be required in some areas)			HR form/ Letter/Core HR	N/A
Authorise car allowance claims	✓	✓	✓	✓	✓		HR form/ Letter/Core HR	N/A
Authorise season ticket loans	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A

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Authorise /acting up allowances	✓	✓	✓				HR form/ Letter/Core HR	N/A
Sick absence return to work meeting	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise annual leave / flexi leave / TOIL	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise annual leave carry over within policy	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise special leave – unpaid	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Authorise special leave – paid	✓	✓	✓	✓	✓		HR form/ Letter/Core HR	N/A
Authorise time off/ facilities for Trade Union officials in agreement with the Assistant Director HR and OD (internal)	✓	✓	✓	✓	✓		HR Core	N/A
Notification of leaver to HR	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Termination of agency employee contract	✓	✓	✓	✓	✓	✓	HR form/ Letter/Core HR	N/A
Disciplinary or capability action up to and including final written warning	✓	✓	✓	✓			HR form/ Letter/	N/A
Hear appeal against dismissal and other disciplinary action as appropriate	✓	✓	✓				HR form/ Letter/	N/A

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Dismissal	✓	✓	✓				HR form/ Letter/	N/A
Issuance of at risk and notice of redundancy letters in relation to major restructures and situations where redundancy/TUPE would apply for 20 or more employees	✓	✓	✓				HR form/ Letter/	N/A
Sign off establishment list changes within financial envelope	✓	✓	✓				HR form/ Letter/Core HR	N/A
Sign off establishment changes within financial envelope / existing budget	✓	✓	✓				HR form/ Letter/Core HR	N/A
Change in designation of a post within the organisation structure without change in grade	✓	✓	✓	✓			HR form/ Letter/Core HR	N/A
Agree settlement/instruct lawyers to defend Employment Tribunal	✓	✓	✓				HR letter	N/A
Reporting Industrial injury in compliance with RIDDOR	✓	✓	✓				Health and Safety reporting	N/A
Disclosure and Barring Service / Border agency / HMRC statutory bodies enquiries	✓	✓	✓	✓	✓	✓	Complete and show documents	N/A
Consultants: check status and compliance	✓	✓	✓	✓	✓	✓	Complete documentation	N/A

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Agency worker deployment including placement of order and recruitment selection	✓	✓	✓	✓	✓	✓	Comply with Matrix	N/A
Finance and Business Planning – authorise change at end of Finance and Business Planning consultation	Directors (Chief Officers)						Incorporate into business planning report to Cabinet and Full Council	No
Service restructures - opening of service consultation	Directors (Chief Officers)	✓	✓	✓			Consultation paper	Yes
Service restructures – authorisation (redundancy consultation affecting fewer than 20 officers)	Directors (Chief Officers)	✓	✓	✓			Consultation outcome report	
TUPE in and out (less than 20 officers)	Directors (Chief Officers)	✓	✓	✓			Comply with documentation exchange / HR forms and HR Core	Yes
Authorise ad hoc Voluntary Redundancy, Compulsory Redundancy, Early Retirement, severance in line with Management of Change and <100k	Directors (Chief Officers)	✓	✓				HR form/ Letter/ Core HR	N/A
Redundancy and payment authorisation after consultation	Directors (Chief Officers)	✓	✓				HR forms	N/A

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Write off monies owed by employees	Directors (Chief Officers)	✓					HR form/ Letter/ Core HR	N/A
UK Border Agency - License under the Home Office Certificate of Sponsorship Scheme – to take decisions on behalf of the Council as required	Chief Finance Officer /Section 151 Officer	✓					Complete documentation	N/A
Authorisation of payroll – scheduled and adhoc payments	Chief Finance Officer /Section 151 Officer	✓					HR Core and forms	N/A
Pensions discretions as defined and agreed by the Pension Fund Committee	Chief Executive Chief Finance Officer /Section 151 Officer	✓					HR Forms	N/A
FINANCE – Subject to Financial Regulations, in the event of dispute, the Financial Regulations take precedence.								

