

North Ayrshire Integration Joint  
Board Scheme Setting Out Powers  
Delegated To Officers

# Scheme of Delegation to Officers

**April 2015 (v 26/02/15)**

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## **Section 1 – Introduction**

This Scheme of Delegation (the Scheme) was approved by North Ayrshire Integration Joint Board on 2<sup>nd</sup> April 2015 in terms of the Public Bodies (Joint Working) (Scotland) Act 2014. The scheme contains details of those functions both statutory and non-statutory which the Integration Joint Board (hereinafter referred to as ‘the Board’) has chosen to delegate to its officers.

This Scheme of Delegation needs to be read and used alongside any Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration, and Standing Orders relating to Meetings which together make up the wider framework of governance within the Integration Joint Board. The Board’s Governance is based upon the principles of:

- Openness;
- Accountability;
- Responsiveness;
- Democracy.

The Scheme of Delegation contributes to these fundamental principles by defining a route for certain decisions enabling the Board to be:

- Speedy and responsive in taking decisions;
- Efficient – by freeing the formal decision making structures of the Board to focus on other key decisions which have to be taken under full public scrutiny; and
- Accountable – by holding appropriate staff fully accountable for the decisions they take.

## Section 2 – Core Principles

The Board has determined that all powers which are not specifically reserved to the Board, its committee, or sub-committees are delegated to officers. The matters reserved to the Board or committees are mainly the strategic policy or regulatory issues requiring to be decided by the Board, while the day to day operational matters of running the Board's services are delegated to officers.

Every attempt has been made to list the specific powers which are available to officers. However if a specific power is not mentioned in this Scheme of Delegation, it does not necessarily mean that officers cannot exercise that power. Unless it has been specifically reserved to the Board, the power will still be delegated to officers. The powers reserved by the Board are detailed in this section

### 2.1 Delegations to Officers

The undernoted powers are delegated to Officers of the Board:-

- (i) The Chief Officer will have delegated responsibility for all matters in respect of the operation, development and implementation of policy unless specifically reserved to the Board or other Committees or contrary to the principles listed in 2.2 and 2.3 below, together with such Statutory Duties as may have been specifically and personally assigned to him/her.
- (ii) The Chief Officer will be responsible for the appointment of all posts below the level of Head of Service.
- (iii) Such delegations are at all times to be exercised in accordance with the relevant law, and any Board Standing Orders relating to Contracts, Financial Regulations, Scheme of Administration and Standing Orders relating to Meetings and other relevant policies and procedures.
- (iv) Where clarification is required, the Chief Officer will determine which matters are operational or otherwise.
- (v) The Chief Officer is an employee of either the Council or the NHS and is bound by the employment policies and procedures of which organisation employs them. The Chief Officer will be seconded by the Employer to the Board.
- (vi) The Chief Officer will be the principal advisor to and officer of the Board and will provide overall strategic and operational advice to the Board

- (vii) The Chief Officer is responsible for the operational management, delivery and performance of services delegated to the Board by Council and NHS, with the exception of Acute Services
- (viii) The Chief Officer will be line managed by the Chief Executives of the Council and NHS.
- (ix) The Chief Officer will be a member of the senior management team of the Council and NHS.

## 2.2 Powers Reserved to the Board

### **General Issues**

Delegated powers should not be exercised by officers where any decision would represent a departure from Board policy or procedure, would represent a departure from the Strategic Plan or would be contrary to a standing instruction of the Board (or committee), or would itself represent a significant development of policy or procedure. The only exception to this is in the case of urgency where the officer may, after consultation with the relevant Chairperson of the Board, exercise delegated powers. Should such powers be exercised in urgent circumstances, a report will be submitted to the next appropriate meeting for noting.

### Specific powers reserved for the Board

- 2.2.1 The powers which are reserved to the Board or its committees are a mixture of those which must, in terms of statute, be reserved, and those which the Board has, itself, chosen to reserve. Powers which are not reserved are delegated, in accordance with the provisions of this Scheme.
- 2.2.2. The following is a comprehensive list of what is reserved to the Board or committee, categorised as statutory and non statutory:-

### **Reservations**

- (a) To change the name of the Board;
- (b) To receive any certified abstract of the Board's annual accounts;
- (c) Approval of the any investment strategy and annual investment report;
- (d) The approval of the Scheme of Member's Allowances and the entitlement of Members to such allowances;

