

ROLE AND ACCOUNTABILITIES OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES



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1: CONTEXT

Local Authorities Social Services are responsible for supporting, meeting the needs of and Safeguarding children, young people and their families, people who are disabled, have a learning disability, experience poor mental health and older people.

The functions and responsibilities of local authorities are set out in the Local Authority Social Services Act 1970, as amended by Social Services and Well-Being (Wales) Act 2014 (“the 2014 Act”). A table of social services functions are set out in Schedule 2.

The Social Services Department is now known as the **Through Age Well-being service (TAW)** /model within the Council.

A local authority must appoint an officer to be known as the Statutory Director of Social Services (“DoSS”) for the purposes of its social services functions (Section 144 of the 2014 Act).

Welsh Government has produced a Code of Practice, “Social Services & Well-being (Wales) Act 2014 Part 8 (2016 Code of Practice on the Role of the Director of Social Services)” (“the Code”).

The Code sets out (Part 2) the governance and accountability of a director of social services, including the strategic leadership role which the DoSS must fulfil if the authority is to ensure the promotion of well-being, and the delivery of effective care and support services , which achieve the principles of the 2014 Act. In particular:

- Role in executive structure of the local authority
- Relationships with the Chief Executive and other senior officers
- Accountabilities
- Corporate Lead Officers

The Authority must act in accordance with the requirements and guidelines contained in the Code.

The DoSS must be the source of advice to the authority on all social services matters and be responsible for decision-making in relation to individuals in the Ceredigion area, in accordance with the requirements of legislation.

2: THE NEED FOR CLEAR WORKING ARRANGEMENTS

The purpose of this Protocol is to ensure that the requirements of the Code have been incorporated into arrangements and structures within the Council, and are sufficiently robust to ensure that the DoSS can fulfil the accountabilities necessary, for the Council to deliver effectively on its social services responsibilities.

3: IMPLICATIONS OF THE CODE OF PRACTICE

Organisational arrangements:

- The Authority must be satisfied that the DoSS demonstrates the competencies specified in Section 6 of the Code of Practice;
 - The Code of Practice places emphasis on the strategic leadership role of the DoSS;
 - The authority must recognise the central importance of social services as a key local government responsibility;
 - services are often delivered in partnership with others, including health, housing, education, the third sector and private providers;
 - services must be able to respond to shifts in public expectation, rising demand and be transformed, to make services sustainable adaptable, and meet people's changing needs.
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- The DoSS will have an essential role in providing the strategic leadership required to deliver care and support services, including:
 - The DSS must focus on people, giving them a voice in how services are designed and delivered and support them in achieving the outcomes that are important to them;
 - success must be measured in outcomes;
 - they must focus on early intervention and prevention and on the promotion of well-being;
 - effective partnership working and cooperation between agencies and organisations will be essential;
 - people must be able to access information and advice irrespective of their needs;
 - models of service which are new and innovative must be developed.
 - The Authority must ensure that adequate staff are provided to assist the DoSS in fulfilling the Council's Social Services functions.

The DoSS must:

- have sufficient seniority to discharge the authority's social services functions and deliver its accountabilities;
- be a member of the Corporate Management Team/Leadership Group and have direct access to the Chief Executive, and to Councillors;
- be able to contribute to the vision and direction of the Council and ensure services promote the well-being of people with care and support needs.

In Ceredigion County Council, the DoSS:

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- ~s supported by Corporate Lead Officers
- has direct access to the Chief Executive, Leadership Group, Portfolio holders for the service areas, and to other Councillors; and
- is a member of the Authority's Leadership Group

Relationships:

The Code requires that:

- “Defined working arrangements must be put in place between the director of social services and other senior officers within the local authority to ensure that the accountabilities of the director of social services are met”
- “The relationship between the Chief Executive and the Director of Social Services must be properly agreed and appropriately communicated to councillors, officers and partners. This must be underpinned in governance and delegation documents and should be subject to periodic review”.

There is a need to establish clear working arrangements between the DoSS, the Chief Executive, Director of Education, Monitoring Officer, and other Senior Officers within the Social Services, and across the Authority.

