

Appendix 1 - Director's Sub-Delegation Scheme

¹Director of Adult Social Services

Signed² Cath Reff _____

Dated 27.5.15 _____

Review Date ³	Initial of reviewing officer
19.5.2015	LR

¹ Insert title of Director here

² Approving a sub-delegation scheme should be treated as a Significant Operational Decision, and the Delegated Decision Notice, together with supporting report, and the scheme should be published on the Council's website.

³ This scheme is first made at the beginning of the Municipal Year following delegations being made by the Leader and at the Annual Council Meeting. After this the sub-delegation scheme should be kept under review to ensure that it is up to date and fit for purpose – use this table to record the dates when the scheme is reviewed if no changes are necessary.

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Introduction

The⁴ **Director of Adult Social Services** is authorised in accordance with the Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. Each Director has the benefit of a number of delegations – these are set out separately in two schemes; one for Council functions (delegated by Full Council) and one for Executive Functions (delegated by the Leader of Council). Each scheme is further separated into the general functions which are shared so that all Directors can carry out those functions in relation to areas within their remit, and specific functions which may only be carried out by or on behalf of the named Director. Details of those delegations can be found in Part 3 of the Council’s Constitution. Follow these links to find delegations in relation to [Council Functions](#) and [Executive Functions](#).

The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the Director delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions. This scheme details the officers who can carry out each function on the Director’s behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation (examples can be found in footnote⁵ below). All officers are bound by the [Employee Code of Conduct](#) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.

Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not

⁴ Insert title of Director here.

⁵ The Director may limit the delegation by imposing a term or condition, for example he/she may:-

- Impose a financial limit (e.g. decisions up to and including £100,000per annum in value);
- Impose a limit in relation to the category of the decision (e.g. Administrative decisions only);
- Require that certain decisions are referred to the Director or another senior officer (e.g. Key decisions to be referred to the Chief Officer (Environmental Action));
- Require an officer to consult specified people before making a particular type of decision (e.g. in consultation with the City Solicitor or in consultation with relevant ward Members);
- Limit decisions to those within an officer’s role (e.g. in relation to matters within their remit);
- Limit decisions to those relating to a specific function or project (e.g. decisions relating to the Basic Need Programme);

be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

In some circumstances not all Directors have functions delegated to him/her in the delegation scheme. In these cases the relevant part of this sub-delegation scheme is marked as 'not applicable'.

Where the Director has chosen not to sub-delegate his/her authority, this is clearly stated within the scheme. Decisions in relation to those functions should be taken by the Director unless the absence provisions at the end of this scheme apply.

Glossary

Council Functions	Functions which must be carried out by or on behalf of full Council. Functions which are reserved to Full Council can be found here . Other Council functions are delegated to Committees of Elected Members or to individual officers.
Elected Members	Councillors elected by the citizens of Leeds.
Executive Board	The group of 10 Elected Members including and selected by the Leader, responsible for carrying out Executive functions.
Executive Functions	Functions which must be carried out by or on behalf of the Executive.
Full Council	The meeting of all 99 Elected Members of Leeds City Council
Functions	Things which Leeds City Council must or may do. All functions are set out in legislation which will state whether the function is permissive or mandatory.
Leader	The Leader of Council, elected by all 99 Members of Council. (Usually the chosen leader of the largest political group represented at full Council.)
Local Choice Functions	The Council must decide whether these functions should be treated as Council functions or Executive functions. Details of the responsibility for these functions can be found here .
Officers	Staff employed by the Council.

Relevant Executive Member	The Leader gives Portfolios of responsibility to individual members of Executive Board. Details of specific responsibilities are set out in the Executive Members Portfolios and Overview of Executive Member's Roles and Responsibilities .
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Group Delegations – Definitions and Priorities

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group. It also provides details of how it should be determined which of the officers within the group should take any given decision.

Group Title	Officers included in group authorisation	Order of responsibility
Deputy Director	Deputy Director	
Chief Officers	Chief Officer Access and Care Delivery (wef 20.4.15) Chief Officer Access and Care (until 30.4.15) Chief Officer Care Reforms Chief Officer Health Partnerships Chief Officer Resources and Strategy	
Heads of Services	Access & Care Older People and Physical Disability x 3 LD Assessment and Care Management x 1 LD Community Support Service x 1 (until 31.5.15) Mental Health & Physical Disability x 1 Older People's Services x 1 Head of Commissioning x 3 Information Management & Technology x 1 Financial Management: Adults Social Care x 1	
Service Delivery Managers	Service Delivery Managers x 5	

Delegation of Functions Under Articles

The functions set out in this part of the sub-delegation scheme are delegated to the Director by Full Council through the relevant Article of the Constitution.