- (e) Any other functions or remit which is, in terms of statute or other legal requirement bound to be undertaken by the Board itself;
- (f) To establish such committees, sub-committees and joint committees as may be considered appropriate to conduct business and to appoint and remove Conveners, Depute Conveners and members of committees and outside bodies;
- (g) The approval annually of the Revenue Budget;
- (h) The approval annually of the Capital Plan;
- (i) The incurring of any net new expenditure not provided for in the estimate of capital or revenue expenditure unless, such expenditure is reported to and approved by the Board;
- (j) The approval or amendment of the Scheme of Administration regulating the constitution, membership, functions and powers of Committees of the Board;
- (k) The approval or amendment of the Standing Orders regulating meetings proceedings and business of the Board and Committees and contracts;
- (l) The approval or amendment of the Scheme of Delegation detailing those functions delegated by the Board to its Officers;
- (m) The appointment and the dismissal of the Chief Officer or the S95 Financial Officer;
- (n) The decision to co-operate or combine with other Integration Joint Boards in the provision of services other than by way of collaborative agreement;
- (o) The approval or amendment of the Strategic Plan;
- (p) To fix and amend a programme of Board and committee meetings; and
- (q) To deal with matters reserved to the Board by Standing Orders, Financial Regulations and other Schemes approved by the Board.

### 2.3 General Restrictions on Exercise of Delegated Powers by Officers

- (a) If any decision proposed under delegated powers might lead to a budget being exceeded, the officer must consult with the Chair of the Board before exercising the delegated power.

(b) (i) The Chief Officer must ensure that the Chair of the Board, is where appropriate consulted on matters of a controversial nature. Where appropriate, such matters should be referred to the Board or the appropriate Committee for decision.

(b)(ii) In particular and without prejudice to the foregoing, the Chief Officer will exercise particular care in determining whether a matter is to be regarded as controversial in the following circumstances:-

- Where determination of the issue may involve a decision contrary to local or national policy, the Strategic Plan or the determination may lead to a breach of a relevant Code of Guidance.
- Where it is proposed that any issue be determined contrary to significant objections or the strong recommendation of Statutory Consultees.
- The Officer proposes to determine the matter, or act in a manner, contrary to the recommendation of other officers whom he/she is obliged to, or has chosen to, consult with.
- There are perceived public safety or significant public policy issues dependent on the determination (save in the case of urgency as aforesaid).
- Standing Orders, National or International regulation requires determination otherwise.
- There are questions of legality or financial advisability/probity involved.

#### 2.4 New Legislation and Updating of Powers

The Scheme may be updated by the Chief Officer notifying the Chair of the Board in writing in advance of the specific power he or she wishes to exercise and if this is not in conflict with, or contradictory to any statutory provision, the Board's Standing Orders or Strategic Plan, effect may be given to such extension immediately and this Scheme will be amended accordingly

#### 2.5 Sub-Delegation

North Ayrshire Integration Joint Board hereby authorises any Officer with specific delegated powers, duties or responsibilities referred to within this scheme to delegate further any of these powers etc. to other appropriate Officers within their service. Any Officer using delegated powers will be fully accountable to the Board for his/her actions.

## 2.6 Interpretation

In the scheme the following words shall have the meanings assigned to them, that is to say:

- “Act” means the Local Government (Scotland) Act 1973;
- “1994 Act” means the Local Government etc (Scotland) Act 1994;
- “2014 Act” means the Public Bodies (Joint Working(Scotland) Act 2014
- “Board” means North Ayrshire Integration Joint Board
- “Council” means the North Ayrshire Council;
- “Chief Officer” means the Chief Officer of the Integration Joint Board
- “Employer” means whichever of the Council or NHS shall employ a particular member of staff
- “Members” means members of the Board
- “NHS” means Ayrshire and Arran Health Board
- Chief Finance Officer’ means the Chief Financial Officer of the Board appointed by the Board on terms of section 95 of the 1973 Act

Any reference to any Act of Parliament shall be construed as a reference to the Act of Parliament as from time to time amended, extended or re-enacted and shall include any byelaws, statutory instruments, rules, regulations, orders, notices, directions, consent or permissions made thereunder. Any reference to any statutory instrument, regulation or order shall be construed as a reference to that instrument, regulation or order (as the case may be) as from time to time amended, extended or re-enacted.

Subject to the foregoing provisions of this paragraph, the Interpretation Act 1978 shall apply to the interpretation of the scheme as it applies to the interpretation of an Act of Parliament.

