

APPENDIX B

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

ADMINISTRATION COMMITTEE – 3 JUNE 2010

REPORT BY THE DIRECTOR OF LEGAL SERVICES

CHANGES TO THE CONSTITUTION (Addendum to Report A4)

FAMILY AND CHILDREN'S SERVICES SCHEME OF OFFICER DELEGATION

Delegation of powers to the Deputy Executive Director for Family and Children's Services.

FOR DECISION

1. INTRODUCTION

- 1.1 The Executive Director for Family and Children's Services, Anne Marie Carrie, has authorised the Director for Family Services, Libby Blake, to act as her Deputy Executive Director for Family and Children's Services to support her in her role as "Director of Children's Services" ("DCS"). The Town Clerk and Chief Executive wishes this appointment to be reflected in the Council's Constitution.

2. BACKGROUND

- 2.1 The Children Act 2004 requires every local authority to appoint a DCS who is responsible for defined functions in relation to children. The Executive Director will continue to be responsible for the performance of the DCS role in the Royal Borough but will be supported in that by her deputy who can exercise the same powers on her behalf.
- 2.2 The appointment of a deputy is for a fixed period from 1 April 2010 to 31 March 2011. The Deputy Executive Director will be released from the immediate duties of Director for Family Services but will retain responsibility for the management of the interim arrangements in place.

3. FINANCIAL, LEGAL, PERSONNEL, AND EQUALITIES IMPLICATIONS

- 3.1 Legal: Amending the constitution to reflect the arrangements prevents any suggestion that powers have been unlawfully delegated.
- 3.2 There are no financial, personnel or equalities implications

4. RECOMMENDATION

4.1 A number of amendments to the Constitution are necessary to reflect this appointment and the Committee is asked to recommend the following changes to Full Council:

- Page 108 Part Three C functions delegated to officers – at the end of paragraph 3 to add the words “An executive director may authorise a director to act as their deputy executive director with power to exercise any of the powers of the authorising executive director”.
- Page 51 Article 11 Officers - under the heading Executive Director for Family and Children Services to insert the words “including the Deputy Executive Director for Family and Children’s Services for the period 1 April 2010 to 31 March 2011”
- Page 114 Part Three C functions delegated to officers - to change the heading of general powers to “All Executive Directors, Deputy Executive Directors and Directors” so as to make clear that a deputy can exercise all powers of their principal as well as the powers delegated to directors within their Business Group.
- Page 148 Part Three C functions delegated to officers – after paragraph 26 to insert:

“Deputy Executive Director for Family and Children’s Services

To act as Deputy to the Executive Director for Family and Children’s Services, exercising all of the following powers on her behalf and in accordance with her instructions:

1. To exercise powers of intervention for those schools which are subject to a formal warning, which have serious weaknesses, or require special measures.
2. To administer the arrangements for admission and exclusion appeals.

3. To provide meals in relation to a pupil's education.

Children in Need

4. To provide services, advice, information facilities and assistance for children in need, their families and others.
5. To assess a child who appears to be in need.
6. To investigate and report to a court on matters relating to the welfare of a child.
7. To act as a supervisor in respect of supervision orders.

Child Protection

8. To regulate childcare provision.
9. To assess a child who appears at risk of significant harm.
10. To decide upon and arrange the action to be taken to protect children.
11. To provide care and accommodation to looked-after children and review arrangements.
12. To consent to applications for residence and contact orders.
13. To place and keep a child in secure accommodation.

Adoption

14. To establish and maintain an adoption service, and provide the requisite facilities.
15. To arrange and supervise the adoption of a child and provide post-adoption support.*
16. To investigate and report to court on matters relating to the adoption of children.
17. To consider the recommendations of the Adoption Advisory Group and to make decisions in relation to those matters.

Fostering

18. To regulate private fostering.
19. To assess the welfare of privately fostered children.

20.To assess, train, approve, supervise and review foster carers.

Young Offenders

21.To provide accommodation and supervision for young offenders.

22.To maintain a youth offending team.

23.To assist a local education authority in exercising its functions in relation to special educational needs.

Legal Procedures

24.To take enforcement action in relation to the education, employment and training of children and young persons.

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DIRECTOR OF LEGAL SERVICES**

**DEREK MYERS
TOWN CLERK AND CHIEF EXECUTIVE**

Background papers used: None

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