

**PROPOSED NEW WORDING & RENUMBERED** (proposed changes explained in table below)

## **DIRECTOR OF EDUCATION AND LIFELONG LEARNING**

Subject to the General provisions and Limitations and in addition to the General Delegations, the Director of Education and Lifelong Learning has the following powers: -

### **1. GENERAL**

**1.1.** To undertake the duties and responsibilities of the Council with regard to Education legislation including but not limited to: -

- 1.1.1.** The Education (Scotland) Act 1980;
- 1.1.2.** The Standards in Schools etc Act 2000;
- 1.1.3.** The Children and Young People (Scotland) Act 2014;
- 1.1.4.** The Education (Additional Support for Learning) (Scotland) Act 2004.

### **2. EDUCATION**

- 2.1.** to ensure that the education provided in schools managed by Angus Council is directed to the development to their fullest potential of the personality, talents and mental and physical abilities of each child or young person enrolled in these schools, and to have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions which significantly affect that child or young person, taking account of the child or young person's age and maturity;
- 2.2.** to administer the Council's scheme of Devolved School Management;
- 2.3.** to take an overview of the work of all schools managed by the Council with a view to securing improvement in the quality of school education and to raising standards of education;
- 2.4.** to provide an Educational Psychology Service, in accordance with the Education Act 1980;
- 2.5.** to carry out the functions of the Council in relation to section 23 of the Education (Scotland) Act 1980 with regard to the provision of education for pupils belonging to areas of other education authorities;
- 2.6.** to respond on behalf of the Council, to any formal and informal consultation exercises organised by the Scottish Government or any other national body;
- 2.7.** to seek exemption from Scottish Government from the requirement to provide 190 days of schooling in each academic session;
- 2.8.** following consultation with the Convenor of Family, Education and Justice, and the Director of Finance, to review and amend the sustainable rate setting methodology and to approve all future hourly rate changes (increase or decrease) up to a value of 10% within the lifetime of the Council's Open Framework for Funded Early Learning and Childcare (ELC), provided that these increases are within budget.

- 2.9. to arrange the temporary closure of schools due to adverse weather conditions or any unforeseen circumstances that occur;
- 2.10. to approve or refuse applications received from schools for visits and excursions;
- 2.11. to make arrangements to monitor the attendance of pupils at school, and to implement measures to address truancy and other unauthorised absence;
- 2.12. to manage the exclusion of pupils from schools in accordance with the Preventing and Managing School Exclusions in Angus policy;
- 2.13. to approve amendments to Attendance Orders in accordance with Section (39) of the Education (Scotland) Act 1980 where the parents have made no objections against this;
- 2.14. to implement and oversee the arrangements made by head teachers for the allocation of classes, for the delivery of an effective curriculum, and for all matters relating to the safety and well-being of pupils;
- 2.15. to determine primary and secondary school capacities and reserved places on an annual basis prior to 31 March each year in respect of the following school session;
- 2.16. To approve or refuse the granting of bursaries, allowances and other financial aid to assist persons to take advantage of education facilities.

### **3. EDUCATION ENROLMENT**

- 3.1. to make arrangements for pupils to be enrolled in the school within whose delineated area within the GIS system, they normally reside;
- 3.2. to determine applications in respect of the early admission of children to primary school education;
- 3.3. to make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school, and in accordance with Section 28A of the Education (Scotland) Act 1980, determine all placing requests and inform parents/carers of the right of appeal, should a placing request be refused;
- 3.4. to make arrangements for 3- and 4-year-olds and eligible two-year-olds to attend early learning and childcare provision and to make available information to parents to enable them to enrol their children in early learning and childcare provision.

### **4. EDUCATION SUPPORT SERVICES**

- 4.1. to authorise school transport arrangements for all children who are entitled to such transport statutorily, or as a result of Council policy and to award contracts for such transport in accordance with Procurement Standing Orders and Financial Regulations;

- 4.2. to review and make decisions regarding appeals made in relation to school transport arrangements, in line with the Council's school transport policy;
- 4.3. to authorise minor amendments to the Home-to-School Transport Policy;
- 4.4. to implement and oversee the arrangements for school catering, including children entitled to free school meals and for facilities management in schools.

## **5. EDUCATION STAFFING**

- 5.1. to grant leave of absence with or without salary to teaching staff in accordance with the AJNCT Agreement;
- 5.2. to grant leave of absence with or without salary to staff on the LG pay scale in accordance with council policies;
- 5.3. to implement and monitor the Council's scheme of Professional Review and Development for teaching staff;
- 5.4. to implement and monitor the Council's scheme of annual appraisal for Local Government staff working within schools and the wider Education and Lifelong Learning Directorate;
- 5.5. to transfer teachers within the policy established by the Council;
- 5.6. following consultation with the Director of Finance of to authorise the early or flexible retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council;
- 5.7. to authorise all teaching establishment changes;
- 5.8. to undertake the duties and functions of the council in line with Angus Council's Child Protection Policies.