## 2.7 Alteration of Scheme

Subject to the provisions of the 2014 Act the Board shall be entitled to amend, vary or revoke the scheme from time to time.

The financial limits as set by the terms of this scheme shall be reviewed on 1<sup>st</sup> April each year.



## **Section 3 – General Delegation to Officers**

The Chief Officer and the Chief Finance Officer and, unless specifically withheld, Heads of Service will have the following powers delegated to them:-

- 3.1 All powers necessary for the general management of the departments or services for which they are responsible including, but not limited to, the power to:-
  - 3.1.1 Appoint staff in accordance with the policy and Standing Orders of the Employer;
  - 3.1.2 Determine appropriate car and telephone allowance, if any, to be applied to staff;
  - 3.1.3 Authorise special leave for staff in accordance with the provisions of the Employer's Scheme of Special Leave;
  - 3.1.4 In consultation with the Head of Human Resources of the Employer, grant leave of absence with salary to enable staff to undertake approved part-time courses;
  - 3.1.5 Authorise staff attendance at conferences/seminars and training courses for all staff;
  - 3.1.6 Authorise departmental expenditure up to limits permitted in the Standing Orders, on such items as have been allowed for in the appropriate capital and revenue budgets.
- 3.2 To authorise staff to undertake functions delegated to the Chief Officer or Head of Service as may be deemed appropriate and expedient, provided such staff are suitably qualified.
- 3.3 To sign and issue the necessary authorisation to Officers of the Council or NHS to exercise statutory powers including where appropriate the rights to enter land and premises in connection with the discharge of their duties and any identity cards so required by the Council.
- 3.4 All such other powers as delegated by the Board, a Committee, a Sub-Committee, the Board's Standing Orders and Financial Regulations.
- 3.5 To authorise and pay for the attendance of individual Members at specific conferences, seminars, etc not on the approved Standing List of Conferences.

- 3.6 To authorise and pay for the attendance of individual employees at training or conferences and to authorise and reimburse the professional membership fees of individual employees
- 3.7 To appoint or make recommendations as to the employment of consultants or specialists in accordance with any decision taken by the Council.
- 3.8 To manage and monitor the performance of the services which are the responsibility of the Department.
- 3.9 To assist in the preparation of the Board's Capital Programme.
- 3.10 To take such measures as may be required in emergency situations, subject to advising the Chair of the Board as soon as possible thereafter on any items for which Committee approval would normally be necessary. This includes any Contract for the execution of works which are urgently required for the prevention of damage to life or property.
- 3.11 To enter into contracts for the supply of goods and materials, the execution of works and the provision of services where there is adequate provision in the estimates and the estimated expenditure is either less than £100,000 or let in terms of a framework agreement to which the Board, the Council or the NHS is a party.
- 3.12 In the case of emergency involving danger to life or property, to enter into contracts for the supply of goods and materials, the execution of works and the provision of services where the estimated expenditure is more than £100,000, subject to reporting the expenditure to the Board.
- 3.13 To sell surplus stores, plant, furniture and equipment, including any IT equipment, for the best price obtainable and write off any such stores, plant, furniture and equipment which have become unfit for use and are un-saleable, subject to any Standing Orders Relating to Contracts and any relevant policies of whichever of the Council or NHS owns the item.
- 3.14 To deal with, and in appropriate circumstances, to approve applications from employees for reimbursement of reasonable legal expenses, in part or in whole, incurred in defending any actions raised against them personally, providing:-

- (i) They are acting within the course of their employment;
  - (ii) In accordance with the Employer's procedures;
  - (iii) In good faith
  
- 3.15 To respond to consultation papers unless the response recommends a departure or significant development of Board policy or procedure or is contrary to a standing instruction of the Board.
  
- 3.16 To amend the organisational structures of their Services including the number and designation of posts subject to the following conditions:
  - (a) The Board Chair has been consulted;
  - (b) The costs of the amendments are within the existing revenue budget and this is confirmed by the Chief Finance Officer;
  - (c) The Head of Human Resources and Organisational Development or representative of the Employer approves the grading, conditions of service and designation of posts
  
- 3.17 In accordance with the Employer's approved Disciplinary and Incapability Procedures, take disciplinary action including dismissal, as appropriate in respect of employees in their relevant Service;
  
- 3.18 Action virement within the overall revenue budgets for their Services in accordance with the Financial Regulations and Codes of Financial Practice subject to confirmation by the Chief Finance Officer or representative;

## **Section 4 - Delegations to Officers - Chief Officer**

### **4.1 General**

The Director of the Health and Social Care Partnership is the Chief Officer of North Ayrshire Integration Joint Board and of North Ayrshire Health and Social Care Partnership.

