

## Scheme of Delegation Executive Director Children's Services

### Introduction and Context

The Executive Director has overall responsibilities within the Council for Children's Services functions. The Executive Director is able to onward delegate these functions to other officers. This document seeks to capture those onward delegations. The Executive Director Children's Services is given delegated power to exercise all the Authority's powers, functions and responsibilities and to take any decisions in relation to the following areas of the Council's operations and services, subject to the Constitution and statutory functions:

**Family Help and Children's Social Care** - Children in Need and Child Protection, Provider Services, Cared for Children and Care Leavers, Family Help and Prevention.

**Education Strong Start and Integration** - SEND and Inclusion, Education Participation and Pupil Support, Inclusion, Education, Educational Psychology, Early Years Family Help and Prevention.

**Quality, Partnerships and Commissioning**- Children's Safeguarding and Quality, Children's Development and Partnerships, Principal Social Worker.

The powers delegated are wide and inclusive and are not listed by reference to each and every statute, function or regulation.

Type of activity	Specific function or decision-making	Officer responsible for that function
<b>Family Help and Children's Social Care</b>		
	To deliver services within the remit of the Children Act 1989, the Children Act 2004, Children and Social Work Act 2017 and other relevant legislation.	Director of Family Help and Children's Social Care

	To act as the Council's Director of Children's Services (DCS) under the law and the Council's Constitution.	Executive Director-Children's Services
	To deputise as the Council's Director of Children's Services (DCS) under the law and the Council's Constitution.	Relevant Service Director
	To work together with the Lead Member for Children's Services to provide strong, strategic local leadership and development of an increasingly autonomous and diverse education and children's services sector.	Executive Director-Children's Services
	To deliver the authority's functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care.	Head of Cared for Children and Care Leavers
	To deliver the authority's functions as set in Working Together to Safeguard Children 2024	Heads of Service and Head of Safeguarding and Quality
United Nations Convention on the Rights of the Child (UNCRC)	To have regard to the General Principles of the (UNCRC) and ensure that children and young people are involved in the development and delivery of local services.	Heads of Service
Partnership Arrangements	Inter-agency co-operation – the building and leading of arrangements for inter-agency co-operation as set out in the Children Act 2004.	Heads of Service and Head of Safeguarding and Quality
Notification to The National Safeguarding Panel	Notification to the National Safeguarding Panel of serious harm to a child/ Serious Case Review.	Head of Service Children's Safeguarding and Quality and

		Director of Family Help & Children's Social Care
Section 17 Payments	Recommendations to make Section 17 payments including children in care.	
	Up to £250 on any one family within the financial year	Team Manager
	Up to £2,000 on any one family per financial year	Service Manager
	Up to £5,000 on any one family per financial year	Head of Service Children in Need & Child Protection
	Over £5,000 on any one family within the financial year	Director of Family Help & Children's Social Care
Decision to Accommodate	Decision to accommodate a child (Section 20)	Head of Service
	Decision to discharge a child on a planned basis	Head of Service
Care Proceedings	Decision to instigate Legal Proceedings not otherwise specifically mentioned in this schedule.	Head of Service in consultation with Governance Compliance and Monitoring Officer for advice.
	Chairing of Pre-Proceedings Meeting	Team Manager
	Decision to apply for an Interim Care Order, Interim Supervision Order.	Head of Service following consultation with Governance Compliance and Monitoring Officer for advice.
	Endorsing the Care Plan for the final hearing.	Head of Service Children in Need & Child Protection and Senior Managers.

	Decision to apply for an Emergency Protection Order, s44 Children Act 1989. Written legal advice should be obtained and the Director of Family Help and Children's Social Care consulted before decision making takes place.	Head of Service
	Decision to apply for a Child Assessment Order, s43 Children Act 1989. Written legal advice should be obtained and the Director of Family Help & Children's Social Care consulted before decision making takes place.	Agency Decision Maker (ADM) or Head of Service
	Decision to apply for discharge or variation of a Care Order or Supervision Order (including extension of a Supervision Order).	Head of Service
Contact with Parents	Decision to refuse parental contact with a child subject to a Care Order for up to seven days in an emergency when it is necessary to do so in order to safeguard or promote the child's welfare. s34 (6) Children Act 1989. The Head of Service must set a date to review the decision and seek legal advice as to whether to return to Court for an order under s34 (4) of the Children Act 1989.	Head of Service in consultation with Governance Compliance and Monitoring Officer.
	Agree contact for Looked After Child with parents, family and friends. s34(1) and Schedule 2 para 15 (1) Children Act 1989 must be considered.	Team Manager in consultation with Head of Service
	Decision to apply for an Order authorising the Authority to refuse contact s34 (4) Children Act 1989.	Head of Service
Medical Consent and Treatment	Medical consent for a child subject of Care Order: Routine medical treatment.	Team Manager