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Approve changes to fees and charges within Children’s Service annually where the change is broadly in line with inflation	✓						N/A	DPR
<ul style="list-style-type: none"> • Manage the Family Services Delivery Unit within the budget set by the council • Ensure that any expenditure incurred within their service is in accordance with both the purpose and objectives of the services being provided and provides value for money • Ensure that their revenue cost centre managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision • Notify the Section 151 Officer of forecast revenue budget or capital project overspends 	✓	✓	✓				N/A	N/A

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<ul style="list-style-type: none"> • Submit proposals to the Section 151 Officer for offsetting any forecast revenue overspend • Notify the Section 151 Officer of all revenue underspend, over-recovery of income or windfall benefits arising within their revenue budgets • Ensure that their capital project managers do not enter into commitments before satisfying themselves there is sufficient approved budget provision • Notify the Section 151 Officer of all underspend, over-recovery of income or windfall benefits arising within their revenue and capital budgets • Submit accurate forecasts to the finance function in line with the monitoring timetable set out by the finance function 								
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<ul style="list-style-type: none"> • Notify the Section 151 Officer if there is the possibility of expenditure slipping past a funding deadline • Explore all feasible options that maximise external funding available to the Council within Family Services • Provide the Section 151 Officer with details of all bids for external funding within Family Services • Communicate forecast overspends on approved capital projects to the Section 151 Officer immediately and submit options to the Section 151 Officer for offsetting the forecast overspend 	✓	✓	✓	✓				
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<ul style="list-style-type: none"> • Advise the Section 151 Officer of all grant and subsidy notifications as soon as they are received • Ensure that all external funding is received from the paying body and, wherever possible, received ahead of the planned expenditure • Ensure that all conditions associated with external funding are met and that information and evidence required to complete grant and subsidy claims are provided on time • Ensure compliance with all requirements for the audit of external funding where applicable 	✓	✓	✓	✓			N/A	N/A
<p>Ensure all adequate financial controls are in place before entering into a partnership with another organisation that involves pooling some of the Council’s budgets. A financial risk assessment must also be</p>	✓	✓	✓				N/A	N/A

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prepared and monitored over time								
Ensure that Family Services adheres to the timetable and requirements set out by the Section 151 Officer for the closing of accounts, and provide any information and evidence required in relation to this	✓	✓	✓				N/A	N/A
Ensure that staff in Family Services who use the Procurement Cards adhere to the requirements of the LBB Purchasing Card (P-Card) Guide and Terms and Conditions	✓	✓	✓	✓			N/A	N/A
Ensure the proper security of all buildings, stocks, furniture, equipment and cash etc. within their service	✓	✓	✓				N/A	N/A
Notify the Section 151 Officer immediately of all new areas of risk and of any change of circumstances likely to affect existing insurance risks within Family Services	✓	✓					N/A	N/A
Agree financial settlement up to £5,000 where recommended	✓	✓	✓				N/A	N/A

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by the Ombudsman or if related to court proceedings and in accordance with legal advice.								
Decisions and review of joint-funding arrangements	✓	✓	✓	✓			Relevant Panels	
Decisions on complex and exceptional cases	✓	✓	✓				Relevant Panels	
Enter any S75 agreement with Health Partners and monitor arrangements and Agreement and management of S75 agreements	✓	✓	✓					
INFORMATION MANAGEMENT								
Authorisation of final responses and decision on redactions for Freedom of Information (FOI) requests within Family Services	✓	✓	✓	✓			Statutory requirement to respond within 20 working days	N/A
Approval of responses to Subject Access Requests (SAR) for Family Services	✓	✓	✓	✓			Statutory requirement to respond within 1 month	N/A
Approval of member enquiry responses	✓	✓	✓					
Approval of Complaint responses	✓	✓	✓	✓	✓	✓		

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To decide whether a complaint should be referred to an external investigator as a stage 2 complaint (statutory Children Act complaints only)	✓	✓	✓	✓			In discussion with the Complaints Officer	
Business continuity decisions for Family Services <ul style="list-style-type: none"> • Strategic • Tactical • Operational 	✓	✓ (strategic)	✓ (strategic)	✓ (operational)	operational	✓ (operational)	Business continuity Lead (tactical)	
Senior Information Risk Officer (SIRO)/Chief Information Officer responsibilities including decisions on the acceptance of information risk	✓	✓	✓				Information Management and Governance Group in consultation with relevant director/AD and Family Services Caldicott Guardian	
In incidence of data breach authorisation to notify the Information Commissioner’s Office (ICO)	✓	✓	✓				Assurance Group lead in discussion with Family Services Information Management and Governance Group and Family	

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							Services Caldicott Guardian	
In incidence of data breach powers to: <ul style="list-style-type: none"> • assess risks • decide on data recovery process • decide on notifying affected parties 	✓	✓	✓	✓	✓	✓	Members of Information Management and Governance Group in discussion with Family Services Caldicott Guardian	
Restricting or unrestricting a record on ICS/EHM	✓	✓	✓	✓				
Application to court regarding reporting restrictions and other related orders	✓	✓	✓				Decision to issue proceedings is delegated to Harrow Council via HB Public Law or to Director of Assurance	

