



## AD HOC RESTRUCTURING COMMITTEE 20 DECEMBER 2005

Report of the Director of Corporate Services and Monitoring Officer

### Proposed Reallocation of Delegations to the Director of Policy and Director of Social Services

#### RECOMMENDATION

- 1.1 To approve the proposed reallocation of delegations to the Director of Policy, set out in Appendix 2, to take effect from 1 January 2006.
- 1.2 To approve the proposed allocation of delegations to the Corporate Director, Children and Young People, set out in Appendix 3, with effect from 1 January 2006
- 1.3 To approve the proposed reallocation of adult social services functions, set out in Appendix 4, to take effect from 1 January 2006.

#### SUPPORTING INFORMATION

- 2.1 The employment of the Director of Policy, Sue Glithero, ends formally on 31 December 2005. There is a need, therefore, for the powers and duties currently delegated to the Director of Policy to be reallocated on an interim basis from 1 January 2006. The delegations may be amended again once the details of the corporate restructure are finalised.
- 2.2 Whilst the employment of the Director of Social Services, does not end formally until 31 January 2006, Margaret McGlade, will be on leave after 23 December 2005. Corporate Directors take up their new posts from 1 January 2006. The reallocation of the current delegations to the Director of Social Services needs to take effect, therefore, from 1 January 2006.

<b>For more information contact:</b>	Steve Dunning 01332 255462 e-mail <a href="mailto:steve.dunning@derby.gov.uk">steve.dunning@derby.gov.uk</a>
<b>Background papers:</b>	None all published
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Proposed reallocation of delegations – Director of Policy Appendix 3 – Proposed allocation of delegations – Corporate Director, Children and Young People Appendix 4 – Proposed reallocation of delegations – Adult Social Services

<b>IMPLICATIONS</b>
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**Financial**

1. None

**Legal**

2. The Constitution must contain a Scheme of Delegation of powers and duties to bodies and officers. Any defect in delegations could result in a decision being challenged in the courts.

**Personnel**

3. None

**Equalities Impact**

4. None

**Corporate Objectives, Priorities and Values**

5. None.

**PROPOSED REALLOCATION OF DELEGATIONS TO THE DIRECTOR OF  
POLICY WITH EFFECT FROM 1 JANUARY 2006**

**Delegations to be Allocated to the Corporate Director, Resources, in  
Addition to the Existing Delegations to the Director of Finance**

**A. Statutory Executive Functions**

The functions of the Council as a housing authority, in particular:

- provision of housing by the Council
- private sector housing services
- housing strategy and development
- homelessness and housing advice
- home energy conservation
- commissioning the Council's delegated housing management services.

**B. Areas of Responsibility**

1. Managing Welfare Rights and Advice Services.
2. Managing the Supporting People programme.
3. Promoting Home Energy Efficiency.
4. Providing housing advice, administering housing allocations, including making allocations in exceptional circumstances outside the Allocations Scheme in accordance with the Housing Act 1996 and the Homelessness Act 2002, and securing accommodation for homeless people.
5. Operating Derby Care Link.
6. Improving and renewing private sector housing, including Houses in Multiple Occupation and improving and renewing areas/zones and undertaking periodic housing condition surveys.
7. Taking enforcement action against unsatisfactory housing conditions.
8. Promoting standards within the private rented sector.
9. Administering disabled facilities grants.
10. Agreeing the Derby Homes annual delivery plan and monitoring attainment of financial and non-financial

performance against the plan and Derby Homes' Business Strategy.

11. Designating council housing for identified communities of interest, such as older and younger people.
12. Providing community and housing research and strategy, including enabling the provision of new affordable housing.
13. Administering environmental improvement schemes as part of area based renewal programmes

**C. Acting as Authorised/Proper Officer for the following matters**

The Assistant Director – Housing and Advice Services is responsible for appointing any members of staff to act as authorised or proper officers under the following Acts, insofar as the appointment relates to the functions listed in Sections A to E.

Housing Act 1985

Local Government and Housing Act 1989

Housing Grants, Construction and Regeneration Act 1996

The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

Home Energy Conservation Act 1995

Energy Conservation Act 1996

Local Government (Miscellaneous Provisions) Act 1982

Local Government Act 2000

Homelessness Act 2002

**D. Drawing up the following Policies and Plans that form part of the budget and policy framework**

Plans and strategies that comprise the Housing Investment Programme.

**Statutory Non-Executive Functions**

**Part B – Local Choice Functions – Non-Executive Functions**

Function	Responsible Body	Responsible Officer
Appeals against decisions taken on allocations of homelessness	Housing Appeals Sub-Committee	Corporate Director Resources

**Delegations to be Allocated to the Corporate Director, Regeneration and Community, in Addition to the Existing Delegations to the Director of Development and Cultural Services**

**A. Statutory Executive Functions**

None

**B. Areas of Responsibility**

1. Line managing Derby City Partnership and Derby Community Safety Partnership.
2. Managing corporate external funding programmes.
3. Managing Area and Neighbourhood Working, including Area Panels.

**C. Acting as Authorised/Proper Officer for the following matters**

None

**D. Drawing up the following Policies and Plans that form part of the Budget and Policy Framework**

Crime and Disorder Reduction Strategy  
Community Strategy  
Youth Justice Plan

**Delegations to be Allocated to the Corporate Director, Corporate and Adult Social Services, in Addition to the Existing Delegations to the Director of Corporate Services**

**A. Statutory Executive Functions**

None

**B. Areas of Responsibility**

1. Dealing with corporate personnel functions including reviews, policy and industrial relations, equalities, occupational health, safety and welfare, employee development and Learning to Work.
2. Managing corporate consultation and communication policies and initiatives.

