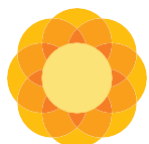




BIRMINGHAM CHILDREN'S TRUST SCHEME OF DELEGATED DECISION-MAKING

(INCORPORATING CASE MANAGEMENT DECISIONS)

October 2022



**BIRMINGHAM
CHILDREN'S TRUST**

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Application and scope

This document sets out the authority required to undertake a range of key case management, expenditure and best interest decisions.

The purpose of the document is to provide consistency in the level and authority at which decisions are taken throughout the Trust.

Officers should ensure that delegated powers are exercised in accordance with relevant Trust policies and procedures.

In each case the role designated represents the minimum level at which the decision can be taken (ie. a manager more senior than the role specified is also authorised to take this decision subject to them having sufficient knowledge and skill to do so).

The Chief Executive of the Trust has all the above delegated authority other than that delegated to the Trust Board and, as may be necessary, has delegated authority for which there is no current policy and procedure.

The following criteria must be used in determining matters to be brought to a Committee or Board meeting for formal approval or assurance/information:

- politically-sensitive
- controversial
- reputation
- significant practice, financial or policy issue eg. Operating model, Accounts, Whistleblowing, Conflict of Interest
- requirement of Articles, Company law and/or Scheme of Delegation eg. Business Plan, Community Interest Company report.

A number of documents have been agreed for annual sign-off and will be included, in the Board and/or Committee Forward Plans, as relevant.

SECTION A: CASE MANAGEMENT DECISIONS

Decision-making and consultation

The law requires consultation to occur with parents (including those who are not parents but who have parental responsibility) and young people in most contexts unless there is a defensible reason why this cannot occur.

Agency decision-makers for decisions in relation to adoption

The person does not have direct management responsibility for the adoption panel but has the authority to make decisions on the agency's behalf as to whether:

- a child should be placed for adoption (AAR 19);
- prospective adopters are suitable to adopt a child or continue to be suitable to adopt a child (AAR 30B and 30D);
- a child should be placed for adoption with a specific prospective adopter (AAR 33); and
- to disclose protected information about adults under section 61 of the Act and regulation 15 of the Disclosure of Adoption Information (Post Commencement Adoptions) Regulations 2005 (AIR) when determining an application.

There may be more than one decision-maker in an agency. The decision-maker may not delegate their authority to another person.

Agency decision-makers for decisions in relation to fostering

The fostering service must identify a senior member of staff (usually referred to as the decision-maker) who will receive the panel's recommendations and make decisions as required. More than one decision-maker may be appointed, but they may not delegate their authority to another person.

The agency decision-maker decides to approve the connected persons as temporary foster carers under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010.

The agency decision-maker also endorses the first review of foster carers to ensure quality of practice and the permanent match of children to their foster carer. The First Review is presented at panel and endorsed by the ADM. Long-term fostering matching decisions are signed by the ADM (Area AD)

Admissions into care, court orders and court-related decisions

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Court orders						
1.	To initiate care proceedings including applying for an Emergency Protection Order, recovery orders, a child assessment order, a care order and a supervision order.		✓		After complex case discussion	Legal Planning Meeting.
2.	To agree use of counsel	✓				
3.	To approve care plan for the court (court order having been applied for).		✓			Legal Planning Meeting. All final court care plans to be signed by Head of Service unless requires ADM
4.	To seek variation/extension of supervision or care order.			✓		IRO must be consulted and plan endorsed at statutory review of the child's care plan
5.	To seek discharge of care order.			✓	With legal advice	IRO must be consulted and plan endorsed at statutory review of the child's care plan
6.	To seek discharge of supervision order.			✓		
7.	To use secure accommodation without an order (max. 72 hours).				Director of Practice	If Director of Practice is absent must be decision of Chief Executive. For children in care RO must be consulted and plan endorsed at statutory review of the child's care plan
8.	To seek secure accommodation order.	✓				With notification to the Director of Practice. For children in care IRO must be consulted and plan endorsed at statutory review of the child's care plan
9.	To approve deprivation of liberty application.		✓			Alongside legal advice and notification to AD
10.	To seek aS.34 order concerning contact.		☐			IRO must be consulted and plan endorsed at statutory review of the child's care plan