## **6. EDUCATION ESTATE**

- 6.1. following consultation with the Director of Infrastructure & Environment, to maintain the equipment, material resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed policies and procedures;
- 6.2. to oversee and implement arrangements for changes to the learning estate and, where required, carry out the functions of the Council in accordance with the Schools (Consultation) (Scotland) Act 2010.

## **7. CHILDREN**

- 7.1. to issue licences in terms of the Children (Performance) Regulations 1968;
- 7.2. to control the employment of children in terms of the Council's byelaws;
- 7.3. To undertake the duties and responsibilities of the Council under the Carers (Scotland) Act 2016, pursuant to the service;

7.4. To undertake the duties and responsibilities of the Council under Part 4 of the Social Work (Scotland) Act 196, pursuant to the service.

## 8. PROCUREMENT

8.1. Where a procurement is fully funded by Pupil Equity Funding, to approve the addition of new procurements with a Contract Value of £50,000 or more to the Procurement Plan, in accordance with Procurement Standing Order 2.2.2.

**TABLE 1(i): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES**

<b>DIRECTOR OF EDUCATION AND LIFELONG LEARNING</b>				
<b>TABLE OF CHANGES TO THE SCHEME OF DELEGATION</b>				
<b>NEW No.</b>	<b>OLD No.</b>	<b>WHAT IT USED TO SAY</b>	<b>WHAT IT NOW SAYS</b>	<b>REASON FOR CHANGE</b>
1	New delegation added	New delegation added	<p>1.1 To undertake the duties and responsibilities of the Council with regard to Education legislation including but not limited to;</p> <p>1.1.1. The Education (Scotland) Act 1980;</p> <p>1.1.2. The Standards in Schools etc Act 2000;</p> <p>1.1.3. The Children and Young People (Scotland) Act 2014;</p> <p>1.1.4. The Education (Additional Support for Learning) (Scotland) Act 2004.</p>	New delegation added to cover the general responsibilities.
2.1	1	NO CHANGE	NO CHANGE	N/A
2.2	27	NO CHANGE	NO CHANGE	N/A
2.3	2	NO CHANGE	NO CHANGE	N/A

2.4	30	to be responsible for the provision of a Psychology Service.	to be responsible for the provision of an Educational Psychology Service, in accordance with the Education Act 1980.	Amendment made to include reference to relevant legislation.
2.5	9	to exercise the powers available to the Council with regard to the provision of education for pupils belonging to areas of other education authorities;	to carry out the functions of the Council in relation to section 23 of the Education (Scotland) Act 1980 with regard to the provision of education for pupils belonging to areas of other education authorities.	Amendment made to include reference to relevant legislation.
2.6	28	to respond on behalf of the Council, to any formal and informal consultation exercises organised by the Scottish Government's Education and Lifelong Learning Department or any other national body;	to respond on behalf of the Council, to any formal and informal consultation exercises organised by the Scottish Government, or any other national body;	Amendment in wording to refer to the Scottish Government in general as opposed to the specific department.
2.7	New delegation added	New delegation added	to seek exemption from Scottish Government from the requirement to provide 190 days of schooling in each academic session.	Approved at C&L Committee on 21 Sept 2021 (Report No. 305/21) but had never been added to SoD.
2.8	New delegation added	New delegation added	following consultation with the Convenor of Family, Education and Justice, and the Director of Finance, to review and amend the	Approved at C&L Committee on 14 June 2022 (Report No. 144/22) but had never been added to SoD.

			sustainable rate setting methodology and to approve all future hourly rate changes (increase or decrease) up to a value of 10% within the lifetime of the Council's Open Framework for Funded Early Learning and Childcare (ELC), provided that these increases are within budget.	
2.9	New delegation added	New delegation added	to arrange the temporary closure of schools due to adverse weather conditions or any unforeseen circumstances that occur	Required operational delegation
2.10	21	to approve or refuse applications received from schools for visits and excursions, in accordance with the Council's policies	to approve or refuse applications received from schools for visits and excursions;	Amendment made to remove reference to council's policies. No current policy exists.
2.11	22	to make arrangements to monitor the attendance of pupils at school, and to implement measures to combat truancy and other unauthorised absence	to make arrangements to monitor the attendance of pupils at school, and to implement measures to address truancy and other unauthorised absence	Amendment to wording from "combat" to "address"

