

NORTH LANARKSHIRE COUNCIL

REPORT

TO: Social Work Committee	Subject: Scheme of Delegation
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE: 3 March 1998	
REPORT AUTHOR: K Somers	
REF: DR/LD/GGHB	

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek approval for a scheme of delegation for Social Work functions.

2 BACKGROUND

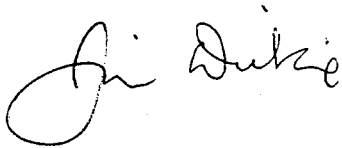
- 2.1 Discussions have been underway for some time between the Director of Administration, the Head of Legal Services and the Director of Social Work regarding a revised scheme of delegation for social work functions.
- 2.2 The matter has now become urgent because of the need to deal with a number of Parental Responsibility Orders in line with the requirements of the Children (Scotland) Act 1995, proposed scheme of delegation
- 2.3 The proposed scheme is attached at Appendix 1 for members' consideration. It has been drawn up on the basis of the delegation arrangements made for social work within the predecessor authority.
- 2.4 Appendix 2 identifies the main changes which are proposed to scheme of delegation which formerly applied. These are principally concerned with the implementation of new arrangements as required by the Children (Scotland) Act 1995.

- 2.5 Committee is asked to note that reference is made in the proposed Scheme of Delegation to Notes of Guidance covering the exercise of delegated financial responsibility. The procedures currently in place are those adopted on an interim basis at local government reorganisation. It is proposed that the procedures should be revised, and brought forward for approval in the next Committee cycle.

3 RECOMMENDATIONS

It is recommended that the Committee:

- (i) notes the urgency of approving delegated powers in relation to new requirements imposed by the Children(Scotland) Act;
- (ii) approves the Scheme of Delegation as set out in Appendix 1
- (iii) notes that a further report on procedures and Notes of Guidance relating to delegation of financial responsibility will be brought forward to the next meeting of the Social Work Committee.



Jim Dickie
Director of Social Work
23 February 1998

For further information on this report please contact K Somers, Head of Social Work Development
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APPENDIX 1

SCHEME OF DELEGATION**GENERAL**

The Director of Social Work is authorised :

- (i) **Director**
Head of Service
Social Work Services Manager
Area Manager

To carry out the functions of the Council in terms of Section 12 of the Social Work (Scotland) Act 1968 and Section 22 of the Children (Scotland) Act 1995 under which the Council is required to promote Social Welfare by making available advice, guidance and assistance on such a scale as may be appropriate for its area. The delegation in terms of this Section shall include authority:

- (i) To make loans or grant in accordance with Notes Of Guidance approved by the Council up to a limit of £1000 in any one month in respect of any one family or child;
- (ii) To give any other appropriate assistance, including provision for the storage of furniture in cases of emergency;

In calculating the amount given or lent for the purposes of this provision, account should be taken of any additional payment made in terms of Section 12 or Section 22 otherwise authorised;

- (ii) **Director**
Head of Service

After consultation with the Convener and Vice Conveners and the appropriate local member to accept or refuse the gift of mini buses or similar vehicles to the Council from outside bodies for use by the Social Work Department subject to such policy and criteria as may be set down by the council in relation to the acceptance of such gifts;

- (iii) **Director**
Head of Service

To approve grants to voluntary organisations of up to £1000 provided that the application is not in excess of £1000;

**(iv) Director
Head of Service**

To carry out the functions of the Council in terms of the following Sections of the Social Work (Scotland) Act 1968 and the Children (Scotland) Act 1995:

- (a) Section 13 of the Social Work (Scotland) Act under which the Council may assist in the disposal of produce of work undertaken by persons in need;
- (b) Section 14 of the Social Work (Scotland) Act under which the Council is required to provide home help and laundry facilities for persons in need etc. Any charge for the provision of such facilities shall be recovered by the Director of Social Work on the appropriate scale as may be determined by the Council, subject to the Director of Social Work's being empowered to abate or waive home care charges to avoid hardship according to personal and financial circumstances of the client in accordance with guidelines agreed with the Director of Finance;
- (c) Section 28 of the Social Work (Scotland) Act which empowers the Council to make arrangements for the burial or cremation of any person who was looked after by or in the care of or was receiving assistance from the Council at the date of death and to recover where appropriate expenses so incurred which are not recoverable under such National Insurance legislation as may be in force at that time;
- (d) Section 29 of the Social Work (Scotland) Act which empowers the Council to pay the expenses incurred by a parent, relative or other person visiting a person looked after by or in the care of the Council or incurred in attending the funeral of a person who was looked after by, in the care of or was receiving assistance from the Council if it appears that the parent or relative or other person would otherwise be caused unnecessary hardship in making the visit and that the circumstances warrant the making of the payment;
- (e) Under Section 62 of the Social Work Scotland Act to approve new registrations of establishments and to grant variations of existing registrations, after inviting comment from the local elected member in cases of new registration or substantial variations;