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Court orders						
11.	On the response to S.37 direction.		✓			
12.	To agree planned accommodation (S.20) arrangements.	✓ See expenditure thresholds at section B2				
13.	To agree unplanned accommodation (S.20) arrangements.	✓ See expenditure thresholds at section B2				

Decisions relating to children who are children in care, about to become children in care or are leaving care

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Children in care/about to become children in care/leaving care						
14.	Approving the matching of a particular foster home with the needs of a particular child.			Fostering team		
15.	To agree the suspension of fostering approval.		Fostering (if otherwise)			In cases of S47, consultation with LADO
16.	To recommend the termination of fostering approval.		HOS Fostering			Fostering Panel make recommendation to agency decision maker.
17.	To agree the termination of fostering approval.				Agency Decision-Maker	
18.	Agree the continuation of a carers assessment with a positive DBS		x		Agency Decision-Maker	Head of Service Fostering and Adoption Decision
19.	To decide whether or not to approve connected persons as temporary foster carers under Regulation 24 of the Care Planning, Placement and Case Review (England) Regulations 2010.	✓				Nominated Officer
20.	To grant a temporary exemption to the usual fostering limit.	✓ AD Commissioning and Placements			Registered Manager	Registered Manager can deputise

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Children in care/about to become children in care/leaving care						
21.	To agree the seeking of an external residential placement.	✓ See expenditure thresholds at section B2				
22.	To agree the seeking of an Independent Fostering Agency placement.		✓ See expenditure thresholds at section B2			
23.	To approve the placement of a child in a spot purchased placement once identified.		✓ See expenditure thresholds at section B2			Note that best interest for child to come into care lies with the Assistant Director This is the resource allocation decision
24.	To terminate placement of a young person from a children's home.		✓			IRO must be consulted and plan endorsed at statutory review of the child's care plan
25.	To agree the use of an OLA Placement.		✓ See expenditure thresholds at section B2			Note that best interest for child to come into care lies with the HoS. This is the resource allocation decision
26.	To agree to place a child outside of city in another local authority (i.e. not neighbouring).		✓		DCS (Delegated authority)	The host Local Authority must be notified prior to placement.
27.	To agree for a child in care to live abroad under Paragraph 19 Schedule 2 Children Act 1989.	✓				Legal advice/support required.
28.	To agree the permanence plan for a child who is in care.		✓		Based on TM and IRO recommendation	Needs to be agreed at (2 nd / 4 month) Statutory Review.
29.	To endorse a permanence plan for a child who is in care.				IRO	2 nd / 4 month Statutory Review.
30.	To approve an unregulated placement of a young person.				Director of Practice	The ban on using unregulated provision for under 16y year olds came into force on 9 September 2021. Follow the practice standards.
31.	To agree a planned placement, change for a young person in Years 10 or 11.		✓		Having been discussed with Head of the Virtual School	IRO must be consulted and plan endorsed at statutory review of the child's care plan Exceptional circumstances.

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Children in care/about to become children in care/leaving care						
32.	To approve placement of child on Care Order with parents.		✓		IRO must be consulted and plan endorsed at statutory review of the child's care plan	Decision fed back to a Statutory Review Schedule 3 Assessment report approved.
33.	To permit child or young person in care to leave UK for holiday of up to 1 month.		✓		Parent(s) with PR	IRO must be consulted and plan endorsed at statutory review of the child's care plan Parents' views should be obtained even where BCT have PR. If S20 only parents can give consent or those with PR.
34.	To permit child or young person to attend activities such as school trips or camps.			✓	Foster Carer or Residential Social Worker subject to the delegated authority	Suggested decision maker - to be agreed at Placement Planning Meeting. If S20 only parents can give consent to those with PR.
35.	To permit child or young person to stay overnight with friend's family.				Foster Carer or Residential Worker in line with signed delegated authority aligned to the placement plan in consultation with Team Manager and Social Worker	Subject to any restrictions agreed at Placement Planning Meeting/Statutory Review. Team manager has oversight.
36.	To consent to unplanned surgery, treatment for life threatening conditions, sensitive medical treatment or invasive health screening (e.g. blood tests) – for child or young person on a Care Order - NB Fraser implications. To consent in respect of end of life plan for a child subject to a care order.		✓ ✓		In line with discussion with parents, Foster Carer, child and IRO Disputes must be escalated to AD	Children in Care Nurse or Doctor may need to be consulted. Decision fed back into Statutory Review as appropriate. Consultation with parents is important in serious and life threatening situations, time allowing. Subject to child protection considerations and if in doubt parents should be consulted. The attending medic has overriding responsibility. In respect of a child's end of life plan in the absence of clear parental consent no consent can be given in such cases the relevant health trust will need to take legal advice and if necessary initiate court proceedings.

