


Director's ¹ Sub Delegation Scheme of:-

Interim Director of Adult Social Services (DASS)

Signed: - 

Dated: - 26.11.2014

Due date for next review	Date scheme reviewed	Signed
Annual Review May 2015	November 2014	

Please note this version includes amendments to align with changes to the Constitution:

- Deletion of project delegations
- 5 new financial/procurement delegations
- Amendments to terms and conditions for approval of contracts in relation to waiver
- Amendments to terms and conditions on staffing structure

¹ This form should be used by all those officers listed in Article 12 of the Council's Constitution.

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Interim Director of Adult Social Services: Sub-delegation scheme

The Interim Director of Adult Social Services is authorised to carry out functions on behalf of the authority.

This sub-delegation scheme sets out:

- which functions have been sub-delegated by the Interim Director of Adult Social Services;
- which officers have been authorised by the Interim Director of Adult Social Services to carry out functions; and
- any terms or conditions attached to the authority sub-delegated by the Interim Director of Adult Social Services.

Any decision taken by an officer acting under authority from the Interim Director of Adult Social Services remains the personal responsibility of the post-holder.

Officers with sub-delegated authority under this scheme

An officer to whom authority has been sub-delegated under this scheme may decide not to exercise their authority in relation to a particular matter. They should refer any such matter to the post-holder².

An officer to whom authority has been sub-delegated under this scheme must follow the employee code of conduct and any other rules or requirements in relation to personal conflicts of interest which apply to them.

² The post-holder may in turn decide to refer such a matter to the relevant committee or the Executive Board, as appropriate.

Absence of the Interim Director of Adult Social Services

Delegation of functions

In the absence of the Interim Director of Adult Social Services from illness or leave, where a decision cannot reasonably be delayed until the return of the Interim Director of Adult Social Services, the Interim Director of Adult Social Services sub-delegates their functions as follows:

Function delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
All functions	Chief Officers	<ul style="list-style-type: none">• None for and Chief Officers

Sub-delegation to other officers (other than in the absence of the Interim Director of Adult Social Services) –

The Director of Adult Social Services sub-delegates authority as follows:

Council functions – specific to Interim Director of Social Services ³ - Not applicable no council functions to DASS

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
1.	Not applicable – there are no Council functions delegated specifically to the Interim Director of Adult Social Services		

³ Under Part 3 Section 2C of the constitution

Council functions - general⁴

1. In relation to approvals, licences, permissions or registrations which come within the Interim DASS's authority:

	Function delegated by the Interim DASS	Approval, licence, permit or registration - see table above	Officer to whom sub-delegated	Terms and conditions
(a)	To impose conditions, limitations or restrictions	Not applicable		
(b)	To determine any terms to which they are subject	Not applicable		
(c)	To determine whether and how to enforce any failure to comply ⁵	Not applicable		
(d)	To amend, modify vary or revoke	Not applicable		
(e)	To determine whether a charge should be made and the amount of such a charge	Not applicable		

⁴ Under Section 2C of Part 3 of the constitution

⁵ Including any failure to comply with such an approval, consent, licence, permission or registration, a condition, limitation or term to which it is subject; or any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of the Executive.

2. Maladministration/health and safety/personnel matters/byelaws

	Function delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
(a)	To make payments or provide other benefits in cases of maladministration ⁶	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • In accordance with guidance notes jointly prepared by the City Solicitor and the Director of Resources. • Head of Service for decisions up to £100k only and in consultation with Chief Officer and in relation to those areas within their remit
(b)	Functions relating to health and safety under any relevant statutory provision within the meaning of Part 1 of the Health and Safety at Work Act 1974, to the extent that these functions are discharged otherwise than in the Council's capacity as employer.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to those areas within their remit
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure - i.e. to approve the filling of a vacancy and instigate the recruitment process.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service for appointment of posts up to PO6 only and in consultation with Chief Officer and in relation to those areas within their remit
(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care 	<ul style="list-style-type: none"> • Subject to there being budgetary provision. Such

⁶ Item 48 of Schedule 1 Local Authorities (Functions and Responsibilities) Regulations 2000

	Function delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
	in workload.	<ul style="list-style-type: none"> • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<p>staff should be employed on terms set out in the guidance issued by the Director of Resources.</p> <ul style="list-style-type: none"> • Head of Service for appointments of posts up to PO6 only and in consultation with Chief Officer and in relation to those areas within their remit
(iii)	To determine issues relating to officers' terms and conditions of employment and to take such action and enter into such agreement as may be required to give effect to such determinations.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to those areas within their remit
(d)	To enforce byelaws.	Not applicable	

Executive functions – specific to Interim Director of Adult Social Services⁷

Exceptions from delegation:-

These functions cannot be exercised where an appropriate Executive Member has directed the post-holder that the delegated authority should not be exercised and that the matter should be referred to the Executive Board for consideration.