Decision/Power	Executive Director	Directors Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team Manager – Social Care	Agency Decision Maker	Other
FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – SAFEGUARDING						
Making any representations on behalf of the Authority as children's services authority to the Committee exercising the Authority's functions under the Licensing Act 2003 or the Gambling Act 2005 for the purpose of protecting children from harm.	✓	✓	✓			
Exercising all the duties and functions of the Authority as children's services authority. References to legislation are to the Children Act 1989, unless otherwise stated. If legislation is superseded, the delegation will take effect under new legislation, where the power or duty is substantially the same.						
FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – CIN / CP						
To make arrangements for the provision of services and assistance whether in kind or in cash to children in need, their families and others, pursuant to Section 17 of the Act, or direct payment to qualifying persons under Section 17A. (Children Act 1989) subject to the restrictions below	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority	✓ to limit of delegated financial authority		LCS/EHM Case records
Decisions to provide ongoing accommodation and subsistence for persons with no recourse to public funds under S.17	✓	✓	✓	✓ In absence of HoS		LCS case records

Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team Manager – Social Care	Agency Decision Maker	Other
Decision to initiate S.47 Enquiry	✓	✓	✓	✓		
Recommendation not to proceed to conference following S.47 Enquiry where child protection concerns have been substantiated			✓	✓		
Decision to make subject to (or remove) Child Protection Plan	✓	✓	✓	✓		Chair of CP Case Conference
Agreement to transfer case responsibility for a child/young person from one local authority to another	✓	✓	✓	✓		
FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – ACCESS TO CARE						
Authorise for a child to be kept in secure accommodation for up to 72 hours (pending an application to court)	✓					
Planned admission to S.20 accommodation	✓	✓	✓			
Emergency admission to S.20 accommodation and s.21 accommodation	✓	✓	✓	✓ in absence of HoS		

Decision/Power	Executive Director	Directors Children's Social Care	Head of Service – Social Care	Deputy Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Out of hours emergency admission to accommodation (non-internal Fostering)	✓	✓	✓			
Out of hours emergency admission to accommodation (non-internal Fostering)	✓	✓	✓			Head of Service on out of hours duty cover
FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – INITIATION OF LEGAL PROCEEDINGS						
Authorise the institution of legal proceedings for relevant orders under the Children Act 1989 and associated legislation and provide continuing instructions in the proceedings, unless such authorisation is specifically reserved to a more senior officer.	✓	✓	✓			With authorization the issuing of legal proceedings is delegated to Harrow Council via HB Public Law. Proceedings in the High Court or above require authority of the Head of Legal HB Public Law Pre-action correspondence or proceedings for judicial review against another local authority / public body require the approval of the DCS.
Authorise the institution of proceedings to apply for a secure accommodation	✓	✓				The issuing of legal proceedings is delegated to Harrow

<p>order under Section 25 of the Act and extension of such orders</p>					<p>Council via HB Public Law Proceedings in the High court or above require authority of the Head of Legal. HB Public Law Pre-action correspondence or proceedings for judicial review against another local authority / public body require the approval of the DCS.</p>
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FAMILY SERVICES – SPECIFIC POWERS DELEGATED TO THE DELIVERY UNIT – DECISIONS FOR CHILDREN IN CARE AND LEAVING CARE

Restriction – decision to cease to accommodate a child aged 16 or 17 under s.20 Children Act 1989 is reserved to the DCS

Leave for a child in the care of the local authority to live abroad	✓	✓	✓			
Decisions to approve payment of the legal expenses of applicants for a Child Arrangement Order or other Section 8 Orders in respect of children in care to the extent that they are not met by Legal Aid	✓	✓	✓			
Exercising all the duties and functions of the Authority with regard to looked after children and young people and all other enabling powers (maintenance, advice etc) including making any decisions reasonably necessary for their health and well-being.	✓	✓	✓	✓		
Authorisation of passport application for child in care or subject to a care order	✓	✓	✓	✓		
Authorisation of travel abroad for child in care	✓	✓	✓			

Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Consent to termination of pregnancy for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓				
Consent to HIV Testing for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓	✓	✓		
Consent to surgical operation for children in care subject to consideration of whether the child can give consent, ensuring that the LA has parental responsibility for the child and that it is reasonable for the LA to give consent, without making an application to the High Court	✓	✓	✓			
Consent for medical intervention that will have a significant and/or life limiting impact on the child. Legal advice should be sought in all cases in order to ascertain if an application to the High Court is necessary. Consideration should be given as to whether the health authority require consent of the	✓	✓				

parent. The views of the parents holding PR should also be sought, unless this is not possible in the circumstances.						
Acceptance of criminal injury compensation awards for children in care	✓	✓				
Authorisation for DBS check (relatives)	✓	✓	✓	✓		
Decisions to give consent to the marriage of a young person in care	✓	✓				
Day to day operational decisions for children in care including applications for school places, where not specifically covered elsewhere in this scheme of delegation	✓	✓	✓	✓		

FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – PLACEMENTS

Restriction: Distant placement decisions (placements not in Borough or neighbouring Borough, unless within exceptions set out in Regulations) are reserved to the DCS.

Placement with parent's agreement (planned and emergency)	✓	✓	✓			
Planned change in Care Placement	✓	✓	✓			Virtual School Head and IRO comment essential
Change in school without a change of placement	✓	✓	✓			Virtual School Head comment essential
Emergency change in Care Placement	✓	✓	✓			

Agreement to a young person remanded to local authority care being placed at home or with friends	✓	✓				
Adoption and Permanence Exercising all the powers and functions of the Authority under the Adoption and Children Act 2002 and all other enabling powers: a) in relation to the Adoption Service; b) as an adoption agency; and c) generally.						
Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Authorisation for DBS check of prospective adopters						Adopt London North Regional Adoption Agency
Approval (and de-registration) of adopters						Adopt London North Regional Adoption Agency
Decision to present adoptive parent application to Adoption and Fostering Panel						Adopt London North Regional Adoption Agency
Decision to present Child Permanence Report to Adoption and Fostering Panel for matching of child to adopters			✓	✓	✓	Adopt London North Regional Adoption Agency with Family services HoS and ADM
Clearance of adoption/permanency applications where offences are identified on DBS checks						Adopt London North Regional Adoption Agency

Decision that adoption is in the best interest of the child					✓	
Decision that Special Guardianship Order is in the best interest of the child		✓	✓			
Decision/Power	Executive Director	Director Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Decision that long-term fostering is in the best interest of the child					✓	
Fostering Exercising all the powers and functions of the Authority in relation to the fostering of children under Part IX of the Children Act 1989, Section 48 of the Care Standards Act 2000, Part 5 of the Children Act 2004 and all other enabling powers. Approving loans or other financial assistance under Section 23 of the Children Act 1989 and all other enabling powers for the provision of accommodation of children under foster care and to vary the terms of such loans or assistance.						
Approval (and de-registration) of foster carers					✓	
Decision to present foster carer application to Fostering Panel	✓	✓	✓	✓		Agency Advisor
Approval of Foster Carer Reviews (Year 1 and where circumstances have changed and approval varied)					✓	
Approval of Foster Carer Reviews (not required to be presented to Fostering Panel)	✓	✓	✓			
Supporting foster carers' application for a Special Guardianship Order or adoption Order	✓	✓	✓			

Authorisation of a Special Guardianship or Adoption Support Package	✓	✓	✓			
Decision/Power	Strategic Director	Director Children's Social Care	Head of Service – Social Care	Assistant Head of Service / Team manager – Social Care	Agency Decision Maker	Other
Decision to authorise placements under Reg 24 of the Foster Service Regulations	✓	✓	✓			
Clearance of foster carer applications where offences are identified on DBS checks	✓	✓				
FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – EARLY YEARS						
Exercising all the duties and functions of the Authority with regard to early years provision	✓	✓				May require approval from members

FAMILY SERVICES – SPECIFIC POWERS FOR THE DELIVERY UNIT – YOUTH JUSTICE

Informing court that electronic monitoring is suitable when imposing bail on a person aged between 12 and 17	✓	✓	✓	✓		
Assessing a young person and arranging for him/her to participate in a rehabilitation programme if appropriate	✓	✓	✓	✓		

This scheme of delegation relates to the delivery of education services and sets out arrangements for the delegation of powers by the Executive Director, Children's Services to Council employees, including employees employed under joint employment contracts with Barnet Education and Learning Service. For the avoidance of doubt, this scheme of delegation relates to statutory functions which are retained by the Council and any delegation to a joint employee relates to their employment with the Council, as opposed to with Barnet Education and Learning Service. Any functions that have been contracted out to Barnet Education and Learning Service will be exercised in accordance with its scheme of delegation and exercised in accordance with the services contract.