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Children in care/about to become children in care/leaving care						
37.	To consent to planned surgery and treatment for conditions not falling into above categories.		✓			Consultation should always take place with parents (subject to child protection considerations).
38.	To agree to religious custom or ritual requiring parental consent (e.g. baptism) – child or young person on Care Order.		✓		Disputes must be escalated to AD	IRO must be consulted and plan endorsed at statutory review of the child's care plan Consultation with parents where appropriate.
39.	To sign passport application (child on Care Order).			✓		Decision fed back into Statutory Review.
40.	To support/not support foster carer application for residence order or special guardianship order.			✓	IRO must be consulted and plan endorsed at statutory review of the child's care plan	Statutory Review.
41.	To support child's application for British citizenship (child in care).			✓	IRO must be consulted and plan endorsed at statutory review of the child's care plan	Decision fed back into Statutory Review.
42.	To seek publicity in respect of a search for missing children.				Director of Practice / Chief Executive of Trust	Director of Practice, Chief Executive of Trust, DCS and Cabinet Member are informed in accordance with separate protocol.
43.	To agree to the marriage of a child aged 16 to 18 subject to a care order.				Chief Executive of Trust	Consultation with parents where appropriate regardless of legal status.
44.	To agree de-accommodation of a child aged up to 16, who has been looked-after for at least 20 working days.		✓		IRO must be consulted and plan endorsed at statutory review of the child's care plan	

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Children in care/about to become children in care/leaving care						
45.	To agree de-accommodation of a child aged 16 or 17 years, who has been accommodated under section 20.				Director of Practice ¹	Young person must have requested or must be in agreement with this decision. Decision must be ratified at a review.
46.	To authorise the application for a change of name of a child in care.		✓		Legal Services	In consultation with parents/those who hold PR.
47.	To authorise the provision or termination of contact between child in care and parents.		✓		Legal Services Section 34.4 order	HoS to agree principle and IRO endorses for up to 7 days prior to legal support.
48.	To authorise placement of a child outside England and Wales.				Director of Practice <i>See expenditure thresholds at section B2</i>	
49.	To agree for a young person to join the armed forces.				Director of Practice	
50.	To authorise a staying put agreement.		✓			
51.	To agree the move of a child subject to a CP Plan out of the city or into the city.			✓		

¹ Delegated by the DCS to the Director of Practice

	Decision	Decision-maker			Other/ Comment	Planning forum
		Assistant Director	Head of Service	Team Manager		
Children in care/about to become children in care/leaving care						
52.	Permission to lodge an application to SEND Tribunal.	✓			This would be in very limited circumstances whereby all other routes of escalation have failed	A young person can register an appeal in their name if they are over compulsory school age and up to the age of 25. Parents can register an appeal on behalf of a child from birth to the end of compulsory schooling.