	Authorise testing for blood born virus including HIV.	Head of Service
	Emergency medical treatment which may or may not involve general anaesthetic.	Director of Family Help and Children's Social Care where general anaesthetic is required. For other treatment Head of Service
	Planned medical treatment involving surgery and general anaesthetic Parental involvement should always be considered and only excluded if not in the child's best interests.	Director of Family Help and Children's Social Care.
Decision to withhold Whereabouts of a Child in Care	Schedule 2 para15(4) Children Act 1989 A Local Authority is not required to inform any person of the whereabouts of a child if: a. The child is in the care of the Authority; and b. The Authority has reasonable cause to believe that informing the person would prejudice the child's welfare. Does not apply to s20 accommodated children.	Head of Service
Death of a Looked After Child	Notification to Ofsted following the death of a child looked after/ serious harm to a child in a Children's Home/ Foster Care. Schedule 2 para 20 Children Act 1989. Notification to Secretary of State and all with Parental Responsibility.	Director of Family Help & Children's Social Care

	Funeral arrangements following the death of a child looked after. Arrangements made in consultation with the parent and may be made with the parent if they so wish and if it is deemed appropriate.	Head of Service
NEET's	The effective support of Children and Young Adults including young people who are not in education, employment or training (NEET's.)	Head of Cared for Children and Care Leavers
Placement of a Child with Parents	Decision to place a child who is the subject of a Care Order or Interim Care Order with parents or persons with Parental Responsibility.	Director of Family Help & Children's Social Care
Placement of a Child with Family and Friends	Temporary approval of Family and Friends under Reg 24 (Connected Foster Carers).	Head of Service: Children's Provision (Agency Decision Maker 'ADM')
Holidays Aboard and Passports	Permission to go abroad (for a child subject of a Care Order, s33 (8) Children Act 1989.	Head of Service
	Authorisation of an application for a passport for a Looked After Child. s33(3) Children Act 1989 in respect of a child in care and s22(3) Children Act 1989 in respect of a child provided with accommodation under s20.	Head of Service
Application for a Child to Live Outside England and Wales	Decision to apply for leave of the Court for a child in care to live outside of England or Wales .	Director of Family Help & Children's Social Care
Placement of a child outside the area of the responsible Local Authority	Decision to Place a child outside the boundary of Cheshire East.	Director of Family Help & Children's Social Care  Delegated to Head of Service – Children's Provision

Change of Name of a Looked After Child	Permission for child subject to a Care Order to be known by a new surname (only possible with agreement of everyone with Parental Responsibility of the leave of the Court.	Director of Family Help & Children's Social Care
Marriage of a Looked After Child	Permission for a child subject of a Care Order to marry	Director of Family Help & Children's Social Care
Joining the Armed Forces	Permission for a child subject to a Care Order to join the Armed Forces.	Director of Family Help & Children's Social Care following discussions with all who hold Parental Responsibility.
Overnight Stays	Decision for a child looked after to have an overnight stay.	Foster Carer or Residential Support Worker in consultation with a Team Manager
Recovery Order	Decision to apply for a Recovery Order for a child who is in care, the subject of an EPO or in Police protection. s50 Children Act 1989.	Head of Service
s57 Domestic Abuse Act 2021	To discharge duty to assess or arrange the assessment of, the need for accommodation-based support for victims of domestic abuse and their children within the local authority's area .  To prepare, publish and implement a strategy for delivering support.	Head of Service for Family Help and Prevention
Informing 3rd Party about a Person Considered to be a Risk to Children	Decision to inform a third party of the identity and concerns about a person who is considered a risk to children. s33(3) Children Act 1989 and s22 (3) Children Act 1989 for Child in Care, s17 Children Act 1989 for children in need and s47 Children Act 1989 for children at risk. In consultation with the police.	Head of Service

	Reasons for sharing information must be clearly recorded.	
S47 Enquiries and Child Protection Conferences	Decision to initiate S.47 enquires	Team Manager
	Decision to take no further action following S.47 enquiries	Team Manager
	Decision to convene a Child Protection Conference following S.47 enquiries.	Team Manager in consultation with the Safeguarding Unit
	Decision to terminate a Child Protection Plan	Chair of Child Protection Conference and partner agencies
Secure Accommodation	Authority to apply for a Secure Accommodation Order	Director of Family Help & Children's Social Care
	Authority to decide on a placement in Secure Accommodation without an Order for up to 72 hours.	DCS
	Review of placement in Secure Accommodation	Head of Service Children's Safeguarding and Quality
Deprivation of Liberty	Authority to apply for a Deprivation of Liberty Order	Director of Family Help and Children's Social Care