The Chief Officer will be the principal advisor to and officer of the Board and will provide overall strategic and operational advice to the Board.

4.2 The Chief Officer is responsible for the operational management and performance of services delegated to the Board by Council and NHS, with the exception of Acute Services.

4.3 The Chief Officer is the Leader of the Board's Management Team and has overall responsibility for the following:-

- Strategic management of Board services
- Strategy and Policy Development
- Leading Improvement

4.4 The following general functions of the Board are delegated to the Chief Officer:

1. To act as the principal policy adviser to the Board on matters of general policy and to assist Members to formulate clear objectives and affordable programmes having regard to changing priorities, statutory and financial requirements and community needs and expectations.
2. To ensure that a corporate approach to the management and execution of the Board's affairs is maintained and that advice to the Board is given on a co-ordinated basis.
3. To monitor the performance of all Heads of Service.
4. To take such action as may be required to ensure that the correct significance is given by the Employer's staff to the achievement of the overall policy objectives of the Board.
5. To give direction on the applicability of this Scheme of Delegation to Officers and where appropriate that any Officer shall not exercise a delegated function;

6. To consider and deal with any urgent issues arising during a vacation period, subject to reporting back to the Board at the first available opportunity. This power is to be exercised in consultation with the Chair or Vice-Chair, if available, of the Board;
7. To maintain good internal and external public relations.
8. To exercise functions relating to the identification, planning and mitigation of risks affecting the Board.
9. Duties relating to business continuity, including identification of issues, business continuity planning, liaison with external bodies and putting in place arrangements to deal with business continuity issues.
10. Support and assistance to Board services to enable them to comply with duties under the Health and Safety at Work Act 1974 and other legislation relating to health and safety.
11. To be the primary point of contact with the Health and Safety Executive in matters relating to the health and safety of Board premises or services.
12. All powers ancillary to or reasonably necessary for the proper performance of the Chief Officer's general duties and responsibilities.

4.5 The post has overall responsibility for the following local authority services:-

- Social work services for adults and older people;
- Services and support for adults with physical disabilities, learning disabilities;
- Mental health services;
- Drug and alcohol services;
- Adult protection and domestic abuse
- Carers support services;
- Community care assessment teams;
- Support services;
- Care home services;
- Adult placement services;
- Health improvement services;
- Aids and adaptations and gardening services;
- Day services;
- Local area co-ordination;
- Respite provision;
- Occupational therapy services;
- Re-ablement services, equipment and telecare.

## Local Additions

- Criminal justice social work services
- Children and families social work services

4.6 The Chief Officer is also responsible for and has delegated to her the responsibility for certain services of NHS Ayrshire and Arran, both within North Ayrshire and on a pan-Ayrshire basis. The specific pan-Ayrshire services are listed in the Integration Scheme between North Ayrshire Council and NHS Ayrshire and Arran approved by Scottish Ministers. In relation to these services the duty to manage and deliver services to a defined standard is delegated to the Chief Officer.

4.7 The Chief Officer is responsible for the leadership and co-ordination, planning and policy and the strategic and operational management of the following Council functions:-

### 1. **National Assistance Act 1948**

- Section 45 (The recovery of expenditure incurred under Part III of that Act where a person has fraudulently or otherwise misrepresented or failed to disclose a material fact.)
- Section 48 (The protection of property of a person admitted to hospital or accommodation provided under Part III of that Act.)

### 2. **Matrimonial proceedings (Children) Act 1958**

- Section 11 (Reports as to arrangements for future care and upbringing of children.)

### 3. **The Disabled Persons (Employment) Act 1958**

- Section 3 (The making of arrangements for the provision of facilities for the purposes set out in section 15(1) of the Disabled Persons (Employment) Act 1944.)

### 4. **The Social Work (Scotland) Act 1968**

- Section 1 (The enforcement and execution of the provisions of the Social Work (Scotland) Act 1968.)
- Section 4 (The making of arrangements with voluntary organisations or other persons for assistance with the performance of certain functions.)
- Section 5 (Local authorities to perform their functions under the Act under the guidance of the Secretary of State.)
- Section 6B (Local authority inquiries into matters affecting children.)