Context for Education and Skills

The aim of the Education and Skills service is to ensure that excellent school standards result in all children achieving their best, being safe and happy and able to progress to become successful adults. In December 2015, it was approved for the Council to enter into a strategic partnering arrangement with Mott MacDonald Ltd trading as Cambridge Education for the future delivery of Education and Skills services in Barnet. The contract commenced on 1 April 2016. In 2020 the contract with Mott MacDonald was terminated and the Council created the Barnet Education & Learning Service (BELS), a wholly owned subsidiary, and all of the Education & Skills functions were transferred to BELS. BELS started operating in September 2020.

A number of statutory functions in relation to education matters are capable of being contracted out to a third party. For functions that are not capable of being contracted out, it is appropriate for the Council to retain responsibility for ensuring compliance with these functions, even when a third party assists in delivery of the services.

In addition to contracting out functions, a number of employees are employed under a joint employment contract, meaning that they have an employment contract with the Council and BELS. These employees have delegated authority from the Council to exercise a number of statutory functions, including making decision to prosecute for education welfare offences, making decisions in relation to child performance licenses and making decisions in relation to Education, Health and Care plans. The Executive Director of Children and Families will be responsible for ensuring that these staff are properly supervised and supported by the Council when exercising statutory functions.

The post of virtual head will remain a council employee, as a statutory role. This officer will work closely with Barnet Education and Learning Service staff, in order to ensure the effective working of the virtual school.

General Powers Delegated to Education and Skills Service.

Council employees must exercise powers in accordance with the Council's Constitution and in accordance with Council policy

Notes in relation to this scheme of authorisation

- The Executive Director for Children and Families is also the council's Director of Children's Services. This post is a Chief Officer post.
- The Virtual Headteacher is a statutory post and required to be directly employed by the council.
- As part of the contract for the delivery of education services from Barnet Education and Learning Service, there are a number of joint employment posts. As set out in the contract, HR matters in relation to these posts will be led by Barnet Education and Learning Service in consultation, where required, with the council.
- The arrangements for the exercising of functions and responsibilities in relation to Barnet Education and Learning Service are contained in the contract and, are referenced in:
 - Schedule 4.1 - Protocol on accountability relationship between Barnet Education and Learning Service Barnet Education and Learning Service and the Director of Children's Services in respect of the statutory functions of the DCS
 - Joint Employment Contract – TUPE staff
 - Joint Employment Contract – New staff Guidebook
 - Joint Employment Contracts – Addendum to Contract
 - Draft Protocol for management of Virtual Headteacher
 - Draft Protocol for Management of staff on joint employment contracts
 - List of Statutory Duties for EWS Staff
 - List of Statutory duties for SEN Staff

What is covered by this scheme of authorisation

This Education and Skills scheme of authorisation provides for

Section A: Authorisation arrangements in relation to general education and skills functions

Section B: Authorisation arrangements in relation to the post of the virtual headteacher

Section C: Authorisation arrangements in relation to statutory functions to be exercised by joint employees with Barnet Education and Learning Service

Section D: Financial authority levels

Section A: Arrangements in relation to general education and skills functions					
	Officer with Delegated Authority (to lowest relevant level)			Recording of Delegated Powers	
Decision/Power	LBB		Joint Employee	Other requirements	DPR/Officer Decision
	Chief Officer (DCS)	Assistant Director Education, Strategy & Partnership			
Curriculum and Standards					
Decision to exercise formal intervention powers in relation to maintained schools causing concern.	✓	in absence of DCS			
School Governance and Staffing					
Decision to exercise human resources, personnel or staffing functions in relation to schools maintained by the Local Authority that are not exercised by school governing bodies.	✓	in absence of DCS			

Recommend appointments to the Standing Advisory Council for Religious Education.	✓	in absence of DCS		Council	
Decision to make written representation within 14 days to a voluntary aided or foundation school Governing Body if an applicant (headteacher) is deemed not suitable for appointment by the LA.	✓	in absence of DCS			
Decision to fix the academic calendar for community schools including school terms and holidays.	✓	in absence of DCS			
Agree to meet the redundancy cost for maintained school staff and/or one-off costs associated with retirement for maintained school staff	✓	in absence of DCS			
School Attendance and Discipline					
Exercise the Authority's reserve powers under the School Standards and Framework Act 1998 to prevent a breakdown of discipline in schools.	✓	in absence of DCS			
Admissions					
Make arrangements for school admissions to enable a parent of a child to express a preference for a school when making an admission application and duty to provide advice and assistance to parents. This duty has been contracted out to Barnet Education and Learning Service, who will exercise it in accordance with the services	✓	✓			

