



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Statutory Guidance on the Role and Accountabilities of the Director of Social Services

Issued under Section 7 of the
Local Authority Social Services Act 1970

June 2009

Guidance on the Role and Accountabilities of the Director of Social Services

1. Introduction

1.1 Social Services have a distinct set of characteristics which shape the management needs of the services and their relationships within local government.

There is a clear statutory basis for Local Authority Social Services functions and for the appointment of a Director of Social Services

1.2 Local Authority responsibilities for Social Services were established in the Local Authority Social Services Act 1970, as amended, which lists these functions in Schedule 1. Section 6 requires Authorities to appoint a Director of Social Services. Welsh Assembly Government Guidance on Executive and Alternative Arrangements 2006 sets out 6 core responsibilities of the Director across all the authority's social service functions. The Guidance stresses the importance of ensuring clear accountability arrangements to Councillors and for all staff engaged/employed in delivering Social Services functions, both those who are directly accountable to the Director, as well as those who are not in a direct line management relationship. Delivering on these core responsibilities is necessary for a Council to discharge its Social Services responsibilities.

Achieving the Assembly Government's vision for Social Services will depend on strong, accountable, outward looking leadership

1.3 *Fulfilled Lives, Supportive Communities* set out the vision for Social Services in Wales as core services within local government to promote social inclusion and independence, provide support and protection and to act as corporate champions for the most vulnerable and at risk groups within the area. Ensuring that the accountabilities identified earlier are robustly discharged is critical to ensuring services have the clear management and strong professional leadership required.

1.4 Professional leadership extends the corporate task in managing services (such as managing work, staff, resources and performance) to one of wider engagement. This includes being an authoritative advocate for the social care and social regeneration agenda, supporting the development of evidence based practice and engaging in the wider professional and service networks to contribute and support collaborative development and service delivery. It is important this is not only seen in the projection of Social Services and social care services but also in what the Director can contribute to wider corporate initiatives such as in the promotion of well being.

Social Services are heavily interdependent services both internally and in their external relationships

1.5 Effective Social Services depend on engaging with a wide range of partnerships between elements of the service, with other Council services and with external agencies. It operates through a substantial mixed market of providers. It is

critical that Social Services themselves maintain a coherence that ensures a seamless and safe service for users particularly:

- the safety and welfare of children within a family is always considered in the eligibility for adult services support;
- parents receive assistance from adult services to support them to parent their children as effectively as possible;
- service users with continuing care needs have transitions in life stages managed sensitively to optimise their independence and well-being and realise preventative opportunities; and
- achieving an adequate and skilled workforce which is planned and developed in an integrated way that maximises the strengths and opportunities that interconnected services provide.

The unified leadership of the Director of Social Services in relation to both Children's and Adult's services plays a crucial role in delivering this.

Social Services are intrinsically vulnerable and difficult services to deliver

1.6 This is due to a number of factors:

- the pressured context of changing expectations, social needs and demography increasing demand for services;
- the vulnerability of service users, often compounded by disadvantage and high risk behaviours;
- entry to services is often at a point of crisis;
- the intrusive nature of some elements of the service such as protection, corporate parenting and the need for lifelong or complex care;
- the need to balance care, control and empowerment in a context of managing risk; and
- services often have to work without the active consent of users.

1.7 This requires a unified professional leadership combined with the corporate management of a large scale service operating within and contributing to the wider context of the corporate aims of the Council.

There is a consistent pattern of variability in services

1.8 Although there is a trend of steady improvement and evidence of excellent services across Wales, there is also evidence of the difficulty in achieving and sustaining good performance with a significant gap between the best and worst performing services. Performance management needs to be firmly grounded within the accountable service. Extending the reporting arrangements of the Director of Social Services clarifies and underpins the responsibility and accountability for Social Services within the Council. It provides a stronger framework to support improvement and within which inspection and regulation of services takes place. It

also complements the likely changes to the Wales Programme for Improvement and provides a stronger foundation for Social Services to contribute to corporate arrangements for reporting improvement.

The Purpose of the Guidance

1.9 It is for Councils to determine the management arrangements for services which best meet their needs. The aim of this Guidance is to ensure that these arrangements do enable the accountabilities of the Director of Social Services to be effectively discharged and that the performance management of Social Services is clearly located and identified within the Council. It remains the responsibility of the Council to ensure that all evidence produced by the Director of Social Services (whether it is performance data, contextual data, risk management or advice on the strategic planning of the service) is fully integrated with the Council's processes under the guidance on the Wales Programme for Improvement issued by the Welsh Assembly Government.

1.10 This Guidance is issued under Section 7 of Local Authority Social Services Act 1970. It complements existing documents and guidance and should be read alongside them.