Chief Executive:

The Code emphasizes the importance of the relationship between the DoSS and the Chief Executive:

- Ensuring that the DoSS has a direct reporting line to the Chief Executive;
- Maintaining strong oversight of arrangements in place to enable the Director to fulfil the accountabilities as set out in the Protocol;
- Meeting with the DoSS on a regular basis in order to ensure that the arrangements are working effectively;
- Ensuring that social services are viewed as a corporate priority;
- Enabling the DoSS to deliver the Authority's social services functions;
- Ensuring that the corporate infrastructure supports the DoSS in fulfilling the statutory accountabilities;
- Ensuring that the nature and level of the DoSS's authority is understood by Officers and Councillors;
- Negotiating, setting out and communicating, both across the Authority and with partners, the detail of the relationship between the DoSS and the Chief Executive. This should be enshrined in governance and delegation documents;

- Ensuring these arrangements enable the Chief Executive to identify and correct any systemic and ongoing breakdowns in the service standards and quality;
- Undertaking periodic review of the effectiveness of these arrangements;
- Ensuring defined working arrangements are in place between the DoSS and other Chief Officers in the Authority which show how they contribute to the achievement of the DoSS's statutory accountabilities;
- Regularly evaluating the effectiveness of the arrangements set out in the Protocol and initiating further strengthening where necessary.

To achieve this:

- The DoSS is line-managed by a Corporate Director ;
- The DoSS has ready access to the Chief Executive whenever the need arises;
- The DoSS is responsible for keeping the Chief Executive informed about any potentially controversial matters that are likely to arise;
- The DoSS and meet on a programmed monthly basis to discuss strategic and operational issues, to include-
 1. steps that may need to be taken to ensure that the high profile of social services is maintained within the Authority;
 2. ways in which Councillors can be assisted in their consideration of complex and sensitive matters relating to social services.
 - the Chief Executive will provide regular opportunities for **the Leadership Group** to consider how well the Protocol is working and their contribution to the achievement of effective social services;
- The Chief Executive will, at regular intervals, initiate a formal review of the working of the Protocol and seek the agreement of the Corporate Management Team to any strengthening that may be required.

Resolving Differences: Differences of view will sometimes arise between the Director of Social Services and other Senior Officers. Where there are differences of view, the advice of the Director should be presented to Councillors alongside the view of the Chief Executive. The Authority is committed to ensuring that decisions arrived at upon completion of this process are corporately owned by the Authority as a whole

The Chief Executive, together with the Corporate Lead Officer-Finance & Procurement, has a responsibility for ensuring that Senior Officers and Councillors have clear advice on the financial position faced by the Authority and on the level of resources needed to meet the Council's statutory obligations and other policy aspirations. The DoSS must provide advice on the resources needed to fulfil the Authority's social services functions and this may pose a challenge within the overall financial situation that prevails.

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Monitoring Officer ('MO')

There must be a clear working relationship between the DoSS and the Authority's Monitoring Officer. Disagreements which remain unresolved can have a detrimental effect on the Authority's ability to deal with difficult or sensitive issues. There must be mutual respect for both these statutory roles in- order that the DoSS can engage the MO in deliberations as necessary, and that the advice given by the MO can be used to inform decisions on appropriate courses of action.

Working together in this way should result in good decision making and avoid the need, except in the most extreme circumstances, for the Monitoring Officer to contemplate using powers under Section 5 of the Local Government and Housing Act 1989 to present a Report to the Council.

4: THE STATUTORY DIRECTOR OF SOCIAL SERVICES' ROLE AND ACCOUNTABILITIES

The Code of Practice sets out:

- The core accountabilities which must be fulfilled by the Director of Social Services;
- The part which the Chief Executive must play in ensuring that the Director is enabled to fulfil the accountabilities inherent in the role. This has been set out in preceding paragraphs;
- The part which other senior officers across the Authority will play in supporting the Director to fulfil those accountabilities;
- The contribution towards fulfilling those accountabilities which will be made by the Corporate Lead Officer within **Through Age Wellbeing Services**;
- Clear reciprocal arrangements showing how the Director will support colleagues within **Through Age Wellbeing Services** and across the Authority to enable them to contribute effectively towards the achievement of the core accountabilities.

The Core Accountabilities: This Council recognises that the DoSS must fulfil specific core accountabilities. To do so effectively, other Senior Officers, within the **Through Age Wellbeing Services** and across the Authority, must play their part in supporting their achievement. There are reciprocal arrangements by means of which the DoSS will enable these officers to contribute towards the achievement of the accountabilities.