Adoption	Adoption Agency Decision Maker – decisions that a child should be placed for Adoption/ Prospective Adopters should be approved / a child should be matched with Adopters. Adoption & Children Act 2002 Guidance Adoption Agencies Regulation 27.2 no member of the Adoption Panel can take part in the agency decision.	Director of Family Help & Children's Social Care/ Adoption ADM
	Responsibility for Adoption Panel Appointments	Head of Adoption Counts – Regional Adoption Agency (except appointment of Councillor representative is function of Full Council.)
	Appointment of Adoption Panel Chair	Adoption Counts (Regional Adoption Agency)
	Appointment of Adoption Panel Advisor	Adoption Counts (Regional Adoption Agency)
	Designated Manager for Adoption and Fostering to liaise with Local Authority designated Officer (LADO.)	Head of Service Children's Provision and Head of Cared for Children and Care Leavers
	Senior Manager(s) with whom Adoption Agency Decision Maker will discuss cases where s/he is minded not to accept the Adoption Panel's recommendation.	Director of Family Help and Children's Social Care (ADM) and Head of Service Cared for Children and Care Leavers. (ADM)
	Any financial packages over the statutory agreed amount	Director of Family Help & Children's Social Care
Fostering	Fostering Panel Decision Maker Regulation 24 Fostering Service Regulations 2002 - establishment of fostering panel	Head of Service Children's Provision (Fostering ADM)

	Responsibility for making recommendations about approval of Foster Carers and any terms of approval. Regulation 28 Fostering Service Regulations 2002.	Independent Chair of the Fostering Panel and the Reviewing Officer for Foster Carers.
	Authorisation to increase the limit of children placed in a Fostering Placement on an emergency/temp basis - up to 3 months .	Head of Service Children's Provision
	Decision to authorise increasing the limit of children placed in a Fostering Placement on a planned basis after all checks undertaken and the Fostering Panel has recommended an increase.	Head of Service Children's Provision
	Authorise publicity for family finding for the Adoption and Long-Term Fostering of children.	Fostering Service Manager
Private Fostering	S17 Children Act 1989 Approved by the Local Authority as a part of a Child In Need Plan following a Social Work Assessment of Needs and Strengths. Authorise a Private Fostering Placement.	Service Manager (CIN/CP)
Special Guardianship and Child Arrangements Orders	Decision on suitability of a carer to be a Special Guardian	Agency Decision Maker Children in Care and Care Leavers
	Decision of an individual's Special Guardianship Support Services, including financial support and legal fees. Special Guardianship Regulations 2005 and Special Guardianship (Amendment) Regulations 2016. Decision made following recommendation from Permanency Panel.	Head of Cared for Children and Care Leavers

	Decisions on a child's maintenance and accommodation costs as a result of a Child Arrangements Order. Schedule 1, paragraph 15 Children Act 1989. Decision made following recommendation from Permanency Panel.	Head of Service in consultation Director of Family Help and Children's Social Care
	To lead an integrated and aligned commissioning service for children in partnership with key agencies, driving a preventative approach with strong integration of care and health service.	Director for Quality, Partnerships and Commissioning
	To lead on arrangements for statutory inspection, external challenge and scrutiny.	Director for Quality, Partnerships and Commissioning
	To manage, support and coordinate the activities of the Council's Children's Improvement Board.	Director for Quality, Partnerships and Commissioning
	To lead on development and implementation of Children and Families policies, procedures, practices and guidance.	Director for Quality, Partnerships and Commissioning
	To lead on children's services cross directorate transformational ambitions and activities.	Director for Quality, Partnerships and Commissioning
	To work with the council's procurement team to establish robust and sustainable arrangements for the tendering and performance management of suppliers and contracts to ensure	Director for Quality, Partnerships and Commissioning