- Section 8 (The conducting of, or assisting with research in connection with functions in relation to social welfare and the provision of financial assistance in connection with such research.)
- Section 10 (The making of contributions by way of grant or loan to voluntary organisations whose sole or primary object is to promote social welfare and making available for use by a voluntary organisation premises, furniture, equipment, vehicles and the services of staff.)
- Section 12 (The promotion of social welfare and the provision of advice and assistance) except in so far as it is exercisable in relation to the provision of housing support services
- Section 12A (The assessment of needs for community care services, the making of decisions as to the provision of such services and the provision of emergency community care services.)
- Section 12AZA (The taking of steps to identify persons who are able to assist a supported person with assessments under section 12A and to involve such persons in such assessments.)
- Section 12AA (The compliance with a request for an assessment of a carer's ability to provide or to continue to provide care.)
- Section 12AB (The notification of carers as to their entitlement to make a request for an assessment under section 12AA.)
- Section 13 (The assistance of persons in need with the disposal of their work.)
- Section 13ZA (The taking of steps to help an incapable adult to benefit from community care services.)
- Section 13A (The provision, or making arrangements for the provision, of residential accommodation with nursing.)
- Section 13B (The making of arrangements for the care or aftercare of persons suffering from illness.)
- Section 14 (The provision or arranging the provision of domiciliary services and laundry services.)
- Section 27 (Supervision and care of persons put on probation or released from prisons etc.)
- Section 27ZA (Grants in respect of community service facilities.)

- Section 28 (The burial or cremation of deceased persons who were in the care of the local authority immediately before their death and the recovery of the costs of such burial or cremation) so far as it is exercisable in relation to persons cared for or assisted under another delegated function.
- Section 29 (The making of payments to parents or relatives of, or persons connected with, persons in the care of the local authority or receiving assistance from the local authority, in connection with expenses incurred in visiting the person or attending the funeral of the person.)
- Section 59 (The provision of residential and other establishments.)
- Section 78A (Recovery of contributions.)
- Section 80 (Enforcement of duty to make contributions.)
- Section 81 (Provisions as to decrees for ailment.)
- Section 83 (Variation of trusts.)
- Section 86 (The recovery of expenditure incurred in the provisions of accommodation, services, facilities or payments for persons ordinarily resident in the area of another local authority from the other local authority.)

#### **5. The Children Act 1975**

- Section 34 (Access and maintenance.)
- Section 39 (Reports by local authorities and probation officers.)
- Section 40 (Notice of application to be given to local authority.)
- Section 50 (Payments towards maintenance of children.)

#### **6. The Local Government and Planning (Scotland) Act 1982**

- Section 24(1) (The provision, or making arrangements for the provision, of gardening assistance and the recovery of charges for such assistance).

#### **7. Health and Social Services and Social Security Adjudications Act 1983**

- Section 21 (The recovery of amounts in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)
- Section 22 (The creation of a charge over land in England or Wales where a person having a beneficial interest in such land has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003).



- Section 23 (The creation of a charging order over an interest in land in Scotland where a person having such an interest has failed to pay a sum due to be paid in respect of accommodation provided under the Social Work (Scotland) Act 1968 or Section 25 of the Mental Health (Care and Treatment)(Scotland) Act 2003.)

**8. Foster Children (Scotland) Act 1984**

- Section 3 (Duty of local authority to ensure well-being of and to visit foster children.)
- Section 5 (Notification to local authority by persons maintaining or proposing to maintain foster children.)
- Section 6 (Notification to local authority by persons ceasing to maintain foster children.)
- Section 8 (Power of local authorities to inspect foster premises.)
- Section 9 (Power of local authorities to impose requirements as to the keeping of foster children.)
- Section 10 (Power of local authorities to prohibit the keeping of foster children.)

**9. Disabled Persons (Services, Consultation and Representation) Act 1986**

- Section 2 (The making of arrangements in relation to an authorised representative of a disabled person and the provision of information in respect of an authorised representative.)
- Section 3 (The provision of an opportunity for a disabled person or an authorised representative of a disabled person to make representations as to the needs of that person on any occasion where it falls to a local authority to assess the needs of the disabled person for the provision of statutory services by the authority, the provision of a statement specifying the needs of the person and any services which the authority proposes to provide, and related duties.)
- Section 7 (The making of arrangements for the assessments of the needs of a person who is discharged from hospital.)
- Section 8 (Having regard, in deciding whether a disabled person's needs call for the provision of services, to the ability of a person providing unpaid care to the disabled person to continue to provide such care.)