Decisions relating to children in other specific contexts

	Decision	Decision-maker				Planning forum
		Assistant Director	Head of Service	Team Manager	Other/ Comment	
Personnel						
53.	Agree the employment of staff applicant with a Positive DBS.		✓			Safer Recruitment Panel Approved by Director of Practice.
54.	Staff Suspension.		✓			Human Resources support – Director of Practice/ Chief Executive.
Children privately fostered						
55.	To decide whether a private fostered arrangement is satisfactory.			✓		Agency Decision-Maker.
56.	To make decisions on prohibitions on private fostering.			✓		Agency Decision-Maker.
57.	To agree a condition on a private fostering arrangement.			✓		Agency Decision-Maker.
Adoption						
58.	To decide whether or not to ratify the recommendation of the Final Care Planning Meeting in relation to whether a child should be placed for adoption.	✓			Agency Decision-Maker	
59.	To decide whether or not to ratify the recommendation of the Adoption Panel in relation to whether individuals should be approved as adoptive carers.	✓			Agency Decision-Maker	
60.	To decide whether or not to ratify the recommendation of the Adoption Panel in relation to whether adoptive carers should be matched with a child.	✓			Agency Decision-Maker	

Recording decisions

All of the decisions set out in this procedure must be recorded on the electronic recording system together with a concise statement explaining or accounting for the decision. The record should be clear for the social worker, the manager, and particularly for the young person or parent who may read it:

- what the decision was,
- who took it,
- when it was taken, and
- why it was taken.

Minutes of all relevant meetings where a child has an IRO should be copied to the IRO.

Delegation of decision-making to Emergency Duty Service Team Managers

Whilst the list below contains most of the decisions likely to arise outside of working hours, it is not exhaustive and common sense needs to apply. There will also be circumstances where regardless of a decision lying within the delegated authority of a Team Manager, the Team Manager wishes to consult further.

Team Manager Decisions

1. Agreement to accommodate and place in foster care, in-house or IFA, in Birmingham.
2. Agreement to place in semi-independent/supported lodgings for 16/17 year old young person accommodation, in Birmingham.
3. Accommodation of young people claiming asylum pending age assessment.
4. Facilitating family arrangements for child who cannot remain at home.
5. Transport costs (including taxis) within Birmingham boundary up to £50 limit.
6. Emergency subsistence payment up to £50.
7. Response to police protection including accommodating child.
8. Initiating EPO.
9. Placement move, in Birmingham – on short term basis only.
10. MHA sections of children/young people.

Team Manager to consult with Assistant Director (TM to record discussion and decision on electronic recording system).

1. Placing child outside Birmingham must be escalated to the relevant Assistant Director on call.
2. Residential provision.
3. Overturning clear management advice on case eg. regarding whether or not to accommodate.
4. Emergency invasive medical procedures for children in care.
5. Disputes over mental health admissions of children/young people in care.
6. Disputes with other professionals where there may be a safeguarding concern eg. discharge of children from hospital not in accordance with agreed plan.

Team Manager to refer to Assistant Director /Director of Practice

1. Death/serious injury of child subject to child protection plan or in care.
2. Application for 72 hour secure order.
3. Any situation which may result in publicity/reputational risk for Birmingham Children's Trust.

SECTION B: EXPENDITURE

To make decisions and approve expenditure relating to the functions of the Birmingham Children's Trust providing:

- that the sum expended is within the approved budget for the Birmingham Children's Trust; and
- the amount in relation to any single matter over £5,000,000 is approved by the Birmingham Children's Trust Board.

Delegation subject area		Delegated to (Officer level)
1.	Subject to there being an approved budget, and in accordance with financial regulations, make purchases of goods and services within the delegations listed.	<p>Chief Executive – up to £5m</p> <p>Director of Finance and Resources – up to £2.5m (relating to payroll)</p> <p>Executive Director – up to £1m (£5m when deputising for Chief Executive)</p> <p>Assistant Director – up to £500,000</p> <p>Head of Service (GR7) - up to £100,000</p> <p>Team Manager GR6 - up to £50,000</p> <p>Budget Manager GR5 - up to £10,000</p>
2.	Agree external placements for individual children.	<p>Chief Executive - up to £5m</p> <p>Director of Practice and Director of Commissioning and Corporate Parenting - up to £2.5m (£5m when deputising for Chief Executive)</p> <p>Assistant Director Social Care - up to £500,000 in consultation with Director of Practice or Director of Commissioning and Corporate Parenting</p> <p>The cumulative cost commitment for an individual child, particularly where a placement may exceed one year, will determine the threshold to be applied. ²</p>
3.	Approval of budget virements	<p>Chief Executive over £1m</p> <p>Director of Finance and Resources up to £1m</p>

² At the point the cumulative cost of a placement is expected to exceed £500,000 this should be referred to the appropriate Executive Director.