General Delegations

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to all Directors, for matters within his/her Director's remit only.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
14.5	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	Deputy Director Chief Officers Heads of Services	Contracts of a value below £100,000 ⁶

Specific Delegations⁷

The officer to whom these functions are sub-delegated may exercise these functions, which have been delegated to the Director alone, with general effect.

Article	Function Delegated	Officer to whom delegated	Terms and Conditions
	Not applicable to the DASS		

⁶ Contracts above the value of £100,000 are signed in accordance with Article 14 and the sub-delegation scheme of the City Solicitor.

⁷ Specific Delegations are made under:-

- Article 12 to the Chief Executive as Head of Paid Service and Deputy Chief Executive as his deputy; the City Solicitor as Monitoring Officer and the Head of Governance Services as her deputy; and the Deputy Chief Executive as Chief Finance Officer and the Chief Officer (Financial Management) as his deputy;
- Article 14 to the Chief Executive and the City Solicitor;
- Article 15 to the City Solicitor as Monitoring Officer;
- Article 16 to the City Solicitor as Monitoring Officer

Council Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Council Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)⁸ which have been delegated to the Director by Full Council, or by a Council Committee.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Access to Information Procedure Rules](#)⁹.

Where a Significant Operational Decision is taken in relation to a Council Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice, both of which can be found in the [Decision Making Toolkit](#). The decision may be implemented immediately. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. The decision may be implemented immediately.

⁸ And those Local Choice Functions which are the responsibility of Full Council and have been delegated to the Director

⁹ These rules incorporate the requirements of the Openness of Local Government Bodies Regulations 2014 in relation to the publication of written records of relevant decisions.

Council Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
General			
(a)	To make payments or provide other benefits in cases of maladministration	Deputy Director Chief Officers Heads of Services	Heads of Services: Decisions up to £100k only and in consultation with the 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	Deputy Director Chief Officers Heads of Services	Heads of Services: In consultation with the Chief Officer and in relation to those areas within their remit
Personnel			
(c)(i)	To appoint staff within the approved establishment in accordance with the Council's Recruitment and Selection Procedure	Deputy Director Chief Officers Heads of Services	Subject to there being budgetary provision. Heads of Services: Appointment of posts up to PO6 only and in consultation with Chief Officer and in relation to those areas within their remit

	Function Delegated	Officer to whom delegated	Terms and Conditions
(c)(ii)	To appoint staff on a temporary basis to provide cover for absences or cater for peaks in workload subject to there being budgetary provision.	Deputy Director Chief Officers Heads of Services	<ol style="list-style-type: none"> 1. Subject to there being budgetary provision. 2. Such staff should be employed on terms set out in the guidance issued by the Deputy Chief Executive. Heads of Services: Appointment of posts up to PO6 only and in consultation with Chief Officer and in relation to those areas within their remit
(c)(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	Deputy Director Chief Officers Heads of Services	Heads of Services: In consultation with Chief Officer and in relation to those areas within their remit
Byelaws			
(d)	The enforcement of byelaws	Not applicable	

Council Functions –

Specific Delegations

The sub-delegation scheme for Council functions set out below includes a number of powers authorising the named officer to make decisions in relation to approvals, licenses, permissions and registrations. In accordance with his/her general delegations, and unless otherwise stated, the Director includes in relation to those authorisations the power to:-

- a) Impose conditions, limitation or restrictions;
- b) Determine any terms to which they are subject;
- c) Determine whether and how to enforce any failure to comply;
- d) Amend, modify, vary or revoke; and
- e) Determine whether a charge should be made or the amount of such a charge.

	Function Delegated	Officer to whom delegated	Terms and Conditions
	Not applicable, there are no Council Functions delegated specifically to the Director of Adult Social Services		

Executive Functions –

Introduction

The functions set out in this part of the sub-delegation scheme are Executive Functions as defined by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)¹⁰ which have been delegated to the Director by the Leader of Council. If the Leader or relevant Executive Member¹¹ directs that the Director should not exercise his/her delegated authority in respect of any Executive function, then the officer with sub-delegated authority may not exercise that authority, and the matter must be referred to Executive Board.

Decisions in relation to these functions should be categorised in accordance with [Article 13](#) and taken in accordance with [the Executive and Decision Making Procedure Rules](#).

Where a Key Decision is proposed in relation to an Executive Function it should be publicised on the Council's web site using the Request to add a Key Decision to the 'List of Forthcoming Key Decisions' form. The decision itself should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The necessary templates can be found in the [Decision Making Toolkit](#). In most cases a Key Decision will be open to Call In and should not be implemented until the Call In period has expired.