**10. The Children (Scotland) Act 1995**

- Section 17 (Duty of local authority to children looked after by them.)
- Sections 19-27 (Provision of relevant services by local authority for or in respect of children in their area.)
- Sections 29-32 (Advice and assistance for young persons formerly looked after by local authorities; duty of local authority to review case of a looked after child; removal by local authority of a child from a residential establishment.)
- Section 36 (Welfare of certain children in hospitals and nursing homes etc.)
- Section 38 (Short term refuges for children at risk of harm.)
- Section 76 (Exclusion orders.)

**11. Criminal Procedure (Scotland) Act 1995**

- Section 51 (Remand and committal of children and young persons.)
- Section 203 (Where a person specified in section 27(1)(b)(i) to (vi) of the Social Work (Scotland) Act 1968 commits an offence the court shall not to dispose of the case without first obtaining a Report from the local authority in whose area the person resides.)
- Section 234B (Drug treatment and testing order.)
- Section 245A (Restriction of liberty Orders.)

**12. The Adults with Incapacity (Scotland) Act 2000**

- Section 10 (The general functions of a local authority under the Adults with Incapacity (Scotland) Act 2000.)
- Section 12 (The taking of steps in consequence of an investigation carried out under section 10(1)(c) or (d).)
- Sections 37, 39-45 (The management of the affairs, including the finances, of a resident of an establishment managed by a local authority.)

**13. The Housing (Scotland) Act 2001**

- Section 92(assistance for housing purposes) only in so far as it relates to an aid or adaptation.

**14. The Community Care and Health (Scotland) Act 2002**

- Section 4 (The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002 in relation to the provision, or securing the provision, of relevant accommodation.)
- Section 5 (The making of arrangements for the provision of residential accommodation outside Scotland.)

- Section 6 (Entering into deferred payment agreements for the costs of residential accommodation.)
- Section 14 (The making of payments to an NHS body in connection with the performance of the functions of that body.)

**15. The Mental Health (Care and Treatment) (Scotland) Act 2003**

- Section 17 (The provision of facilities to enable the carrying out of the functions of the Mental Welfare Commission.)
- Section 25 (The provision of care and support services for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 26 (The provision of services designed to promote well-being and social development for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 27 (The provision of assistance with travel for persons who have or have had a mental disorder) except in so far as it is exercisable in relation to the provision of housing support services.
- Section 33 (The duty to inquire into a person's case in the circumstances specified in 33(2).)
- Section 34 (The making of requests for co-operation with inquiries being made under section 33(1) of that Act.)
- Section 228 (The provision of information in response to requests for assessment of the needs of a person under section 12A(1)(a) of the Social Work(Scotland) Act 1968.)
- Section 259 (The securing of independent advocacy services for persons who have a mental disorder.)

**16. Management of Offenders etc. (Scotland) Act 2005**

- Sections 10-11 (Assessing and managing risks posed by certain offenders.)

**17. The Housing (Scotland) Act 2006**

- Section 71(1)(b)(assistance for housing purposes) only in so far as it relates to an aid or adaptation

**18. Adoption and Children (Scotland) Act 2007**

- Section 1 (Duty of local authority to provide adoption service.)

- Sections 4-6 (Local authority to prepare and publish a plan for the provision of adoption service; local authority to have regard to Scottish Ministers' Guidance and; assistance in carrying out functions under sections 1 and 4.)
- Sections 9-12 (Adoption support services.)
- Section 19 (Local authority's duties following notice under section 18.)
- Section 26 (Procedure where an adoption is not proceeding.)
- Section 45 (Adoption support plans.)
- Section 47-49 (Family member's right to require review of an adoption support plan; cases where local authority under a duty to review adoption support plan and; reassessment of needs for adoption support services.)
- Section 51 (Local authority to have a regard to guidance issued by Scottish ministers when preparing or reviewing adoption support plans.)
- Section 71 (Adoption allowances schemes.)
- Section 80 (Application to court by local authority for the making of a Permanence Order.)
- Section 90 (Precedence of court orders and supervisions requirement over permanence order.)
- Section 99 (Duty of local authority to apply for variation or revocation of a permanence order.)
- Section 101 (Notification requirements upon local authority.)
- Section 105 (Notification requirements upon local authority where permanence order is proposed – relates to child's father.)