	providers are challenged to deliver year on year improvements to quality and outcomes.	
	To champion the interests of parents, families, vulnerable children and young people across all related services to increase opportunities for the voice and views of parents, carers, children and young people to inform and shape services and support.	Director for Quality, Partnerships and Commissioning
<b>Education, Strong Start and Integration</b>		
	To exercise the Council's functions in its capacity as a Local Education Authority in relation to education including in respect of the management of education services and securing the provision of quality education in schools.	Director of Education Strong Start & Integration
School exclusion	To exercise the Council's functions in respect of pupils excluded from schools and to give directions to head teachers as to reinstatement of pupils.	Head of Service -Education Participation and Pupil Support with some delegated responsibility to Education Access Support Officer.
Admissions and appeals	To exercise the Council's function in relation to admissions and any appeals arising from them.	Team manager – Admissions and Transport
School attendance, children missing education, home education and	To exercise the Councils function in relation to: 1. School attendance, including legal action to enforce attendance 2. Children Missing Education	Head of Service - Head of Education Participation and Pupil Support with some delegated responsibility to Team manager –

entertainment licensing etc	<p>3. Elective Home Education</p> <p>4. Child employment and entertainment licensing.</p>	Attendance and children out of school team, in consultation with Governance Compliance and Monitoring Officer.
School governors	To agree the decision for the nomination of individual Local Authority school governors to schools.	Director of Education, Strong Start & Integration
	<p>To make arrangements for the nomination of school governors.</p> <p>The local authority's duties in respect of governance include the general duty under section 13a of the Education Act 1996: A local education authority shall ensure that their functions relating to the provision of education to which this section applies are (so far as they are capable of being so exercised) exercised by the authority with a view to promoting high standards and fulfilment of potential.</p> <p>The statutory duties in respect of governing bodies include:</p> <ol style="list-style-type: none"> <li>1. Checking and making the instruments of government</li> <li>2. Nomination of LA governors</li> <li>3. Arrangements for the election of staff governors</li> <li>4. Arrangements for the election of parent governors in some categories of maintained schools</li> <li>5. Arrangements for parent governors to be represented on education scrutiny boards</li> <li>6. Establishment of a temporary governing body w a school leaves a federation</li> <li>7. Establishment of a temporary governing body when a federation dissolves</li> <li>8. Making significant changes (prescribed alterations) to maintained schools</li> </ol>	<p>Director of Education, Strong Start &amp; Integration</p> <p>(Some aspects delegated to Senior School Governance Officers)</p> <p>NB Where a local authority are the appropriate authority in relation to a school, they may delegate to the head teacher of the school any of their functions under Schedule 2 paragraph 2 of The School Governance (Constitution)(England) Regulations 2012.)</p>

	<p>9. Schools causing concern - consider issuing a warning notice</p> <p>10. Schools causing concern – appointment of members to an interim executive board</p> <p>11. Schools causing concern – a duty to facilitate academy conversion where the RD has identified an academy trust to run a maintained school</p> <p>12. Schools causing concern - issue a Teachers' pay and conditions warning notice</p> <p>13. Providing information, training and guidance to governors free of charge</p> <p>14. To provide advice to governing bodies in relation to staff pay</p> <p>15. Ensuring that governing bodies carry out their safeguarding duties effectively</p> <p>16. Monitor the governing body's compliance with the requirements of their financial scheme</p> <p>17. Database of governing board contact information</p>	
Complaints	To manage School Complaints – responding to safeguarding concerns in schools referred by Ofsted and the Department of Education.	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to Safeguarding and Partnerships Team, to manage and respond in accordance with policy and procedure.</p>
Academisation	To discharge the Council's statutory duty to facilitate the academisation of schools by overseeing the transfer of any land and assets/ liabilities of the Council to the new academy.	Director of Education, Strong Start & Integration

		Delegated to Education Project Manager, in consultation with Governance Compliance and Monitoring Officer.
SACRE	To discharge the Council's responsibilities regarding SACRE (Standing Advisory Council on Religious Education.)	Director of Education, Strong Start & Integration  Delegated to LA SACRE Officer (Education Project Manager)
Early Years and Childcare	To discharge the council's general duty under Section 1 of the Children Act 2004 to improve the well-being of children under five and reduce inequalities. This places a duty on local authorities to improve the outcomes of all children under 5 and close the gaps between groups with the poorest outcomes and the rest. To ensure early years' services are accessible to all families in accordance with Section 1 Childcare Act 2006.	Director of Education, Strong Start & Integration  Delegated to Head of Service – Early Years, Family Help and Prevention.
	To satisfy the Secretary of State's requirements for prescribed individual child information for children receiving early years provision.	Director of Education, Strong Start & Integration  Delegated to Head of Service – Early Years, Family Help and Prevention.