		Executive Director up to £500,000 (over £500,000 when deputising for Chief Executive) All in consultation with Director of Finance and Resources/Head of Finance
4.	Approval to accept external revenue resources (and associated conditions).	Chief Executive over £1m. Director of Finance and Resources up to £1m Executive Director up to £500,000 (over £500,000 when deputising for Chief Executive) Assistant Director up to £250,000 Head of Service up to £100,000. All in consultation with Director of Finance and Resources/Head of Finance

SECTION C: CONTRACTING

To approve tender strategies and award contracts in accordance with the procurement procedures where the supplies, materials or services to be purchased or the works to be executed are above the European threshold in value, **over the contract length** (£181,302 as at 1 January 2018)

	Delegation subject area	Delegated to (Officer level)
1.	Make decisions and approvals subject to specified terms and conditions as detailed in the documentation.	
	Approving contracts above the value of EU threshold and also jointly in accordance with financial regulations.	Trust Board over £5m in consultation with Chief Executive and the Finance lead. Chief Executive up to £5m. Director of Finance and Resources up to £2.5m. Executive Director up to £1m (up to £5m when deputising for Chief Executive). Assistant Director up to £500,000 All in consultation with Director of Finance and Resources/Head of Finance
2.	Approving contracts up to the value of EU threshold.	Within expenditure delegation limits in section B above
3.	Submitting bids to external organisations up to EU threshold in accordance with and also jointly in	Assistant Director between £100,000 and £181,302

	accordance with financial regulations	Head of Service up to £100,000 All in consultation with Director of Finance and Resources/Head of Finance
	Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the procurement procedures where the supplies, materials, or services to be purchased or the works to be executed.	
4.	Approval of contract extension.	Chief Executive up to £5m Director of Finance and Resources up to £2.5m Executive Director up to £1m (£5m when deputising for Chief Executive) Assistant Director up to £500,000 All in consultation with Director of Finance and Resources/Head of Finance

SECTION D: DEBTS

To write off any individual debts of income (including any associated court costs and bailiff fees) within the Trust, and after consultation with the Director of Finance and Resources which in the opinion of the Director of Finance and Resources or Head of Finance if so nominated, is considered to be uneconomical to collect or is irrecoverable.

Delegation subject area		Delegated to (Officer level)
1.	Write-off debts over £50,000 for each debtor.	Director of Finance and Resources in negotiation with Chief Executive
2.	Write-off debts up to £50,000 for each debtor.	Director of Finance and Resources - sub-delegated to the Head of Finance

SECTION E: INCOME

Administer and collect income in relation to the budgets for which they are responsible and in accordance with procedures.

Delegation subject area		Delegated to (Officer level)
1.	Request invoicing for confirmed contributions and formally agreed charges.	Chief Executive up to £5m. Director of Finance and Resources up to £2.5m Executive Director up to £1m (£5m when deputising for Chief Executive)- Assistant Director up to £500,000 Head of Service up to £100,000 Budget manager up to £50,000 All in consultation with Director of Finance and Resources/Head of Finance
2.	Instruct Birmingham City Council to take action to recover debts (related to the Trust)	Director of Finance and Resources sub-delegated to the Head of Finance

SECTION F: STAFFING

Delegations in this scheme are to enable managers 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.

These powers will not include additional payments to any individual member of staff above the general financial threshold delegated to officers (£200k).