- (f) After consultation with the Convener and Vice Convener to approve the issue of Notice of Intent to refuse Registrations, impose conditions or to cancel Registrations in terms of Section 63A or Section 64 of the Social Work (Scotland) Act.
- (g) Section 65(1) of the Social Work Scotland Act which empowers or requires the Council, in certain circumstances, to remove any person from certain residential or other establishments;
- (h) Section 68 of the Social Work Scotland Act which requires the Council to make arrangements for periodic visits to persons in the establishments in the Council's area in the interests of the well being of those persons;

CHILD CARE

The Director of Social Work is authorised:

- (i) **Director
Head of Service**

After consultation with the Convener and Vice Convener to authorise payment to foster carers, in terms of Section 26 of the Children (Scotland) Act 1995, of special fostering allowances up to a maximum of double the ordinary allowance, or such other maximum as agreed by Committee, considered necessary to avoid hardship to a family in financing the construction of additional accommodation required to provide for the foster children concerned and subject to the Director of Social Work's reporting to the Committee as soon as possible thereafter the amount of the special allowance so authorised;

- (ii) **Director
Head of Service**

To exercise the powers conferred on the Council by the Curators ad litem and Reporting Officers (Panels)(Scotland) regulations 1984 with regard to the appointment of persons to Panels of Curators ad litem and Reporting Officers for the purposes of Section 58 of the Adoption (Scotland) Act 1978 (safeguarding of children's interests in adoption proceedings);

(iii) **Director**
Head of Service

To authorise payment up to a maximum of £1000 towards the cost of arranging or assisting in arranging holidays or other temporary absences from North Lanarkshire of any child in the care of the Council;

(iv) **Director**
Head of Service
Social Work Services Manager

To carry out the functions of the council in terms of the following sections of the Children (Scotland) Act 1995;

- (a) Section 38(1)(a) which empowers the Council to provide refuge for a relevant period in a residential establishment or a designated household for a child or young person who appears to be at risk of harm and who has made such a request;
- (b) Section 17 which requires the Council, in reaching any decision relating to a child looked after by the local authority, to ensure that the safety and welfare of the child is their paramount concern throughout their childhood and adulthood. That services available for children cared for by their own parents are made use of and that steps are taken to promote contact on a regular basis between the child and any person with parental responsibilities. To provide advice and assistance to prepare the child for when he or she is no longer looked after. To take into account the views of the child, his or her parents, any person who has parental rights and any other person the authority considers to be relevant. The child's religious persuasion, racial origin and cultural and linguistic background must also be taken into account.
- (c) Section 22 which imposes a duty on the council to safeguard and promote the welfare of children in their area who are in need and so far as is consistent with that duty promote the upbringing of such children by their families by providing a range and level of services appropriate to the child's needs;

- (d) Section 23 which places a duty on the Council to ensure that services provided by the Council minimise the effects of disability on any disabled child who is within the authority's area and similarly with any child who is adversely affected by the disability of any other person in his/her family. It also imposes a duty on the council to carry out an assessment on the child to identify his/her needs;
- (e) Section 24 which places a duty on the Council to carry out an assessment on a carer of a child who has disability;
- (f) Section 25 which imposes on the Council a duty to look after and accommodate, in certain circumstances, any child in need within their area;
- (g) Section 26 which imposes on the council a duty to provide accommodation and maintenance for a child who is looked after by boarding him out or maintaining him in a residential establishment;
- (h) Section 29 (1) which imposes on the Council a duty of after care in respect of any child over school leaving age but not yet 19 years of age who was in care or looked after at the time when he ceased to be of school age or any subsequent time but is no longer looked after. This function is exercisable only in accordance with the Notes of Guidance approved by the Council;
- (i) Section 30 which empowers the council to grant financial assistance to persons over school age but under 21 who are now, or have at any time since ceasing to be of school age been, in the care of or looked after by the Council to enable them to meet expenses in connection with their maintenance, education or training, to be exercised in accordance with Notes of Guidance approved by the Council;
- (j) Section 31 which places a duty on the Council to review the cases of looked after children at the recommended statutory intervals;
- (k) Section 32 which empowers the Council to remove any child from a residential establishment;
- (l) Section 36 which places a duty on the Council to consider the welfare of children in hospitals and nursing homes where the child has had no parental contact for 3 months or more;