2.12	23	to make arrangements to monitor exclusion of pupils from schools	to manage the exclusion of pupils from schools in accordance with the Preventing and Managing School Exclusions in Angus policy;	Amendment to wording to include reference to Council policy.
2.13	24	to approve amendments to Attendance Orders in accordance with Section (39) of the Education (Scotland) Act 1980 where the parents have made no representations against	to approve amendments to Attendance Orders in accordance with Section (39) of the Education (Scotland) Act 1980 where the parents have made no objections against;	Wording changed from "representations" to "objections" to align with the wording in the legislation.
2.14	25	to oversee the arrangements made by head teachers for allocating pupils to classes, for the delivery of an effective curriculum, and for all matters relating to the safety and wellbeing of pupils	to implement and oversee the arrangements made by head teachers for the allocation of classes, for the delivery of an effective curriculum, and for all matters relating to the safety and well-being of pupils	Amendment to wording to allow the Director to implement as well as oversee arrangements.
2.15	New delegation added	New delegation added	to determine primary and secondary school capacities and reserved places on an annual basis prior to 31 March each year in respect of the following school session.	Agreed by C&L Committee on 24 February (Report No. 42/22) but never added to SoD.
3.1	3	to make arrangements for pupils to be enrolled in the school within	to make arrangements for pupils to be enrolled in the school within whose delineated	Minor amendment to wording to include "GIS system".

		whose delineated area they normally reside	area within the GIS system, they normally reside	
3.2	New delegation added	New delegation added	to determine applications in respect of the early admission of children to primary school education.	New delegation added to cover decision making.
3.3	4	to make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school	to make available information to parents to enable them to enrol their children in the delineated area school or to make a placing request for another school, and in accordance with Section 28A of the Education (Scotland) Act 1980, determine all placing requests and inform parents/carers of the right of appeal, should a placing request be refused.	Amendment to wording to include reference to relevant legislation and add old number 4 and 7 together as they are relevant to each other.
3.4	5	to make arrangements for 3 and 4 year olds and eligible two year olds to attend early learning and childcare provision	to make arrangements for 3- and 4-year-olds and eligible two year olds to attend early learning and childcare provision and to make available information to parents to enable them to enrol their children in early learning and childcare provision	Amendment made to add the old number 5 and 6 delegations together as they are relevant to each other.
4.1	8	NO CHANGE	NO CHANGE	N/A
4.2	New delegat	New delegation added	to review and make decisions regarding appeals made in	New delegation added to cover decision making.



	ion added		relation to school transport arrangements, in line with the Council's school transport policy	
4.3	New delegation added	New delegation added	to authorise minor amendments to the Home-to-School Transport Policy	New delegation added to cover decision making.
4.4	New delegation added	New delegation added	to implement and oversee the arrangements for school catering, including children entitled to free school meals and for facilities management in schools;	New delegation added to cover decision making.
5.1	10	to grant leave of absence with salary to enable teaching staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;	to grant leave of absence with or without salary to teaching staff in accordance with the AJNCT Agreement	Amendment in wording to cover leave with and without pay. Reference to relevant agreement also added.
5.2	New delegation added	New delegation added	to grant leave of absence with or without salary to staff on the LG pay scale in accordance with council policies	New delegation added to cover decision making.
5.3	12	to implement and monitor the Council's scheme of Staff Development and	to implement and monitor the Council's scheme of Professional Review and Development for teaching staff;	Amendment to wording.

		Review for teaching staff		
5.4	13	to implement and monitor the Council's scheme of annual appraisal for school support staff	to implement and monitor the Council's scheme of annual appraisal for Local Government staff working within schools and the wider Education and Lifelong Learning Directorate	Amendment to wording to include local government staff who work within schools and wider Education and Lifelong Learning directorate.
5.5	15	NO CHANGE	NO CHANGE	N/A
5.6	16	to authorise the premature retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council	Following consultation with the Director of Finance of to authorise the early or flexible retirement of teachers without any actuarial reduction to their pension benefits in accordance with the agreed policy of the Council;	Amendment to wording.
5.7	11	NO CHANGE	NO CHANGE	N/A
5.8	New delegation added	New delegation added	to undertake the duties and functions of the council in line with Angus Council's Child Protection Policies.	New delegation added to cover responsibilities of the Council.
6.1	17	to maintain the equipment, material resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed policies and procedures, and in association with	Following consultation with the Director of Infrastructure to maintain the equipment, material resources and physical fabric of all schools and educational establishments, in accordance with the Council's agreed	Minor amendment to wording.

		the Director of Infrastructure	policies and procedures	
6.2	18	to oversee arrangements for changes to the learning estate	to oversee and implement arrangements for changes to the learning estate and, where required, carry out the functions of the Council in accordance with the Schools (Consultation) (Scotland) Act 2010	Amendment made to include relevant legislation.
7.1	19	NO CHANGE	NO CHANGE	N/A
7.2	20	NO CHANGE	NO CHANGE	N/A