#### **19. The Adult Support and Protection (Scotland) Act 2007**

- Section 4 (The making of enquiries about a person's wellbeing, property or financial affairs.)
- Section 5 (The co-operation with other councils, public bodies and office holders in relation to inquiries made under section 4.)
- Section 6 (The duty to have regard to the importance of providing advocacy services.)
- Section 7-10 (Investigations by local authority pursuant to duty under section 4.)
- Section 11 (The making of an application for an assessment order.)
- Section 14 (The making of an application for a removal order.)
- Section 16 (Council officer entitled to enter any place in order to move an adult at risk from that place in pursuance of a removal order)

- Section 18 (The taking of steps to prevent loss or damage to property of a person moved in pursuance of a removal order.)
- Section 22 (The making of an application for a banning order.)
- Section 40 (The making of an application to the justice of the peace instead of the sheriff in urgent cases.)
- Section 42 (The establishment of an Adult Protection Committee.)
- Section 43 (The appointment of the convener and members of the Adult Protection Committee.)

## **20. Children's Hearings (Scotland) Act 2011**

- Section 35 (Child assessment orders.)
- Section 37 (Child protection orders.)
- Section 42 (Application for parental responsibilities and rights directions.)
- Section 44 (Obligations of local authority where, by virtue of a child protection order, child is moved to a place of safety by a local authority.)
- Section 48 (Application for variation or termination of a child protection order.)
- Section 49 (Notice of an application for variation or termination of a child protection order.)
- Section 60 (Duty of local authority to provide information to Principal Reporter.)
- Section 131 (Duty of implementation authority to require review of a compulsory supervision order.)
- Section 144 (Implementation of a compulsory supervision order: general duties of implementation authority.)
- Section 145 (Duty of implementation authority where child required to reside in a certain place.)
- Section 153 (Secure accommodation.)
- Sections 166-167 (Requirement imposed on a local authority: review and appeal.)
- Section 180 (Sharing of information with panel members by local authority.)
- Section 183-184 (Mutual assistance.)

## **21. Social Care (Self-directed Support) (Scotland) Act 2013**

- Section 3 (The consideration of an assessment of an adult's ability to provide or continue to provide care for another person and the making of a decision as to whether an adult has needs in relation to care that the adult provides for another person, the decision as to whether support should be provided to that adult in relation to those needs, and the provision of that support.)
- Section 5 (The giving of the opportunity to choose a self-directed support option.)

- Section 6 (The taking of steps to enable a person to make a choice of self-directed support option.)
- Section 7 (The giving of the opportunity to choose a self-directed support option.)
- Section 8 (Choice of options: children and family members.)
- Section 9 (The provision of information.)
- Section 10 (Provision of information: children under 16.)
- Section 11 (Giving effect to the choice of self-directed support option.)
- Section 12 (Review of the question of whether a person is ineligible to receive direct payments.)
- Section 13 (Offering another opportunity to choose a self-directed support option.)
- Section 16 (The recovery of sums where a direct payment has been made to a person and the circumstances set out in section 16(1)(b) apply.)
- Section 19 (Promotion of the options for self-directed support.)

## **22. Miscellaneous**

Exercise the foregoing functions of the Council in terms of the following legislation which relate to the services detailed in the first paragraph hereof.

- Local Government (Scotland) Act 1973
- Local Government (Scotland) etc Act 1994
- Local Government in Scotland 2003
- Regulation of Care (Scotland) Act 2001
- Equality Act 2010
- Human Rights Act 1998
- UN Convention on the Rights of the Child
- Children (Scotland) Act 1995
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Adults with Incapacity (Scotland) Act 2000

- 23.** Support the Chief Social Work Officer in the discharge of his or her specific functions. See Annex 1 for details of the remit of the Chief Social Work Officer.

## Section 5 - Chief Finance Officer

5.1 The Chief Finance Officer has overall responsibility for the following services:

- **Finance** including Audit; Financial Management; and any Procurement by the Health and Social Care Partnership

5.2 The Chief Finance Officer is responsible for the leadership and co-ordination, planning and policy and the strategic and management of the following services and without prejudice to the foregoing generality, such powers include the power to:-

### Finance

1. Act as the Proper Officer responsible for the administration of the financial affairs of the Board in terms of section 95 of the Local Government (Scotland ) Act 1973
2. To prepare Financial Regulations and relevant Codes of Practice of the Board for the control of all expenditure and income.
3. The monitoring of the Board's capital and revenue budgets during the course of each financial year and reporting thereon to the Board.
4. Determine all accounting procedures and financial record keeping of the Board.
5. Authorise disposal or write-off of surplus materials, stores, or equipment where the value does not exceed £1000.
6. Write off debts of up to £1000 if satisfied that they cannot reasonably be recovered.
7. Subject to the approval of the Chief Officer and in conformity with any Financial Regulations and any approved policy, authorise the transfer of approved estimates from one head of expenditure to another, within a Service estimate, unless it is considered to materially affect the approved budget, in which case authorisation of the Board will be sought.
8. To arrange the necessary insurances to protect the interests of the Board and make arrangements with insurance companies concerning claims handling and settlement of claims.