	<p>To discharge the council's duty to secure prescribed early years provision free of charge. To ensure that all children under school age, as described in regulations or in guidance from the Secretary of State, can access early years provision Childcare Act 2006 Section 7, as amended by Section 1 Education Act 2011.</p>	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to Head of Service – Early Years, Family Help and Prevention.</p>
	<p>To discharge the council's duty to secure sufficient childcare for working parents (or parents in education/training). To require local authorities to ensure there is childcare available to enable parents to take up or remain in work or to undertake education or training to assist them in obtaining work so far as reasonably practicable under Section 6 Childcare Act 2006.</p>	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to Head of Service – Early Years, Family Help and Prevention.</p>
	<p>To discharge the council's duty to assess childcare provision. To ensure local authorities undertake an assessment of childcare provision in their area to enable them to meet their duty to secure sufficient childcare for working parents. Analysis should be reasonably practicable.</p>	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to Head of Service – Early Years, Family Help and Prevention.</p> <p>.</p>
	<p>To discharge the council's duty to provide information, advice and training to childcare providers and prospective providers. To ensure that local authorities give local childcare providers and would-be providers in their area the necessary support to help deliver sustainable affordable and high quality childcare that meets the</p>	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to Head of Service – Early Years, Family Help and Prevention.</p>

	needs of the community under section 13 Childcare Act 2006.	.
Special Educational Needs and Disability	To assess the need for and undertake Education Health Care Needs Assessments of children in accordance with the requirements of the Children and Families Act 2014, to determine the special educational needs and provision which should be made for them. Further to re-assess a child's special educational needs and provision where necessary and to maintain and review Education, Health and Care Plans ('EHCP') in accordance with relevant regulations and Code of Practice concerning these.	Director of Education, Strong Start & Integration Delegated to Head of Service – SEND and Inclusion and SEND Transformation Lead.
	<p>To ensure arrangements are in place to represent the Local Authority at Appeals to the First-Tier Tribunal, Upper Tribunal and Judicial Reviews in relation to matters regarding Special Educational Needs, in consultation with Governance Compliance and Monitoring Officer.</p> <p>Authorisation of school placements/other institutions/funding for children and young people with an EHCP such as:-</p> <p>Maintained/Academy/Free school/post-16 institution (Mainstream &amp; Special)/non-maintained special school/s.41 Approved institutions (independent special school and special post-16 institutions.)</p>	<p>Director of Education, Strong Start &amp; Integration</p> <p>Delegated to SEND Managers</p> <p>Delegated to Head of Service SEND and Inclusion</p>

	<p>Independent settings/Interim packages of support including Education Other than at School (EOTAS) and Residential Placements.</p> <p>Tripartie /Dual funded placements</p>	Director of Education, Strong Start & Integration
	To name, following consultation, an educational placement/other institution within an EHCP which it considers would be appropriate for a child/Young Person in the event no request is made to the Local Authority before the end of the period specified in a notice under section 38(2)(b) of the Children and Families Act 2014 (Sections 40 and 43 of the Children and Families Act 2014.)	Delegated to Head of Service-Children's Development and Partnerships
School Organisation and Capital Team	To submit SCAP Return, Identification of preferred school expansion, Instigate statutory consultation.	Director of Education, Strong Start & Integration
School Transport	To make travel arrangements to facilitate the attendance at school of Cheshire East's eligible children.	Delegated to Head of Service-Children's Development and Partnerships
SEND Transport	To conduct Stage 1 & home to school transport appeal submissions examined and decided upon. Stage 2 appeals prepared for decision by the appeals sub-committee.	Delegated to Head of Service-Children's Development and Partnerships
Virtual School	To ensure arrangements are in place for the local authority to discharge their statutory duty under 22(3A) of the Children Act 1989 to promote the educational achievement of looked-after children. That includes those children placed out of authority.	Director of Education, Strong Start & Integration

	<p>Ensure arrangements are in place to fulfil their statutory duty under 23ZZA of the Children Act 1989 (added by section 4 of the Children and Social Work Act 2017) to promote the educational achievement of previously looked-after children.</p>	Delegated to Virtual School Headteacher
	<p>To have arrangements in place to ensure timely provision of a suitable education placement for looked-after children.</p>	Delegated to Virtual School Headteacher
	<p>To ensure arrangements are in place for oversight and management of any extended duties that fall within the virtual school headteacher role and responsibilities including any related grants.</p>	Delegated to Virtual School Headteacher
	<p>To have oversight and responsibility for managing pupil premium plus funding for the children they look after and for allocating it to schools and alternative provision (AP) settings.</p>	Delegated to Virtual School Headteacher