

Scheme of Delegations: Director, Education & Skills September 2019

The Director Education & Skills is authorised in accordance with Part E: Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the CFO delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Director's behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation. **All officers are bound by the Finance, Contract and Procurement Rules (Part D of the Constitution) and the Employee Code of Conduct (which can be found in Part C of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.**

Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

Signed:



Date: 04/11/19



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Delegation to Director	
Part E 3.2 (i)	<p>To make decisions and approve expenditure relating to the functions of the Directorate providing:</p> <ul style="list-style-type: none"> • that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and • the amount in relation to any single matter does not exceed £200,000 or in the case of procurement, the Procurement Threshold (£181,302 as at September 2019) ; • that the requirements of the Financial Approval Framework in the Financial Regulations (Part D of the Constitution) and other requirements in the Constitution are complied with. <p>Where the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1m (capital) then the decision will be made by the Cabinet member with the Director.</p> <p>Each Director must ensure that they and their relevant staff follow the Financial Rules (Part D of the Constitution) and the Financial Management Tool to ensure that their services are administered in line with procedure.</p>
Sub-Delegations	Sub Delegation to Officers within Education & Skills Directorate
1.	<p>Subject to there being an approved budget, and in accordance with Part D: Financial, Contract and Procurement Regulations* (and any other requirements), make purchases of goods and services (excluding consultancy services costing greater than £25,000) as shown.</p> <p>Note 1: virements of revenue budgets between directorates and between capital schemes can only be undertaken by the Chief Finance Officer or delegates.</p> <p>Note 2: all grant applications must be approved by the Chief Finance Officer and City Solicitor (Officer or delegates).*</p> <p>* See in particular Appendix B: Financial Approval Framework</p> <p>Up to £200,000 or £10m subject to Procurement Governance Arrangements Director or deputising officer</p> <p>Up to £200,000 Assistant Director Employment & Skills; SEND and Inclusion; Schools and Learning</p> <p>Up to £50,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5</p>

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Delegation to Director		
2.	Approving School Contracts up to the value of £200k.	Director or deputising office - £200,000 Assistant Director Employment & Skills Assistant Director SEND and Inclusion Assistant Director Skills and Learning
3.	Agree External Placements for Individual Children. Note: These fall within Joint Cabinet Member / Director decision requirements	Director - £10m to meet procurement requirements Assistant Director - £500,000. Assistant Director Employment & Skills Assistant Director SEND and Inclusion Assistant Director Skills and Learning
4.	Authorisation for Schools to bid for external funds. Note: This is subject to the completion and sign-off of the Approval to Bid for External Funding Checklist	Director or deputising officer- £200,000 Assistant Director Employment & Skills Assistant Director SEND and Inclusion Assistant Director Skills and Learning

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Delegation to Director		
Part E 3.2 (ii)	<p>To determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system.</p> <p>These powers will not include changes to terms and conditions of employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200,000).</p>	
	Sub-Delegations	Sub Delegation to Officers within Education & Skills Directorate
1.	<p>Authority to fill vacancies in line with Contract of Employment (applicable to Grade)</p> <p>Note: the creation of new posts must be agreed corporately</p>	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>
2.	Acting Up / Honoraria	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>
3.	The organisational structure, job duties, grade and deployment of posts and employees for the Directorate	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director

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4.	The operation of arrangements relating to hours of work, annual and other leave and time off for employees.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>Procedures for local operation:</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
5.	<p>The operation of the Council’s procedures relating to:</p> <ul style="list-style-type: none"> • Discipline; • Grievance; • Managing Capability; • Dignity at Work. 	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4 <p>Note: the Chair of a Disciplinary Hearing must have attended the Power to Dismiss Course</p>
6.	Operation of the Council’s procedures in relation to redundancy, including consultation with trade unions	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director
7.	The promotion, implementation and monitoring of the Council’s Equal Opportunities in Employment policy.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4

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8.	Training and Development for the Directorate.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
9.	Ensuring the health, safety & welfare of employees	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
10.	Determining 'politically restricted' posts	Director with advice from HR Director and City Solicitor (or delegates)
11.	Approval of cases of early retirement	Director under advice from the Chief Finance Officer and HR Director (or delegates)
12.	Deal with compensation for loss of office	Director under advice from the Chief Finance Officer and HR Director (or delegates)
13.	Make Compensation for diminution of Emoluments	Director only under advice of the HR Director and City Solicitor (or delegates)