contract. If for any reason, the Council need to exercise this function, in the event of failure of the contractor to do so, this delegation will apply.					
Approve making a direction for a child to attend a maintained school	✓	✓			
Agree changes to the admissions numbers for schools where the LA is the admission authority, including temporary changes to planned admission numbers.	✓	✓			
Agree admissions arrangements for local authority maintained schools	✓	in absence of DCS			✓
Decide to refer an admission arrangement to the Schools Adjudicator as required.	✓	✓			
Power to direct schools to admit looked after children.	✓	✓			
School Funding					
In consultation with schools and Schools Forum, to determine each school's budget share through the development and implementation of a local Fair Funding Formula, subject to any statutory and constitutional requirements.	✓	in absence of DCS			
Approve agenda and reports for the schools' forum	✓	✓			
Authorise the implementation of the pay discretions for schoolteachers in accordance with the local authority's schoolteachers Pay Policy.	✓	in absence of DCS			

Capital Strategy and School Premises					
Approve priorities for the capital spend on the school estate in relation to the modernisation programme	✓	✓		Education Capital Board	✓ DPR may be required or need to be included in Children, Education and Safeguarding (CES) Committee Report
Approve the prioritisation of capital investment in new school places or new provision on the school estate	✓	✓		Consult the School Organisation and Place Planning Board Education Capital Board	Annual strategy to CES Committee, quarterly reporting as part of council's capital programme
Approve in-year changes to the capital investment programme in new school places, within the overall prioritisation of the new school places capital programme	✓	✓		Consult the School Organisation and Place Planning Board Education Capital Board	
Authorise the removal of a person from premises and to instruct HBPL to institute legal proceedings against an individual who is unlawfully present of educational premises and who is causing or permitting a nuisance or disturbance on said property.	✓	✓			The issuing of legal proceedings is delegated to Harrow Council via HB Public Law. Proceedings in the

					High Court or above require authority of the Head of Legal, JB Public Law.
School Organisation					
Approve the publication of a statutory notice of any proposal for the change of character, closure, opening or expansion of a maintained school	✓	✓		School Organisation and Place Planning Board	
Determine/approve the proposal for the change of character, closure, opening or expansion of a maintained school	✓	in absence of DCS		School Organisation and Place Planning Board	Director DPR or Committee Decision may be required if significant objections
Statutory and Regulatory Duties and Powers					
Decision to submit plans/bids for funding to the DfE or other Government Directorates as required, following appropriate consultation.	✓	✓			

Section B: Arrangements for the delegated powers in relation to the virtual headteacher

There is a statutory requirement for the Virtual Headteacher to be directly employed by the local authority. Although the Virtual Headteacher will be employed by the council, the officer is regarded as belonging to Education and Skills, and responsible for contributing to the successful delivery of the services for which Barnet Education and Learning Service is responsible

Decision/Power	Officer with Delegated Authority (to lowest relevant level)			Recording of Decisions	
	LBB				
	Chief Officer Director (DCS)	Assistant Director Education, Strategy & Partnership	Virtual headteacher	Other requirements	DPR/ Officer Decision
Agree arrangements to promote education of looked after children.	✓	✓	✓	N/A	N/A
Agree Personal Education Plan	✓	✓	✓	N/A	N/A

Section C: Arrangements for the delegated powers of joint employment posts

The following functions are the responsibility of the local authority as they cannot be contracted out and are delegated by the council to staff on joint employment contracts

Decision/Power	Officer with Delegated Authority (to lowest relevant level)					Recording of Delegated Powers	
	Director, SEND and Inclusion	Head of SEN Assessment and Placements	Senior SEN Casework Manager (when deputising for the Head of SEN Assessment and Placements)	Licensing and Placements Officer	Education Welfare Officers/ Court Officers	Other requirements	DPR/ Officer Decision
SEND and Inclusion							
Making arrangements for the transport of pupils and students to school or college. Making determinations on eligibility of pupils or students to use home to school transport.	✓	✓	✓				N/A
Deciding of appeals against determinations on eligibility of pupils or students to use home to school transport. Appeals will be heard by a more senior officer than the original decision maker	✓	✓					N/A
Authorising payment of claims for recoupment by another local education authority in respect of the provision of education to a Barnet pupil of compulsory school age with special educational needs or "looked after" by that authority, and decisions on recoupment of costs incurred in providing education to persons from another local authority area.	✓	✓					N/A
Authorising in exceptional cases variations from approved scales of fees, charges or allowances	✓						N/A