Managers within the Social Services service: Responsibilities and Accountability: The DoSS is supported by the **Through Age Wellbeing Service** Management Team made up of Corporate Lead Officers, with responsibility for Adult Social Services, and for Social Services for Children. Where responsibilities are delegated, they are set out in the Approved Schemes of Delegation for the **Through Age Wellbeing Services** and for the Authority.

However, accountability cannot be delegated and this remains with the Director of Social Services.

Lead Director for Children and Young People's Services (LDCYPS):

In accordance with the requirements of Section 27 of the Children Act 2004, the Authority has identified a Lead Director for Children and Young People's Services: **(Corporate Lead Officer-Lifelong Learning (& Chief Education Officer))**

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The DoSS is responsible for coordinating and overseeing arrangements to improve the well-being of children in the area of the County Council and to be the champion of children's rights. This role sits well alongside the Chief Education Officer's responsibility for meeting the educational needs of the population of children and young people in the Authority.

The Code states:

"In authorities where the post of director of social services and lead director for children and young people's services are held separately, there will be an overlap between the two roles.

The lead director for children and young people's services will seek to address the well-being needs of all children.

The director of social services must focus on improving the well-being of children specifically with care and support needs and protecting children from harm"

The Authority must be clear about the particular focus of each role. Formal liaison will ensure effective partnership working.

The DoSS is a member of the Authority's Leadership Group, and will work to involve partners to strengthen support and provision for all children in Ceredigion, and to ensure that a wide range of services is accessible to children generally

Fulfilling the Statutory Director of Social Services' Core Accountabilities:

The Chief Executive, Corporate Lead Officers within the Through Age Well-being Services, and Chief Education Officer will contribute in enabling the DoSS to fulfil the core accountabilities. The Council's Corporate Managers, will have an equally significant part to play.

Chief Officers will seek to work effectively together will strengthen the performance of the Authority while not compromising individual areas of responsibility.

The DoSS will call on the support of colleagues where specific inputs are needed e.g. policy and service development, joint working initiatives and in the production of reports dealing with the fulfilment of the social services accountabilities. The Director's Annual Report will require a significant contribution from Corporate Managers and other Chief Officers.

Other Chief Officers must be alert to the need to ensure that the Doss's view is sought on all matters that could have a bearing on the Authority's delivery of its social services functions and represented in any reports that are put forward for decision.

The DoSS will provide support for other Chief Officers in areas where the Director holds the lead responsibility. Providing advice and guidance on work to strengthen arrangements for safeguarding children and adults is a particularly important example of the reciprocal arrangements which must exist between the Director and other senior officers.

The Chief Executive must be satisfied that these arrangements are working effectively and that the Statutory Director of Social Services is able to fulfil the following expectations inherent in the role:

Providing the professional leadership for staff and a clear sense of strategic direction for the effective delivery of care and support services.

The Through Age Well-Being Corporate Lead Officers provide a significant resource of knowledge and experience in the planning and delivery of social services and this is drawn upon to support the Director's work.

Similarly, the DoSS is alert to opportunities to provide them with any assistance they might need in order to fulfil the Authority's expectations of them. The skills of other managers and operational staff are also utilised to ensure that Through Age Well-Being Services strives to achieve the highest professional standards in all that it does.

The DoSS will have in place a regular programme of meetings at all levels in the service, (as well as with the portfolio member) which provide opportunities to consider operational matters, identify areas for improvement, explore the potential for service initiatives and enable the Director to provide a clear sense of direction for services and for staff:

- to focus on the future direction of services and to consider the implications of legislation, of guidance and of the findings of Inspections; to evidence a commitment to engaging staff and enabling them to contribute to thinking on the future direction of services;
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- The Director plays a lead role in the development of Ceredigion's approach to meeting the Information, Advice and Assistance requirements of the Social Services and Well-Being (Wales) Act 2014. The DoSS seeks to ensure that assessment arrangements are sufficiently robust to ensure that

those in need of assistance from social services are identified and referred to the appropriate source of help.

Advising the Council on the resources needed to fulfil its social services responsibilities and on the service implications of any budgetary reductions.

The DoSS provides professional advice on all social services matters.

This will include presenting arguments, as and when required, to support the case for additional resources to enable the effective delivery of services to meet the needs of the population in the Authority's area and explaining the service impact of any possible budget reductions, to inform consideration of the resources needed to fulfil the Authority's social services functions.

The Chief Executive, DoSS and Chief Finance Officer have in place arrangements to consider financial performance of social services, at various levels of need to agree the levels and patterns of spend, and to

- review the use of resources and
- explore ways of increasing effectiveness, the potential for cost reduction and evidence to support case for additional resources.