Where a Significant Operational Decision is taken in relation to an Executive Function it should be supported by a report to the decision maker on the corporate report template and recorded on a Delegated Decision Notice. The report supporting the decision should be published together with the Delegated Decision Notice on the Council's website as soon as practicable after the decision has been taken. A Significant Operational Decision may be implemented immediately.

Where an Administrative Decision is taken in relation to a Council Function you should keep a written record for audit purposes. You can use a Delegated Decision Notice to make this written record if it is helpful to do so. There is no requirement to publish the decision and it may be implemented immediately.

¹⁰ And those Local Choice Functions which are the responsibility of the Executive Board and have been delegated to the Director

¹¹ See glossary.

Executive Functions –

General Delegations

	Function Delegated	Officer to whom delegated	Terms and Conditions
Financial¹²			
1	To incur expenditure and to generate and collect income in line with Financial Regulations , Contracts Procedure Rules and within approved revenue and capital estimates.	Deputy Director Chief Officers Heads of Services	Deputy Director and Chief Officers: Key decisions and Significant Operational Decisions should be in consultation with the DASS Heads of Service: decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer
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.	Deputy Director Chief Officers Heads of Services	
Procurement¹³			
3	To make decisions in relation to commissioning and procurement activity. Such activity should be carried out in accordance with the Contracts Procedure Rules .	Deputy Director Chief Officers Heads of Services	Deputy Director and Chief Officers: Key decisions and Significant Operational Decisions should be in consultation with the DASS Heads of Service: decisions up to £100k, which are not determined through CPRs as being Significant Operational Decisions, in relation to those areas within their remit and in consultation with their Chief Officer

¹² See [Financial Regulations Toolkit](#)

¹³ See [Procurement and Category Management Toolkit](#)

	Function Delegated	Officer to whom delegated	Terms and Conditions
4	To approve all matters relating to operational PFI projects, including (without limitation) variations to project documents and refinancing.	Deputy Director Chief Officers Heads of Services	Deputy Director and Chief Officers: Key decisions and Significant Operational Decisions should be in consultation with the DASS Heads of Service: decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer
5	Signature of Certificates for Contracts – Local Government (Contracts) Act 1997 ('the 1991 Act')¹⁴ 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 ¹⁵	
General			
6	Community Right to Challenge ¹⁶ In consultation with the Chief Officer PPPU and Procurement, to make a decision on an expression of interest under community right to challenge.	Deputy Director Chief Officers	

¹⁴This function deals with signing a certificate to indicate that the authority has power to enter into a contract. Signing the contract itself is a separate action and authority to sign a contract is delegated under [Article 14](#) of the Council's Constitution and is sub-delegated under the part of this scheme which deals with authority under the Articles.

¹⁵ In the event of the absence of the Director the certificate must be signed by the Deputy Chief Executive or City Solicitor or in their absence one of the Statutory Chief Officers or Non-Statutory Chief Officers to whom authority is delegated under the Officer Delegation Scheme (Executive Functions) General Delegations paragraph 5.

¹⁶ Sections 81-86 Localism Act 2011 and Community Right to Challenge (Expressions of Interest and Excluded Services)(England) Regulations 2012

7	Data Protection, Human Rights, Surveillance activities, and Freedom of Information ¹⁷		
	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. 	Deputy Director Chief Officers Heads of Services	
	b) To designate officers with specific responsibilities for these matters.	Deputy Director Chief Officers Heads of Services	
	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. 	Deputy Director Chief Officers Heads of Services	
8	Media ¹⁸ To issue statements to the press and other news media about their delegated functions within the settled framework of council policy.	Deputy Director Chief Officers Heads of Services	The Executive Member for Adult Social Care must be made aware of all press and other news media statements Heads of Services: In relation to those areas within their remit and with the awareness of the Deputy Director and/or Chief Officers

¹⁷ See [Managing Information Toolkit](#)

¹⁸ See [Dealing with the Media Toolkit](#)

9	<p>Authorising officers¹⁹</p> <p>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.</p>	<p>Deputy Director Chief Officers Heads of Services</p>	
10	<p>Corporate procedures²⁰</p> <p>To take any action remitted to the Director under corporate procedures.</p>	<p>Deputy Director Chief Officers Heads of Services</p>	<p>Deputy Director and Chief Officers: Key decisions and Significant Operational Decisions should be in consultation with the DASS Heads of Service: decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer</p>
11	<p>Local Choice Functions (see Section 1, Part 3 of the Constitution)</p>		
	<p>(a) Functions under a local act, unless otherwise specified in Regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000</p>	<p>Not applicable</p>	

¹⁹ This delegation gives the officer detailed power to grant authority for other officers to carry out certain statutory powers or duties (e.g. entering onto land or appearing in court). This part of the sub-delegation scheme does not detail those 'authorised officers' – Authorised officers are given separate evidence of their authority (e.g. an ID card or certificate), signed by the person named here who has the power to authorise them. Their details are kept in a separate list together with details of who authorised them, the date they were authorised and the functions for which they are authorised.