<p>To instruct HBPL to respond to appeals made in relation to Education, Health and Care Plans by parents to the Special Educational Needs Tribunal, or, with HBPL's agreement, to respond directly or to engage a suitably qualified professional to respond to such appeals on the council's behalf.</p>	✓	✓	✓			<p>The issuing of legal proceedings is delegated to Harrow Council via HB Public Law. Proceedings in the High Court or above require authority of the Head of Legal, HB Public Law Pre-action correspondence or proceedings for judicial review against another local authority / public body require the approval of the DCS.</p>	N/A
<p>To authorise assessments and determine appropriate provision for children with Special Educational Needs.</p>	✓	<p>✓ (up to an agreed financial limit)</p>	<p>✓ (up to an agreed financial limit)</p>				N/A

To authorise funding for placements of children in non-maintained schools, subject to cost.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				N/A
Authorising students to receive education at an educational institution maintained by another local education authority.	✓	✓	✓				N/A
To decide whether to initiate an EHC assessment.	✓	✓	✓				N/A
To decide whether to issue an EHC Plan.	✓	✓	✓				N/A
To make decisions on the content of EHC Plans, including placement.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				N/A
Following Annual Reviews and assessment, decide on whether to amend and what the amendments are for a Statement and/or EHC Plan.	✓	✓	✓				N/A
Decide whether to cease to maintain an EHC Plan or Statement.	✓	✓	✓				N/A
Decide whether an EHC Plan should continue for the year during which a person attains the age of 25.	✓	✓ when deputising for AD SEND and Inclusion					N/A
Make decisions on whether to defend Tribunal appeals.	✓	✓ when deputising for AD SEND and Inclusion					N/A

Decide and give instructions on settlement options (for Tribunal cases).	✓	✓ (up to an agreed financial limit)					N/A
Make decisions on whether to make provision otherwise than in schools.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				N/A
Make decisions on whether to fund payment of fees.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				N/A
To authorise post-16 educational or training placements.	✓	✓ (up to an agreed financial limit)	✓ (up to an agreed financial limit)				N/A
Decisions to recoup from schools all or part of the costs incurred in providing education to a permanently excluded pupil.	✓	✓					N/A

Education Welfare

To consider, refuse, grant, vary and revoke licenses in respect of child employment and children taking part in entertainment, including approval of child chaperones.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Instituting proceedings for offences in relation to education welfare and child employment and performance related offences.				✓	✓ (when deputising for the Licensing and Placements Officer)	Subject to written agreement from the Head of Legal, HBPL.	
Power of entry by authorised officer of LA.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Making application for warrant to enter premises.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Duties to ensure and be satisfied of certain matters.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A

Duty to approve places of residence and performance and rehearsal.				✓	✓ (when deputising for the Licensing and Placements Officer)		N/A
Making decisions, in consultation with the Education Welfare Team Manager, to prosecute parents/carers of children in relation to their failure to ensure their child/children attend school.					✓	Subject to written agreement from the Head of Legal, HBPL.	

Section D: Financial authority levels

The Council's Contract Procedure Rules can be found [here](#). Any procurement activity must comply with the law and the council's Contract Procedure Rules. In relation to arrangements in relation to children with special educational needs, Paragraph 5.5 of the council's contract procedure rules states:

'For non-procurement activity that results in a contractual obligation for social care placements and special educational needs (SEN) where the decision has been made on the council's behalf (such as court directed order, personal budget/statement request or an individual's specific needs) the authority to sign off to award an individual funding agreement in accordance with the decision making framework is contained within the Responsibility for Functions as set out in the Constitution.'

Decision/Power	Officer with Delegated Authority (to lowest relevant level)					Recording of Delegated Powers	
	Chief Officer Tier 1	Operational Director Tier 2	Head of Service Tier 3	Service Manager Tier 4	Team Manager Tier 5	Other requirements	Recording of Decisions
Procurement Subject to Contract Procedure Rules as set out in Barnet Council's Constitution, in the event of dispute, the Contract Procedure Rules take precedent							
Authorisation and Acceptance of procurement Under £10,000 (purchase order)	✓	✓	✓				Audit Trail