The objective of working closely together is to seek a service led approach to financial planning which is rooted in service best practice.

Being accountable for the quality and delivery of services in accordance with the Authority's social services functions and providing effective service and performance management.

It is a priority to have strong Performance Management arrangements in place. These are coordinated by the Corporate Lead Officers.

Quality assurance and service improvement frameworks operate within in Adult Services. These arrangements:

- Seek to meet the whole 'Through Age Wellbeing Services' business needs;
- Continue to strengthen the focus given to service quality and to outcome measures;
- Provide the evidence base upon which Corporate Lead Officers can take responsibility for delivering and driving improvement in the services for which they are responsible;

- Enable the Director to pursue strengthened performance across the **Through Age Wellbeing Services** in its entirety;
- Contribute information to the Corporate Performance system;
- Meet the Performance Information requirements of the Welsh Government.

The DoSS draws upon the skills available within the service, and within the authority corporately strengthening Performance Information & Management.

The educational achievement/performance of Looked After Children, is monitored. Both the DoSS and Chief Education Officer are committed to supporting this arrangement.

Ensuring effective safeguarding arrangements are in place.

The Code places great emphasis upon the importance of the safeguarding role:

“Safeguarding children and adults at risk of abuse or neglect is everyone’s responsibility. However, the DoSS must show leadership to ensure effective safeguarding arrangements are in place both within the authority and with relevant partners”

The Through Age Well-being Services Corporate Lead Officers are responsible for managing safeguarding practice in their service areas, and the DoSS requires regular assurance that practice and service arrangements meet the standards that are required.

The DoSS is also responsible for ensuring that arrangements are in place to provide good quality advice on safeguarding to each of the service areas and across the Authority as a whole.

Ceredigion County Council has adopted: “Policy and Guidelines for Safeguarding Children and Adults at Risk” in 2019. This now sets out the Authority’s expectations in respect of this work.

Effective safeguarding arrangements must be built on an extensive platform of training which extends from general awareness training for all staff and Councillors across the whole Authority to more specialised training for particular groups of staff and in specified service areas.

The DoSS and Corporate Lead officers are supported in this by Human Resources. All officers, councillors, Head Teachers, school staff and Governors must support the DoSS in fulfilling the lead role on safeguarding. The DoSS will utilise information from

various sources in order to arrive at an assessment of the strength of safeguarding arrangements in the Authority and to provide assurance.

The DoSS (and/or senior designated officers) will ensure that the authority supports and engages with relevant partner agencies which have a direct contribution to make to safeguarding vulnerable people. The DoSS “must support effective partnership working and ensure that safeguarding duties are effectively discharged collaboratively” The DoSS must ensure that this work is used to complement action being taken by the Council to strengthen its arrangements for safeguarding vulnerable children and adults.

Deputyship Orders

The DoSS is also responsible for carrying out the functions of the Council as appointed Deputy under any Deputyship Order granted to the Council by the Court of Protection under Section 16 of the Mental Capacity Act 2005 regarding any person who lacks capacity in relation to a matter or matters concerning their personal welfare or their property and affairs, and also for any such functions should the Statutory Director of Social Services be directly named on any such Deputy Order. In appropriate circumstances, it is also the responsibility of the DoSS to make applications to the Court of Protection for a Deputyship or such other order as is appropriate in the given circumstances. The Statutory Director of Social Services is also required to abide by the Mental Capacity Act 2005 Code of Practice.

Securing the essential political and corporate support for Social Services.

The DoSS holds overall accountability for ensuring that the social services functions of the Authority, as set out in statute, are fulfilled effectively.

The DoSS is the source of advice to the Authority on all social services matters and is responsible for the delivery and development of services to meet the needs of the population.

It is important that all Chief Officers and Councillors understand the range and nature of Through Age Well-being Services responsibilities and of the expectations placed upon them by the public and by Government. The DoSS must ensure that there is an understanding of this across the Authority and that there is regular reporting, at least on a quarterly basis, on the areas that are a prerequisite for the delivery of effective services.

The DoSS achieves this through:

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- attendance at and input to the Authority's Leadership Team meetings;
- regular briefing of appropriate Portfolio holders by the DoSS and by the Corporate Lead Officers;
- delivering workshops for Councillors to inform them about and to explore particular complex and challenging matters;
- reports to Cabinet;
- the Director's Annual Report to the Council.