²⁰ This function refers to any powers delegated to the Director under the Procedure Rules set out at Part 4 of the Council's Constitution which are not specifically included elsewhere (for example functions under the Financial Regulations and the Contracts Procedure Rules which are delegated at Paragraphs 1 to 4 above)

	(b) To obtain particulars of persons interested in land	Not applicable	
12	Budget and policy framework To formulate initial proposals within the budget and policy framework	Deputy Director Chief Officers Heads of Services	
13	Functions on Behalf of an NHS Body To carry out functions exercisable on behalf of an NHS body under Section 75 National Health Service Act 2006 in relation to matters within the Director's remit.	Deputy Director Chief Officers Heads of Services Service Delivery Managers	Deputy Director and Chief Officers: To consult with the Director regarding any Key and Significant Operational Decisions Heads of Services: Decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer Service Delivery Managers: Support Plan approval up to £50k
Personnel²¹			
14	Miscellaneous employment issues 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	Deputy Director Chief Officers Heads of Services	Heads of Services: In relation to those areas within their remit and in consultation with their Chief Officer

²¹ See [Recruitment and Staffing Toolkit](#)

15	<p>Changes to staff structure</p> <p>Decisions in relation to restructures except where the decision:</p> <p>(i) involves changes to existing National or Local Agreements and policies; and/or</p> <p>(ii) cannot be achieved within delegated powers in respect of budgets</p>	<p>Deputy Director</p> <p>Chief Officers</p> <p>Heads of Services</p>	<p>Deputy Director and Chief Officers:</p> <p>Key decisions and Significant Operational Decisions should be in consultation with the DASS</p> <p>Heads of Service:</p> <p>Decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer</p>
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Executive Functions –

Specific Delegations to the Director of Adult Social Services

	Function Delegated	Officer to whom delegated	Terms and Conditions
(a)	<p>Social services so far as those functions relate to adults (That is, do not relate to:</p> <ul style="list-style-type: none"> (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)) 	<p>Deputy Director Chief Officers Heads of Services Service Delivery Managers</p>	<p>Deputy Director and Chief Officers: To consult with the Director regarding any Key and Significant Operational Decisions Heads of Services: Decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer Service Delivery Managers: Support Plan approval up to £50k</p>
(b)	<p>Arrangements to protect and promote the welfare of vulnerable adults, (so far as not falling within (a) above), including vulnerable young people moving into adulthood so far as:</p> <ul style="list-style-type: none"> (i) not falling within (a) above <p>and do not relate to:</p> <ul style="list-style-type: none"> (ii) children or (iii) young people leaving care under sections 23C and 24D of the Children Act 1989 	<p>Deputy Director Chief Officers Heads of Services Service Delivery Managers</p>	<p>Deputy Director and Chief Officers: To consult with the Director regarding any Key and Significant Operational Decisions Heads of Services: Decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer Service Delivery Managers: Support Plan approval up to £50k</p>

Miscellaneous Functions

The functions set out in this part of the Sub-delegation scheme are derived from:-

- Legislation which provides that a function should be the specific responsibility of the Director;
- Policies and Procedures which form part of the Constitution of Leeds City Council;
- Sub-delegations made by other Directors of Leeds City Council to whom those functions have been delegated; and
- Delegations which have been made to the Director by Full Council or the Executive for a period less than 6 months which are not therefore reflected in the Constitution

Place from where function derived	Function Delegated	Officer to whom delegated	Terms and Conditions
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	Deputy Director Chief Officers Heads of Services	Deputy Director and Chief Officers: Key decisions and Significant Operational Decisions should be in consultation with the DASS Heads of Service: Decisions up to £100k in relation to those areas within their remit and in consultation with their Chief Officer

Absence Provisions

The table below sets out details of responsibility for those functions which are not sub-delegated by the Director in the usual course of business. These sub-delegations may only be exercised in the absence of the Director on leave²² or where the Director has confirmed in writing that he/she will be absent from the office and these provisions are to apply²³.

Function sub-delegated by Director	Officer with authority to exercise function in absence of Director.	Terms and Conditions
All Functions	Deputy Director Chief Officers	Subject to consultation with the relevant Executive Members when taking Key and Significant Operational Decisions

²² Whether annual leave, sick leave or special leave

²³ It is recommended that a delegated decision form be used to record and publish this as a Significant Operational Decision.