**C. Acting as Authorised/Proper Officer for the following matters**

None

**D. Drawing up the following Policies and Plans that form part of the Budget and Policy Framework**

None

Note: The existing delegations to the Director of Policy can be found on pages 84, 85, 86 and 110 of the Constitution.

**PROPOSED ALLOCATION OF DELEGATIONS TO THE CORPORATE DIRECTOR, CHILDREN AND YOUNG PEOPLE WITH EFFECT FROM 1 JANUARY 2006**

The Corporate Director, Children and Young People will have responsibility for all management, operational and non key decisions about the following functions and areas of responsibility other than those matters delegated to individual members of the Council Cabinet set out in Part B.

**A Statutory Executive Functions**

- 1) The functions of the Council as a Local Education Authority
- 2) The functions of the Council which are Social Services functions within the meaning of the Local Authority Social Services Act 1970 so far as those functions relate to children and in particular:
  - assessment and care planning for children and families
  - functions relating to child protection
  - provision of reception and hospital services
  - functions relating to disabled children
  - functions relating to family support services
  - commissioning of accommodation and residential care for children
  - acting as a fostering agency
  - acting as an adoption agency
  - functions relating to private fostering day care and childminding
  - any health related functions exercisable by the Council under section 31 of the Health Act 1999 so far as they relate to Children and Young People

**B Areas of Responsibility**

- 1) Reimbursing on an ex gratia basis, amounts over £1000 on claims for accidental damage caused to clients' houses or property by employees of the Social Services Department or those under its direct control.
- 2) Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees.
- 3) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate.
- 4) Determining grants for individual clients

- C Acting as Authorised/Proper Officer for the following matters:**  
Entering and inspecting any premises and any records kept in them for any purposes under the Children Act 1989, the Adoption and Children Act 2002 or the Children Act 2004

Inspecting any children in such premises and arranging for the welfare of them.

Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the Council to act for children or young people who are incapable of managing their own affairs

Exercising all the powers and duties of the Council under the Mental Health Act 1983 relating to Children and Young People including:

- receiving documents served on the Council, including applications for Guardianship
- giving the Councils consent to the amendment of guardianship applications
- authorising employees to carry out the duties of Approved Social Workers if they are qualified to do so

Applying to the Court or a Justice of the Peace for emergency protection orders or emergency applications under the Adoption and Children Act 2004.

Providing reports for court under the Adoption Act 1976 the Children Act 1989 and the Adoption and Children Act 2004.

All Directors and Assistant Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

**D Drawing up the following Policies and Plans that form part of the budget and Policy Framework**

Children and Young Peoples Plan

**E Statutory Non Executive Matters**

Not Applicable

Note: The existing delegations to the Director of Education and Director of Social Services can be found on pages 90, 91 and 92 of the Constitution.



**PROPOSED REALLOCATION OF ADULT SOCIAL SERVICES  
DELEGATIONS TO THE DIRECTOR OF SOCIAL SERVICES WITH  
EFFECT FROM 1 JANUARY 2006**

**Delegations to be Allocated to the Corporate Director, Corporate and  
Adult Social Services, in Addition to the Existing Delegations to the  
Director of Corporate Services**

**A Statutory Executive Functions**

- 1) The functions of the Council as a Social Services Authority (within the meaning of the Local Authority Social Services Act 1970) other than those delegated to the Director of Children and Young People's Services in particular:
  - assessment, care planning and provision of community care services.
  - functions relating to disability and sensory services,
  - commissioning of adult social care
  - health improvement planning
  - functions relating to mental health
  - the registration and inspection functions of the Council as a Social Services Authority
  - any health related functions exercisable by the Council under section 31 of the Health Act 1999 other than those relating to children and young people's services
  - the functions required by the Civil Defence Acts 1939 and 1948, the War Charities Act 1940 and the Wireless Telegraphy Act 1949

**B Areas of Responsibility**

- 1) Reimbursing on an ex gratia basis, amounts over £1000 on claims for accidental damage caused to clients' houses or property by employees of the Social Services Department or those under its direct control.
- 2) Appointing appropriate staff as members of Primary Care Trust Professional Executive Committees.
- 3) Waiving or reducing charges for services provided by the department where full payment of the charges would cause particular hardship or otherwise be inappropriate.
- 4) Approving special expenditure on funerals of residents in Council homes such as burial in special ground, in a distant churchyard or cemetery in a locality where the deceased had long standing connections, or on cremation to comply with the wishes of the deceased.

- 5) Determining care in the community grants and other social care grants for individual clients.

**C     Acting as Authorised/Proper Officer for the following matters:**  
Entering and inspecting any premises and any records kept in them for any purposes under the National Assistance Act 1948.

Acting as, or appointing a receiver, to deal with appropriate matters where the Court of Protection has to appoint an officer of the Council to act for people who are incapable of managing their own affairs

Exercising all the powers and duties of the Council under the Mental Health Act 1983 including:

- receiving documents served on the Council, including applications for Guardianship
- giving the Councils consent to the amendment of guardianship applications
- authorising employees to carry out the duties of Approved Social Workers if they are qualified to do so

All Directors and Assistant Directors are prescribed for the purposes of Section 30(1) of the Regulation of Investigatory Powers Act 2000 with regard to authorising directed surveillance and the use of covert human intelligence sources.

**D     Drawing up the following Policies and Plans that form part of the budget and Policy Framework**  
Community Care Plan

**E     Statutory Non Executive Matters**  
Not Applicable

Note: The existing delegations to the Director of Social Services can be found on pages 91 and 92 of the Constitution.