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
(a)	Social services so far as those functions relation to adults That is, do not relate to: (i) children or (ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key and significant operational decisions • Head of Service for decisions up to £100k and in consultation with Chief Officer and in relation to those areas within their remit
(b)	Functions exercisable on behalf of an NHS body (under Section 75 of the National Health Service Act 2006) (Partnership Arrangements previously referred to as S31 Health Act Flexibilities), so far as those functions relation to adults That is, do not relate to: (i) children or (ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key and significant operational decisions • Head of Service for decisions up to £100k and in consultation with Chief Officer and in relation to those areas within their

⁷ Under Section 3E of Part 3 of the constitution. These include local choice functions which are the responsibility of the Executive Board, and which have been specifically delegated to the Director of Adult Social Services.

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
			remit
(c)	<p>Arrangements to protect and promote the welfare of vulnerable adults, including vulnerable young people moving into adulthood⁸</p> <p>So far as not falling with (a) above</p> <p>And</p> <p>Do not relate to:</p> <p>(i) children or</p> <p>(ii) young people leaving care under sections 23C and 24D of the Children Act 1989, so far as not falling within (i)</p>	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key and significant operational decisions • Head of Service for decisions up to £100k and in consultation with Chief Officer and in relation to those areas within their remit

⁸ Responsibility for developing transitional services for young people moving from childhood to adulthood will be coordinated by the Director of Adults Social Services on behalf of both Adult Social Care and Children's Services following appropriate consultation

Executive functions – general delegations to officers

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
	FINANCIAL		
1.	To incur expenditure and to generate and collect income in line with Financial Regulations, Contract procedure Rules and within approved revenue and capital estimates. (new delegation)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T • Head of Service, Financial Management 	<ul style="list-style-type: none"> • Chief Officers to consult with the Director regarding any Key and significant operational decisions • Head of Service for decisions up to £100k and in consultation with Chief Officer and in relation to those areas within their remit
2.	In an emergency to incur any immediate and necessary expenditure required. Such expenditure must be reported to the Deputy Chief Executive at the first opportunity. (new delegation)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T • Head of Service, Financial Management 	
	PROCUREMENT		
3.	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules.(new delegation)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key and significant operational

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
		Delivery <ul style="list-style-type: none"> • Head of Service, Commissioning • Head of IM&T 	decisions <ul style="list-style-type: none"> • Head of Service for decisions up to £100k and in relation to those areas within their remit
4.	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing. (new delegation)	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, IM&T • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key and significant operational decisions • Head of Service for decisions up to £100k and in consultation with Chief Officer and in relation to those areas within their remit
5.	Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act') (new delegation) Subject to the approval of the City Solicitor and the Deputy Chief Executive, to sign certificates under the 1997 Act in relation to contracts.	NOT TO BE SUB-DELEGATED	
	GENERAL		
6.	Community Right to Challenge (new delegation) In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under Community Right to Challenge.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to those areas within their remit

