

Central Bedfordshire Council

General Purposes Committee

28 March 2019

Proposed changes to the Director of Children's Services delegated powers relating to Education and maintained schools

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This report relates to a decision that is not key.

Purpose of this report

This report proposes changes to:

- The Director of Children's Services delegated powers in carrying out the functions of the Council relating to education; and
- making prescribed alterations to schools, and the establishment and discontinuance of maintained schools.

RECOMMENDATIONS

The General Purposes Committee is asked to:

- 1. Consider the proposed changes to the Director of Children's Services delegated powers set out in Appendix A; and**
- 2. Recommend to full Council to approve the proposed changes set out in Appendix A.**

Issues

- 1 Following the Council's decision to close Shelton lower school, it was referred to the schools adjudicator. The adjudicator commented that she disagreed with the Council's contention that the Director of Children Services ('DCS') had the delegated power to establish and discontinue schools.
- 2 Officers consider the DCS's delegated powers on the establishment and discontinuance of maintained schools could be made clearer so as to provide greater clarity and remove any ambiguity. The opportunity was also taken to revise the other Education delegations to ensure they accurately reflect the correct legislation. Accordingly, this report sets out proposals for revising the scheme of delegation to the DCS relating to statutory education functions.

Proposals

- 4 The proposals fall into four areas:
 - Functions of the council relating to education in general (Section 18(3) of the Children Act 2004);
 - the administration and planning of the review of organisation of schools within the area;
 - making prescribed alterations to schools; and
 - the establishment and discontinuance of maintained schools
- 5 Appendix A sets out the current delegation and its proposed replacement. The proposed delegations in the Appendix numbered 4.5.16 – 4.5.18 are additional delegations.
- 6 The proposed changes are considered to be self-explanatory. They reflect the correct legislation, provide clarity and remove any ambiguity as to the correct decision maker.

Council Priorities

- 7 The proposed action supports the council priority **improving education and skills**.

Corporate Implications

- 8 The proposed changes clarify the delegated education functions of the DCS.

Legal Implications

- 9 The proposed changes clarify the powers delegated to the DCS with regard to schools, and in particular decisions delegated to the Director in respect of prescribed alterations and the establishment and discontinuance of maintained schools. The Monitoring Officer drafted the proposed changes and recommends they are approved.

Financial and Risk Implications

- 10 There are no direct financial implications. In terms of risk, the proposed changes clarify powers delegated to the DCS thus reducing the risk of a successful challenge to the exercise of, and interpretation of, the delegations.

Equalities Implications

- 11 Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Clarifying delegated powers will make decision-making clearer and more efficient, and thus have the potential to affect positively the education and life opportunities for disadvantaged pupils generally.

Conclusion and next steps

- 12 If agreed, full Council will need to approve the changes and if approved the proposed changes will be incorporated into Part 3E of the Constitution and then published.

Background papers

None

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