Variation or Extension Acceptance and Documentation Under £10,000	✓	✓	✓			Must move to next threshold if £10,000 or above	Audit Trail
Acceptance process £10,000 - £50,000	✓	✓	✓				Audit Trail or Procurement Forward Plan
Variation or extension Acceptance for contract value £10,000 - £50,000	✓	✓	✓			Must move to next threshold if above £50,000	Chief Officer List of Decisions
Authorisation to commence a procurement process £50,001 - £214,904	✓	✓					Chief Officer List of Decisions

Acceptance process £50,001 - £214,904	✓	✓				N/A	Chief Officer List of Decisions
Variation or extension Acceptance for contract value £50,001 - £214,904	✓	✓				N/A	Chief Officer List of Decisions
Authorisation to commence a procurement process £214,904 - £500,000	✓ (In Consultation with Committee Chairman)	N/A	N/A	N/A	N/A		DPR
Acceptance process over £214,904 - £500,000	✓ (In Consultation with Committee Chairman)						DPR
Variation or extension Acceptance for contract value £214,904 - £500,000)	N/A	N/A	N/A	N/A	N/A	If within budget – relevant theme committee	Committee Report
Sign off of single source tender action *Single Tender Actions are only allowed in certain circumstanced – see the Contract Procedure Rules for more details	✓* A single tender action or commitment is not allowed unless it is in compliance with the Law and approved in advance by the Director of					Audit trail of value for money review undertaken by authorising officer	In accordance with standard contract procedure rules depending on the value of the contract

	Commercial Services.						
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Tier 1:
Strategic Director

Tier 2:
Assistant Director, SEND and Inclusion

Tier 3
Strategic Lead, Education and Learning

Tier 4:
Head of SEN Assessment and Placements
Virtual Headteacher

LB Barnet Scheme of Financial Delegation – Executive Director for Children and Family Services

	Purchasing		Debt
Role	Authorising Supplies and Service Order and Invoices	Purchase Cards	Bad Debt Write off
Cabinet Approval	Approval in accordance with the Constitution	New Purchase Cards must be approved by the Head of Service: Exchequer (or above) and the Senior Business Partner for Procurement (or above). As Budget Managers will have approved the business case for the allocation of a card to a member of staff within their service, Budget Managers are responsible for the spend on p-cards.	Individual debts over £5K
Chief Executive AND Deputy Chief Executive or S151 Officer	Over £10,000,000		Individual debts under £5K approved via Chief Officer DPR.
Two Chief Officers	£1,000,001 to £9,999,999		
Director	£500,001 to £1,000,000		
Assistant Director	£214,905 to £500,000		
Head of Service	£214,904		
Team Manager	£25,000		

Virement Rules

Amendments to the revenue budget can only be made with approval as per the scheme of virement table below:

Virements for allocation from contingency for amounts up to and including £250,000 must be approved by the Chief Finance Officer
Virements for allocation from contingency for amounts over £250,000 must be approved by Cabinet
Virements within a service in a Directorate that do not alter the approved bottom line are approved by the Service Director of that Directorate.
Virements between services within the same Directorate (excluding contingency allocations) must be approved by the relevant Chief Officer of that Directorate.
Virements between different Directorates (excluding contingency allocations) up to £50,000 must be approved by the relevant Chief Officers of both Directorates.

Virements between different Directorates (excluding contingency allocations) over £50,000 and up to and including £499,999 must be approved by the relevant Chief Officer(s) and Chief Finance Officer in consultation with the Leader and reported to the next meeting of Cabinet

Virements between different Directorates (excluding contingency allocations) over £500,000 and up to £25m must be approved by Cabinet.

Article 7 - Table of Chief Officers details which posts within the council are designated as Chief Officers.

No revenue virement is allowed between the following budgets without approval of Cabinet:

- Financing charges
- Rates and other taxes

Amendments to the capital budget can only be made with approval as per the table below:

Capital Virements

Cabinet approval is required for all capital budget and funding virements and yearly profile changes (slippage or accelerated spend) between

approved capital programmes i.e., as per the budget book. The report must show the proposed:

- i) Budget transfers between projects and by year;
- ii) Funding transfers between projects and by year; and
- iii) A summary based on a template approved by the Chief Finance Officer.

Cabinet approval is required for all capital additions to the capital programme. Cabinet may only approve additions up to £50M. Additions above this should be approved by Council. All Capital additions are reviewed by senior officers prior to being recommended for approval to Cabinet. Capital additions should also be included in the quarterly budget monitoring report to Cabinet for noting.

Funding substitutions in order to maximise funding are the responsibility of the Chief Finance Officer.