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
7	Data Protection, Human Rights, Surveillance activities, and Freedom of Information		
	a) To implement and ensure compliance with: <ul style="list-style-type: none"> the rules on data protection, human rights, surveillance activities, and freedom of information the council's policies on these matters guidance and advice from the City Solicitor on these matters. 	<ul style="list-style-type: none"> Chief Officers Head of Service, Access & Care Head of Service, Care Delivery Head of Service, Commissioning Head of Service, IM&T 	<ul style="list-style-type: none"> Head of Service in consultation with Chief Officer and in relation to those areas within their remit
	b) To designate officers with specific responsibilities for these matters.	<ul style="list-style-type: none"> Chief Officers Head of Service, Access & Care Head of Service, Care Delivery Head of Service, Commissioning Head of Service, IM&T 	<ul style="list-style-type: none"> Head of Service in consultation with Chief Officer and in relation to those areas within their remit
	c) To advise the City Solicitor of any:- <ul style="list-style-type: none"> new types of data processed; new ways of processing personal data; and new persons or organisations to whom data is given. 	<ul style="list-style-type: none"> Chief Officers Head of Service, IM&T 	<ul style="list-style-type: none"> Head of Service in consultation with Chief Officer and in relation to those areas within their remit
8.	Media To issue statements to the press and other news media about their delegated functions within the settled framework of council policy.	<ul style="list-style-type: none"> Chief Officers Head of Service, Access & Care Head of Service, Care Delivery Head of Service, 	<ul style="list-style-type: none"> The Executive Member for Adult Health and Social Care must be made aware of all press and other news media statements Head of Service in

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
		Commissioning <ul style="list-style-type: none"> • Head of Service, IM&T 	consultation with Chief Officer and in relation to those areas within their remit
9.	Authorising officers To authorise officers possessing such qualifications as may be required by law or in accordance with the council's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the council (however described) and to issue any necessary certificates of authority.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to those areas within their remit
10.	Corporate procedures To take any action remitted to the Interim Director under corporate procedures.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key decisions • Head of Service for decisions up to £100k only and in consultation with Chief Officer
11.	Local Choice Functions (see Section 1, Part 3 of the Constitution)		
	(a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000	Not Applicable	
	(b) To obtain particulars of persons interested in land	Not applicable	

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
12.	<p>Budget and policy framework</p> <p>To canvas the views of local stakeholders, formulate and publish initial proposals within the budget and policy framework</p>	<ul style="list-style-type: none"> • Chief Officers 	
	PERSONNEL	•	•
13.	<p>Miscellaneous employment issues</p> <p>To deal with employment issues in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements</p>	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to areas within their remit
14.	<p>Changes to staff structure</p> <p>Decisions in relation to restructures except where the decision:</p> <ol style="list-style-type: none"> involves changes to existing National or Local Agreements and policies; and/or cannot be achieved within delegated powers in respect of budgets 	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Chief Officers to consult with the Interim Director regarding any Key or significant operational decision • Head of Service for decisions up to £100k only and in consultation with Chief Officer and in relation to areas within their remit • Decisions are subject to: <ul style="list-style-type: none"> • i. appropriate professional advice being sought,

	Function sub-delegated by the Interim DASS	Officer to whom sub-delegated	Terms and conditions
			<ul style="list-style-type: none"> • ii. prior consultation with all appropriate parties affected by the decision including all officially recognised trade unions, and • iii. appropriate consideration of pay and grading requirements • Proposals which involve additional Council expenditure outside officer delegations or which involve issues outside existing Council policy will be referred to the Council or appropriate committee.

Delegation of functions under Articles ⁹

Article	Function	Officer to whom sub-delegated	Terms and conditions
14.5	All Directors (or other person authorised by a Director) shall be authorised in relation to matters within their remit, to sign as Agent for the Council all contracts of a value below £100,000 agreed to be entered into by the Council or any part of it.	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning • Head of Service, IM&T 	<ul style="list-style-type: none"> • Head of Service in consultation with Chief Officer and in relation to those areas within their remit with the exception of waivers of Contract Procedure Rules (Under Contract Procedure Rule 27.2 - any decision to procure that includes a waiver of the contract procedure rules will be published as a Significant Operational Decision (as a minimum)

⁹ Part 2 of the constitution

Delegation of functions (miscellaneous)

	Function	Officer to whom sub-delegated	Terms and conditions
1.	As specified in the Local Authority Social Services Act 1970: To discharge all statutory adult social services functions as detailed under Schedule 1 of the Local Authority Social Services Act 1970 so far as those functions relate to adults	<ul style="list-style-type: none"> • Chief Officers • Head of Service, Access & Care • Head of Service, Care Delivery • Head of Service, Commissioning 	<ul style="list-style-type: none"> • To consult with the Interim Director regarding Key and significant operational Decisions • Head of Service for decisions up to £100k only and in consultation with Chief Officer and in relation to those areas within their remit.