This Section relates to HR matters and should be read in conjunction with the policies and procedures available on Birmingham Children's Trust intranet

	Delegation subject area	Delegated to (Officer level)
1.	Acting up/honoraria	<p>Acting Up: There do not tend to be acting up arrangements for JNC Officers. In the event of such an arrangement being necessary this will be approved by the Nominations & Remuneration Committee.</p>
	<p>For acting up into Posts graded at GR7, authorisation from a Trust Executive Director will be required in line with the recruitment process.</p> <p>For any acting up approval, the signatory Manager must be Graded at least GR6 with (direct or indirect) managerial responsibility for the Acting Up Role in question.</p> <p>Honoraria: Executive Director – Signatory for the completed Honoraria Pro-forma in conjunction with the Trust's Head of HR.</p> <p>Assistant Director - Signatory for the completed Honoraria Pro-forma to cover for the Executive Director in conjunction with the Head of HR.</p> <p>Managers GR7, Head of Service - Signatory for the completed Honoraria Pro-forma to cover for the Executive Director/Assistant Director in conjunction with the Head of HR.</p> <p>Managers GR7 – GR4 – Completion of Business Cases in preparation for sign-off by Executive Director/Assistant Director in conjunction with the Head of HR.</p>	
2.	The organisational structure, job duties, grade and deployment of posts and employees for the Trust.	<p>In line with Trust policy.</p> <p>Executive Director.</p> <p>Head of HR.</p>
3.	The operation of arrangements relating to hours of work, annual and other leave and time off for	In line with Trust policy.

	employees.	Executive Director Assistant Director Head of HR Managers at GR7 – GR4
4.	The operation of the Trust's procedures relating to relevant hearings that could result in dismissal outcomes (eg. grievance, disciplinary, capability and sickness absence). The chair of a hearing must have attended relevant training at an appropriate level.	In line with Trust policy. Executive Director Assistant Director Head of HR GR7, GR6 and above may chair a hearing subject to attendance and completion of relevant training at an appropriate level. Managers at GR5 and GR4 may undertake investigations and prepare paperwork to support the process and the chair of the panel.
5.	The suspension of staff should always be a neutral act and used as a last resort in the operation of the Trust's disciplinary procedure.	In line with Trust procedure and taking HR advice. In consultation (by the manager commissioning the investigation) as appropriate with: Executive Director Assistant Director Head of HR
6.	The operation of the Trust's procedures relating to dignity at work	In line with Trust policy. Executive Director Assistant Director Head of HR GR7, GR6 and above may chair a hearing relating to the dignity at work matter subject to attendance and completion of relevant training at an appropriate level. Managers at GR5 and GR4 may undertake investigations and prepare paperwork to support the process and the chair of the panel.

7.	Operation of the Trust's procedures in relation to redundancy (development of proposals, leading consultations, issuing notice(s) are subject to the Trust's policy on the intranet).	<p>In line with Trust policy.</p> <p>Note 1: There are different processes in place for JNC Officers (that is, Assistant Directors and above) and NJC Officers (that is, Grades GR1 to GR7). In this respect, there are different sets of terms and conditions which are applicable.</p> <p>Note 2: Voluntary Redundancy (VR) - It is usually the line manager who will conduct the dismissal meeting, but an officer with the power to dismiss (that is, they have attended and completed relevant training at an appropriate level) would need to sign the letter.</p> <p>Compulsory Redundancy (CR) - An Officer with the Power to Dismiss (that is, they have attended and completed relevant training at an appropriate level) would need to conduct the Dismissal Meeting and sign the letter.</p> <p>Executive Director – see above, Note 2. Assistant Director – see above, Note 2. Head of HR – see above, Note 2. Managers at GR7 – GR6 – see above, Note 2.</p>
8.	Operation of consultation procedures related to employment matters.	<p>Executive Director</p> <p>Head of HR</p> <p>Assistant Directors and Managers GR7 – GR4 to operate in line with direction provided by the Executive.</p> <p>Director and Head of HR</p>
9.	Approval of cases of early retirement.	<p>Chief Executive only under advice from Director of Finance and Resources and/or Head of HR.</p>
10.	Make decisions in relation to amounts associated with settlement agreements	<p>Chief Executive only under advice from the Director of Finance and Resources and/or Head of HR involving legal services if appropriate.</p>