

DIRECTORATE SCHEME OF OFFICER AUTHORISATIONS

ADULT SERVICES

Introduction

All staff who work for the Council are authorised to act within the scope of the responsibilities and duties under their contract of employment, whether express or implied, custom and practice and/or the Council's constitution.

The Council's delegation scheme delegates all matters not reserved to Members to the relevant Chief Officer. Paragraph 6 of Part 6.2 of the Council's constitution permits Chief Officers to authorise others within their Directorates to exercise those powers delegated to them.

Purpose of the Scheme

To list the matters for which authorisation has been given and the post holder to whom it has been given.

To whom does this Scheme apply?

The scheme of authorisation will apply to all permanent, contract and temporary staff working for the Council. In the case of an absence or a person not being in post, the authorisation is exercisable by the person covering that post under any interim arrangements.

Conditions and limits of authorisation

Chief Officers may in addition to these standing authorisations, also on an ad hoc and time limited basis (for example during periods of leave) authorise other officers to exercise delegations for them or to act as their duty. These time limited authorisations must be given in writing.

All authorised post holders must personally make, and to what extent is appropriate in the circumstances, record their decision making when exercising this authorisation. Authorisations must be exercised personally by those to whom they have been given.

A post holder under this scheme of authorisation must exercise his /her power within the financial limits set by the Council's financial procedures and contract standing orders.

All authorised post holders are required to consult such Members and officers as she/he considers appropriate.

All authorised post holders are required to consult Members and such officers where the decision has a direct impact on a local community.

Ward Members to be kept aware of any decision made and action taken that affects members of the community in their ward

Chief Officers remain accountable for any action or decisions taken under this authority.

None of the below authorisations prevent the Director from exercising those functions or make the decisions for an authorisation has been granted to a post holder.

Compliance

All officers authorised to exercise functions on behalf of officers with delegated functions are required to do so in compliance with the law, the Council's Constitution, including its Procurement Code, Financial Regulations, write-off procedures and other relevant policies and procedures.

A failure to comply with this scheme does not automatically make an action or decision invalid. However, there is a risk that such a failure could lead to:

- any actions taken by a person acting as an authorised post holder, as being invalid or legally unenforceable and could expose the Council to legal and administrative consequences.
- the Council being committed to expenditure without requisite authority and an inaccurate audit trail for the transaction.
- affecting the Council's reputation

This may lead to management action under the Council's disciplinary procedures.

Updating the authorisation scheme

This list maybe updated by the Chief officers with delegated powers wishing to authorise others to exercise them on their behalf under the provisions of paragraph 3.4.2 of Part 3 of the constitution. Any revisions must be submitted to the Council's monitoring officer with 28 days of the authorisation being approved

Authorisation Scheme List

This internal scheme of authorisation lists the post holders who authorised by the Director to undertake functions on their behalf.

Specific authorisations

Adult Social Services		
Constitution	Extent and nature of authorisation	Post holder
Part 6.3, Part B,VI	<p>Authority to discharge the Council's adult social care and health functions in accordance with the Care Act 2014 and associated Statutory Guidance</p> <p>Authority to discharge the Council's functions in respect of incapacitated persons in accordance with the Mental Capacity Act 2005</p>	

General Adult Social Services			
Constitution	Extent and nature of authorisation	Condition/Restriction	Post holder
Part 6.3, Part B,VI	(i) To meet the needs of individuals or families in accordance with the provisions of sections 18,19 and 20 of the Care Act 2014 to include residential and day care accommodation within the agreed policy of the Council and the estimates provisions.		
	ii) To make variations to the number of places at any Social Services establishment, in response to changes in demand or resource availability		
	iii), to exercise the powers of the Council to enforce, make application and representations to a Court or Magistrate, and authorise, institute and defend proceedings under any enactment in respect of adults.	After consultation with the Monitoring Officer	
	iv), to administer arrangements	In accordance with the general policies	

	made in accordance and compliance with the Care 2014 and to authorise expenditure within overall budget provision.	from time to time laid down by the Council	
	(v), to set future inter-authority and standard charges for residential and day-care accommodation, in accordance with the provisions of the Care Act 2014 and associated Care and Support Regulations	After consultation with the Executive Director of Finance & Resources	
	vi) To waive assessed contributions for adaptations to homes or provision of equipment in exceptional circumstances, subject to the contribution not exceeding £1000 or such other sum as may from time to time be fixed by the Council (vii) To authorise officers to be the Council's nominee for the purpose of obtaining Grants of Probate and to deal with related matters and/or to seek appointment as Deputy pursuant to the Mental Capacity Act 2005 where it is appropriate for an officer of the Council to act.		
	viii) To appoint approved mental health practitioners for the purposes of the Mental Health Act 1983.		
	ix) To accept guardianship applications and to make orders for Guardianship the Mental Health Act 1983.		
	x) To authorise in exceptional individual cases variations from the approved scale of charges for a particular service and to operate the scale of allowances to disabled		

	people attending day centres.		
	xviii) To exercise the Council's functions regarding residential homes and nursing homes.		
	xix) To exercise the Council's functions under the Data Protection Act 1998 regarding access to personal files or information held by the department.		

Section 75 Arrangements

Constitution	Extent and nature of authorisation	Post holder
Part 6.3, Part B,VI	Authority to exercise under or in connection with the adult social care and health partnership arrangements with health bodies made pursuant to Section 75 of the National Health Service Act 2006, to the extent that the arrangements permit an officer to exercise the functions.	

Supported Employment

Constitution	Extent and nature of authorisation	Post holder
Part 6.3, Part B,VI	To exercise the Council's functions regarding the employment of physically disabled people.	

Housing Related Support

Constitution	Extent and nature of authorisation	Post holder
Part 6.3, Part B,VI	Subject to any instructions of the Chief Executive given from time to time authorisation for co-ordinated	

	<p>commissioning and management of associated funds in relation to housing related support services;</p> <p>(ii) authorisation to exercise the council's function in relation to housing related support services for adults generally.</p> <p><i>Note: the power referred to above is delegated concurrently to the Executive Director Environment, Development & Housing.</i></p>	
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Signed

Director of Adult Services

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