



Shadow Council Chief Executives
Island Council Chief Executives

Copied to: Chief Executives
Regional, District Councils
Directors of Social Work
Local Government Staff Commission
COSLA
Other Interested Bodies

18 May 1995

Dear Sir/Madam

**LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1995: GUIDANCE ON
CHIEF SOCIAL WORK OFFICERS**

Section 5(1) of the Social Work (Scotland) Act 1968 states that "Local authorities shall perform their functions under this Act under the general guidance of the Secretary of State." Section 3 of the Social Work (Scotland) Act 1968 (as amended) requires new authorities to appoint Chief Social Work Officers "for the purposes of their functions under this Act". During the passage of the Local Government Etc (Scotland) Bill Ministers stated that they would issue guidance in relation to the requirement on the new authorities to appoint Chief Social Work Officers. A wide range of interested bodies were consulted on draft guidance during March and April 1995.

I now attach a copy of the final circular approved by the Secretary of State.

The guidance in its final form differs only slightly from the draft guidance on which consultation took place. The variation relates to clarification of paragraph 5 on page 2 which now states:-

"In all circumstances the Chief Social Work Officer should have a direct line of accountability to the Council for the exercise of his or her responsibilities. Where an authority appoints a Director responsible for the management of social work services who is not also the Council's Chief Social Work Officer then it will be necessary to define with particular care their respective responsibilities and the

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ways in which both Officers are to report to the Council on the exercise of these. It will also be necessary to define with care the ways in which their respective responsibilities are to be co-ordinated and the reporting lines of both posts to the Chief Executive."

Any enquiries about the guidance or its implementation should be made to myself.

We trust that the guidance will be helpful in ensuring a smooth transition of services to the new unitary authorities. We look forward to co-operating with you and your staff in maintaining and further developing high quality social work services across Scotland in the years ahead.

Yours sincerely


ANGUS SKINNER
Chief Inspector

MHU20055



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Circular No: SW2/1995

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Dear Sir/Madam

**LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994: SECTION 45
SOCIAL WORK (SCOTLAND) ACT 1968: SECTION 3
CHIEF SOCIAL WORK OFFICERS: RESPONSIBILITIES
APPOINTMENT AND QUALIFICATIONS**

1. This Circular provides guidance on the implementation of Section 45 of the Local Government Etc (Scotland) Act 1994 which requires Councils to appoint Chief Social Work Officers.

The Statutory Requirement

2. Section 3 of the Social Work (Scotland) Act 1968 presently requires regional and islands authorities to appoint Directors of Social Work and also lays down certain requirements with regard to their qualifications and appointment. Section 45 of the Local Government etc. (Scotland) Act 1994 abolishes this requirement and substitutes a new section requiring the new unitary authorities, which come into operation on 1 April 1996, to appoint Chief Social Work Officers holding qualifications prescribed by the Secretary of State. The new section 3 of the Social Work (Scotland) Act 1968 reads:-

"3. - (1) For the purpose of their functions under this Act and the enactments mentioned in section 5(1B) of this Act, a local authority shall appoint an officer to be known as the chief social work officer.

(2) - The qualifications of the chief social work officer shall be such as may be prescribed by the Secretary of State."

Responsibilities

3. In introducing the new local government arrangements, the Government has made it clear that the new authorities should have the flexibility to decide on the management structures and internal organisation which suit their requirements. However, the Government also recognised the particular responsibilities which fall on social work services in that they affect personal lives, individual rights and liberties to an extent that other local authority services do not. The human rights issues involved are complex and decisions must often be taken with the greatest care. The Government is also conscious that a number of important changes are taking place within the field of social work: new community care arrangements are being implemented; new children's legislation is before Parliament; and major developments have taken place in social work services in the criminal justice system which provide services to the courts, such as probation and community service. It is for these reasons that the Government decided that it was essential to provide a clear focus for professional leadership and continuity in the field of social work, and consequently that each social work authority should have a Chief Social Work Officer. As was made clear during the passage of the Bill, the Government's intention is that the Chief Social Work Officer will have oversight over all social work services provided or purchased by the authority.

4. The statutory obligation to appoint a Chief Social Work Officer may be satisfied by the appointment of a professionally qualified Director of Social Work in the same way that all social work authorities at present have a Director of Social Work. Many authorities will no doubt choose this course. Alternatively, a local authority may choose a different departmental structure which does not involve the appointment of a professionally qualified Director of Social Work. In that case it will be necessary for the authority to appoint a professionally qualified Chief Social Work Officer. In order for that person to exercise oversight over all social work services provided or purchased by the local authority, it will be necessary for this to be an appointment at a senior level with the status and support necessary to undertake the role foreseen by the Government for this post.

5. In all circumstances the Chief Social Work Officer should have a direct line of accountability to the Council for the exercise of his or her responsibilities. Where an authority appoints a Director responsible for the

management of social work services who is not also the Council's Chief Social Work Officer then it will be necessary to define with particular care their respective responsibilities and the ways in which both Officers are to report to the Council on the exercise of these. It will also be necessary to define with care the ways in which their respective responsibilities are to be co-ordinated and the reporting lines of both posts to the Chief Executive.

6. In addition to the general responsibilities described, Chief Social Work Officers will have specific statutory responsibility for certain decisions in relation to secure accommodation, enforcement of probation orders, adoption applications and some other matters. These responsibilities have previously been held by Directors of Social Work and are dealt with in the amendments consequential on the new requirement to appoint Chief Social Work Officers. Except where otherwise specified in statute authorities may determine for themselves appropriate schemes of delegation of these responsibilities to fit their particular circumstances. Where specific decisions are delegated by Chief Social Work Officers this must be to staff who hold the prescribed minimum qualifications.

Appointment and Qualifications

7. The requirement to appoint Chief Social Work Officers will come into force from 1 April 1996 and at the same time regulations will be made by the Secretary of State prescribing the necessary qualifications. It is expected that all shadow councils will make appointments during 1995-96. This will ensure that the new Councils will have available the advice of Chief Social Work Officers in the process of establishing the new Council's services and organisation and thus provide for a smooth transition.

8. The Government intend as stated in Parliament that qualifications for Chief Social Work Officers will be those presently prescribed for Directors of Social Work. In making an appointment local authorities will require to ensure that all candidates considered for a post of Chief Social Work Officer have these qualifications. The regulations prescribe minimum qualifications. In selecting suitable candidates local authorities will wish, in addition, to give particular consideration to applicants' level of management expertise (including experience, training and qualifications), experience of administration and policy development, and to their post-qualifying training in social work services.

9. Local authorities are not required to consult The Scottish Office on the appointment of Chief Social Work Officers. Authorities should ensure that candidates produce documentary evidence of their qualifications and

may consult the Registrar at the Central Council for Education and Training in Social Work at Derbyshire House, Saint Chad's Street, London WC1H 8AD for further verification.

Monitoring

10. In order to monitor the new arrangements authorities are asked to provide information on the organisational and managerial arrangements they intend to adopt for social work services as soon as practicable. In view of the timetable for change no specific format for this information will be prescribed. Authorities are asked to provide information as decisions are made on committee structure, senior management arrangements and the appointment of Chief Social Work Officers.

Enquiries

11. Enquiries about this Circular should be addressed to myself.

Yours faithfully


ANGUS SKINNER
Chief Inspector