- (m) Section 53 (1) which places a duty on the Council to make enquiries and provide the Principal Reporter with information where they believe that compulsory measures of supervision may be necessary;
- (n) Section 57 (1)&(2) which empowers the Council to make application to the Sheriff for an order to protect a child where there are reasonable grounds to believe that he/she is neglected or will suffer significant harm or they have reasonable grounds to suspect that a child is suffering or will suffer significant harm;
- (o) Section 71 (1) which requires the council to give effect to a supervision requirement made by a Children's Hearing for its area;
- (p) Section 72 (1) which outlines the responsibility of the Council to transfer a child subject to a supervision requirement in cases of necessity;
- (q) Section 73 which requires the Council to seek review by a Children's Hearing of a supervision requirement in certain circumstances and requires a supervision requirement to be reviewed by a Children's Hearing when the Council so recommends;
- (r) Section 76 which allows the Council to make application to exclude any named person from the child's household where it is believed that the child has suffered or is suffering or is likely to suffer significant harm;
- (s) Section 86(1) which empowers the Council to make application to the Sheriff for a 'Parental Responsibility Order' transferring (but only during such period as the order remains in force) the appropriate parental rights and responsibilities relating to a child to the Council, following consultation with the Panel established by the Council to consider matters relating to the adoption and fostering of children.

(v) **Director**
Head of Services

To carry out the relevant functions of the Council in relation to the adoption of children in terms of the Children (Scotland) Act 1995, the Adoption (Scotland) Act 1978 and the Children's Act 1975;

(vi) **Director**
Head of Service

To carry out the functions of the council in relation to the fostering of children in terms of Section 5 (3) of the Social Work (Scotland) Act 1968;

(vii) **Director**
Head of Service

Following the appointment to the Council of a Foster Panel in terms of paragraphs 4(1) and 5 of the Fostering of Children (Scotland) Regulations 1996, to carry out the remaining functions of the Council as the local authority under the regulations;

(viii) **Director**
Head of Service

Following the appointment to the Council of an Adoption Panel in terms of paragraph 7(1) of the Adoption Agencies (Scotland) Regulations 1996 to carry out the remaining functions of the Council as the local authority under the regulations;

(ix) **Director**
Head of Service

To consider and determine recommendations by the Adoption and Foster Review Panels in reviewing original decisions made in connection with fostering and adoption matters;

**(x) Director
Head of Services**

To consider and determine recommendations by the Adoption Panel for assistance with Legal fees (up to an amount considered reasonable by the Director of Administration) and medical expenses.

COMMUNITY CARE

The Director of Social Work is authorised:-

**(i) Director
Head of Service
Social Work Services Manager
Area Manager**

To carry out the functions of the Council under the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 and subsequent legislation;

**(ii) Director
Head of Service**

- (a)** To appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984;
- (b)** To carry out the functions of the Council under the Mental Health (Scotland) Act 1984;

**(iii) Director
Head of Service**

To provide aids and adaptations for the homes of disabled people up to the value of £20,000 in any one case;

**(iv) Director
Head of Service**

To accept or reject applications for installation of telephones for disabled people based on approved criteria and availability of finance;

(v) **Director**
Head of Service

Regarding contracts with registered providers of residential establishments to approve additional payments in exceptional circumstances where a resident's needs make exceptional demands on the services of the home and a change of dependency category is not appropriate.

ComCare/Op/BMcG/Schemdel

APPENDIX 2**SCHEME OF DELEGATION : SUMMARY OF MAIN CHANGES PROPOSED**

Section		Summary of proposed change	Comment
General	(i)	Raise financial limit for S12 and S22 payments from £500 to £1000 Remove requirement for monthly report to Committee of amounts paid	To take account of inflation since limit was originally set Director of Finance provides regular financial reports on all areas of expenditure to each Committee with level of detail required by Committee
	(ii)	Minor change to refer to such policies and criteria as may be set down by the council in relation the acceptance of gifts such as vehicles	No explicit guidance contained within the Council's financial regulations
	(iii)	Raise limit to approve grants to voluntary organisations from £500 to £1000	To take account of inflation since limit was originally set
	(iv)(f)	New paragraph inserted dealing with conditions/cancellation of registration	In line with procedures approved by Social Work Committee for imposition of conditions/ notice of intention to cancel
Child Care		Major revisions to scheme of delegation proposed, following consultation with Director of Administration and Head of Legal Services	Required by the implementation of the Children (Scotland) Act 1995
	(iii)	Raise limit for authorising payments towards holidays from £250 to £1000	To take account of inflation and current costs
Community Care		Remove specific reference to payments for start up costs for lunch clubs	Covered by delegation of payments to voluntary organisations
	(iii)	Raise limit for authorising aids and adaptations from £10,000 to £20,000	To take account of inflation and current costs