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Delegation to Director,		
Part E 3.2 (iii)	To approve tender strategies and award contracts in accordance with the Procurement Government Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (£181,302 as at September 2019) and £10,000,000 in value, over the contract length.	
Sub-Delegations		Sub Delegation to Officers within Education & Skills Directorate
1.	<p>To approve tender strategies and contracts in accordance with Part D Financial, Contract and Procurement Regulations (Procurement Government Arrangements).</p> <p>Submitting bids to external organisations in accordance with Part D Financial, Contract and Procurement Regulations. <i>Note: In respect of authorisation for Schools to bid for external funds, please refer to Part E3.2 (i) 4.</i></p> <p>To approve contract extensions where the option to extend exists in the original contract, in accordance with Part D Financial, Contract and Procurement Regulations</p>	<p>Up to £200,000 or £10m subject to Procurement Governance Arrangements Director or deputising officer</p> <p>Up to £200,000 Assistant Director</p> <p>Up to £50,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5</p>

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Delegation to Director		
Part E 3.2 (iv)	Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000	
	Sub-Delegations	Sub Delegation to Officers within Education & Skills Directorate
1.	<p>Approval of Contract extensions as above in accordance with Part D Financial, Contract and Procurement Regulations</p> <p>Note: The report author (or team member) cannot approve their own report – this should be done by another officer with appropriate delegations</p>	<p>Up to £500,000 Director or deputising officer</p> <p>Up to £200,000 Assistant Director</p> <p>Up to £50,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5</p> <p>in conjunction with the City Solicitor and Chief Finance Officer (or their delegates)</p>

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Delegation to Director		
Part E 3.2 (v)	To write off any individual debts of income (including any associated court costs and bailiffs fees) within their service directorate responsibility, and after consultation with the Chief Finance Officer, up to the sum of £25,000 per individual or organisation, which in the opinion of the Director is considered to be uneconomical to collect or is irrecoverable. <i>All individual debts above this amount can only be written off by the Chief Finance Officer.</i>	
Sub-Delegations		Sub Delegation to Officers within Education & Skills Directorate
1.	Write-off debts up to £25,000 for each debtor.	Director (or deputising officer)

Delegation to Director		
Part E 3.2 (vi)	The Chief Executive and Directors have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body”. In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.	
Sub-Delegations		Sub Delegation to Officers within Education & Skills Directorate
1.	To approve and make payments in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body” as above and in accordance with Part D Financial, Contract and Procurement Regulations	Up to £200,000 Director or deputising officer / Assistant Director

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Delegation to Director, Education & Skills		
Part E 3.2 (xii)	The Director, Education & Skills (and in their absence the Chief Finance Officer) has the authority to authorise and approve the completion of (but not limited to) the grant of long term leases, commercial transfer agreements and any other ancillary documentation relating to the changing status of schools pursuant to the Academies Act 2010 or any associated legislation relating to the changing status of schools, as well as requesting the making and varying of Instruments of Government for maintained schools, subject to the agreement of the City Solicitor.	
	Sub-Delegations	Sub Delegation to Officers within [title] Directorate
1.		Director or deputising officer

Delegation to Chief Officers and Statutory Officers		
Part E 3.3	Chief Officers and Statutory Officers are empowered to authorise all necessary actions in relation to disasters and emergencies as designated under the Council's Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption. In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the Chief Finance Officer in writing, of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meetings of the relevant committee	
	Sub-Delegations	Sub Delegation to Officers within [title] Directorate
1.	As above	Director or deputising officer

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FEES AND CHARGES	
To negotiate variations to the external funding contracts currently held between BAES and the Skills Funding and Education Funding Agencies;	Assistant Directors Skills and Employment in consultation with a rep of S151 officer
To negotiate variations to the prices for BAES course fees in order to offer commercial flexibility;	Assistant Directors Skills and Employment in consultation with a rep of S151 officer
To certify the annual Individual Learner Returns to the Skills Funding and Education Funding Agencies;	Assistant Directors Skills and Employment in consultation with a rep of S151 officer
To certify the annual Expenditure returns for Community Learning to the Skills Funding Agency;	Assistant Directors Skills and Employment in consultation with a rep of S151 officer