To have financial oversight of any procurement entered into directly by the Health and Social Care Partnership or the

Chief Officer (but not procurement carried out on behalf of the Partnership or Chief Officer by a Council or Health Board) including if appropriate entering into framework agreements, central purchasing arrangements, maintenance of a standing list of approved contractors, preparation of advice and policies relating to procurement.

## **Audit**

10. On the production of identification:-
  - Enter, at all reasonable times, on any Council and Health Board premises or land.
  - Have access to all records, documents and correspondence relating to any financial transaction and such other documents as may be considered to be necessary in verification thereof.
  - Require and receive such explanations as are necessary concerning any matter under examination.
11. To undertake internal audit of Board, Council or Health Board systems, procedures and practices and to investigate complaints or issues raised with Internal Audit, including whistle blowing complaints. To provide policies, procedures and guidance relating to audit, whistleblowing and defalcation.
12. To be the primary point of contact with external audit and provide support, information and recommendations to external auditors.



### **Chief Social Work Officer**

The Chief Social Work Officer is a statutory appointment by virtue of section 3 of the Social Work (Scotland) Act 1968. The Council has resolved that the Head of Children, Families and Criminal Justice is the Chief Social Work Officer.

The Chief Social Work Officer is appointed for the purposes of the Council's functions under the 1968 Act and under those other enactments listed in Section 5(1B) of that Act. In broad terms, those functions cover all social work and social care services whether provided directly by the council, in partnership with other agencies, or procured by the council and provided by others on its behalf. Those functions are referred to in this document as "social work services".

The qualifications required for the post are set out in the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996 (S.I. 1996/515 (1996/49)), as shown in Appendix 2.

The Chief Social Work Officer is required by section 5(1) of the 1968 Act to carry out the duties of the post under the general guidance of the Scottish Ministers. The Scottish Ministers issued revised and finalised guidance in January 2010.

(<http://scotland.gov.uk/Resource/Doc/300422/0093741.pdf>).

### **Delegated to the Post**

The overall powers of the Chief Social Work Officer post are:-

- (a) To oversee the discharge of the council's statutory social work duties;
- (b) To ensure the provision of effective professional and objective advice to elected members and officers of the Council in the Council's provision of social work services;
- (c) To secure the effective provision of social work services.

The powers of the Chief Social Work Officer fall into two broad categories; service provision and corporate responsibility.

#### **1. Service Provision**

- To establish and develop social work services focussed on the needs of service users, to promote the continuous improvement of those services, and to monitor and raise standards of their delivery;

- To ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice;
- To provide advice on all aspects of workforce planning including safe recruitment practice, supervision, monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
- To ensure the existence of systems to both promote good practice and identify and address poor practice in the provision of social work services;
- To ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death; and

## **2. Corporate Responsibilities**

The Chief Social Work Officer has the following corporate powers which require direct access to the Council's Chief Executive', Elected Members of the Council and the Chief Officer, and the provision of forthright and independent advice to them:-

- To ensure compliance with the Council's statutory duties to prepare, publish and review plans for the provision of social work services.
- To promote, communicate, support and review values and standards of professional practice, and to ensure that they are adhered to.
- To establish, in conjunction with the Council's Corporate Management Team, appropriate experience and qualified cover for the post of Chief Social Work Officer during the post-holder's absence or incapacity.
- To report to the Chief Executive and Chief Officer any failure in the Council's corporate policy or governance arrangements designed to reflect the proper balance amongst need, risk and civil liberties in the provision and management of social work services.
- To report to the Chief Executive and Chief Officer any weaknesses and failures in the systems in place to promote good practice and identify and address poor practice in the provision of social work services.

- To report and provide independent comment where necessary to the Chief Executive, Elected Members of the Council and the Chief Officer on the findings of significant case reviews and relevant performance reports and on any other social work related issues.
- To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.

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