In addition, the DoSS will report on sensitive issues and on matters of strategic direction as and when this may be appropriate.

The Chief Executive must support the DoSS in securing the necessary corporate and political support and ensure that social services are seen as a Corporate priority.

Fostering effective joint working relationships both within Through Age Well-being Social Services, across the Authority and with partners.

The DoSS must provide the strong leadership necessary to ensure that services for Children and for Adults work together in an integrated **Through Age Wellbeing Services**. This must be capable of looking both at the particular needs of each service area and of recognising the cross cutting issues that need to be addressed in a coordinated way.

The DoSS must lead, to strengthen the contribution which other services, both within and outside the Authority, can make to the delivery of the social services functions.

The DoSS will participate in or directly influence a number of partnerships which function on a level wider than Ceredigion and where the Authority is an active partner:

- The DoSS must ensure that partners enable and promote cooperation to improve outcomes and promote the well-being of people in Ceredigion who need care and support,
- the DoSS will seek to secure an appropriate share of the resources to complement the Authority's own training resources.
- The DoSS must represent the interests of the Authority and make sure that the people of Ceredigion benefit from the experience, expertise, and access to resources and the potential for working in cooperation which they offer. The DoSS can influence other partnerships, although not a member, through the Chief Executive and other Ceredigion representatives who will be in a position to reflect social services views and advice.

However, it is important to recognise that the DoSS input to and the contribution made by these partnership forums does not in any way affect, weaken or cloud the

DoSS accountability to Ceredigion County Council for the effective fulfilment of its social services responsibilities.

Fulfilling overall responsibility for workforce planning, training and development and for the recruitment and retention of a sufficient, suitably qualified and experienced workforce.

The DoSS is responsible for ensuring that the social services workforce is sufficient in number and has the skills and experience necessary to meet the needs of people in the Authority's area. Having such a workforce in place is a prerequisite to the effective delivery of services and to the fulfilment of the Authority's social services responsibilities. The DoSS must be seen as the authoritative professional voice on all social services workforce matters.

The DoSS works alongside Human Resources to implement an approach that is designed to meet the particular needs of Social Services, whilst recognising that this must be within the broad framework provided by the Corporate Workforce Strategy.

The DoSS will seek to ensure that the training and development programmes offered on a partnership basis are informed by and responsive to the Ceredigion's needs.

Producing an Annual Report at the end of each financial year which accounts for the exercise of the Authority's social services functions and sets objectives for the forthcoming year.

The DoSS must prepare and publish an Annual Report as soon as practicable after the end of the Financial Year. It is the Authority's Report on the performance of its social services functions and must explain how the Authority's wider functions, have contributed and will continue to contribute to the achievement of individuals' well-being outcomes. Other Chief Officers must therefore contribute to the Report from their areas of responsibility.

The Report will evaluate performance in the year, including lessons learned, and set out the coming year's objectives relating to people who need care and support and carers who need support. It will also show how the needs of individuals have been assessed and how services have met the Quality Standards set out in the 2014 Act. The Report will provide:

- Assurance that structural arrangements for delivering and developing social services are strong;
- Assurance that partnership working is effective;
- Assurance that safeguarding arrangements are strong;

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- Information on the handling of representations and complaints and of the lessons learned from these;
- The response to any Inspections;
- The Authority's implementation of the Welsh Language Strategic Framework "Mwy Na Geiriau"/ "More Than Just Words".

The DoSS is responsible for ensuring that the Report reflects:

- The views of service users and carers, including children and their parents, on how the Authority has discharged its social services functions;
- The statutory social services performance information which is required must show how this has been secured;
- The views of partner agencies and providers on partnership working.

The Report must show how the Authority has engaged with people in its production and should reflect the views of service users and service providers.

The DoSS will be supported by Corporate Lead Officers and other managers in producing the Report and each will lead on ensuring that service users and partners have been able to contribute to the Report's production.

The DoSS takes personal responsibility for the production of the Report and for its presentation to the Authority's Leadership Team. Portfolio Holders, Cabinet, Scrutiny Committees and to the Council.

5: ENSURING EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

The effective operation of the Protocol must be considered on a regular basis, or as and when necessary, in meetings between the DoSS and the Chief Executive, and undertake a formal Review on an annual basis. Any immediate action needed to remedy defects must be agreed and implemented. Each Review must involve the Authority's Leadership Group and adopted by the Council for inclusion in the Council's Constitution.