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3. Statutory Requirement to Designate a Director of Social Services

Executive and Alternative Arrangements

3.1 Part II of the Local Government Act 2000 sets out the requirements on each Local Authority for selecting an executive arrangement from a range of executive models and structures, deciding on responsibility for functions, establishing scrutiny systems, and developing and amending its constitution. Within each Local Authority, Social Services functions are the responsibility of the executive, which must ensure that Social Services have the leadership and clarity of direction it needs. Clear accountability arrangements for Social Services must be made to Councillors. The Council's constitution must identify who is responsible for Social Services functions, and how committees will be held to account through overview and scrutiny. It is essential that local people have confidence in their Social Services and those who run them.

3.2 Services for children in need, and for safeguarding children and adults at risk, require a particular commitment from senior officers and elected Councillors in Local Authorities. It is particularly important that the roles and duties of officers and of Councillors in respect of children in need and child and adult protection are given the priority attention they require. Constitutions must provide robust arrangements for the fulfilment of those roles and duties. The constitution should make it clear what roles the individual Councillors, the executive and the overview and scrutiny committees have in dealing with these matters, and how relevant reports will be handled.

Statutory Requirement to Appoint a Director of Social Services

3.3 Under Section 6 of the Local Authority Social Services Act 1970, each Local Authority is required to establish a statutory post of Director of Social Services for the purposes of their Social Services functions. Fulfilled Lives, Supportive Communities¹ confirmed that the Welsh Assembly Government would continue to require every Council to appoint a Director of Social Services with responsibility for ensuring the delivery of the authority's Social Services functions set out in Schedule 1 of the 1970 Act. The Act also requires the authority to secure the provision of adequate staff to assist the Director for the purposes of its Social Services functions.

3.4 Schedule 1 as amended, sets out the Social Services functions of a Local Authority, which takes account of the current statutory position and is attached at Appendix 1.

3.5 The Welsh Assembly Government set out the core of responsibilities for which Directors of Social Services are accountable across all of an authority's Social Services functions in the Guidance on Executive and Alternative Arrangements referred to earlier. These accountabilities which are necessary for the

¹ For further information about Fulfilled Lives Supportive Communities please see: <http://wales.gov.uk/topics/health/publications/socialcare/strategies/fulfilledlives?lang=en>.

effective discharge of these functions were reiterated in 2007 in *Fulfilled Lives, Supportive Communities*, are:

- providing clear professional leadership across Social Services;
- having direct access to and advising the Chief Executive and Councillors on Social Services matters and on the direction and actions the authority should take in fulfilling its Social Services responsibilities;
- ensuring that strong performance management arrangements are in place across Social Services, and reporting at a corporate level and to Councillors on the authority's performance in respect of these;
- ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Councillors on their effectiveness;
- fulfilling overall responsibility for Social Services workforce planning, training and professional development; and
- ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.

3.6 Failure in the discharge of these core responsibilities by the Director of Social Services will almost certainly result in an authority being in default of its statutory duties. This will result in consideration being given by Welsh Ministers exercising their default powers under Section 7D Local Authority Social Services Act 1970, the Children Act 1989 or the Education Act 1992.

3.7 Section 25 of the Children Act 2004 made provision for Children and Young People's Partnerships in which Local Authorities have a duty to lead in driving forward cooperation that puts in place arrangements to improve the well being of children and young people. Section 26 provides for statutory Children and Young People's Plans (CYPP). The CYPP is the key statement of planning intent, embracing the whole range of services for children across local government and other agencies, providing strategic vision, stating the agreed priorities and targets and providing a basis for the joint commissioning of services.

3.8 Section 27 requires Local Authorities to appoint a Lead Director for Children and Young People's Services and a Lead Member, together with their equivalents in NHS bodies. The purpose of the Lead Director for Children and Young People's Services is to co-ordinate and oversee arrangements under Sections 25 and 26. This responsibility is in addition to and independent of any operational responsibility a Lead Director may have for a particular service or group of services and could be attached to any appropriate Director within the top management team.

3.9 The role of the Lead Director does not change arrangements for executive authority or accountability for services. They have 3 key roles:

- promoting partnership in planning across the authority and its partners, enabling co-operative joint working to take place and ensuring the preparation of the Children and Young People's Plan;
- providing leadership to ensure partnership planning is effective, given a high profile and that partnerships have clear governance arrangements in place which are reviewed regularly; They are also responsible for ensuring the NSF for Children, Young People and Maternity Services² Self Assessment Audit is completed regularly; and
- ensuring that the Local Authority implements the UN Convention on the Rights of the Child and that children, young people and families are engaged in the preparation and review of CYPPs.

See also Stronger Partnerships for Better Outcomes³, WAG Circular 35/2006, paragraphs 9.1- 9.10. All those in Local Authorities with lead responsibilities under this guidance are required to promote co-operation to improve the well being of children and young people and ensure the production of Children and Young People's Plans across all Local Authority services and local partners.

3.10 Similar provision in the Health Social Care and Well Being Strategies Wales Regulations 2003 amended in 2007 required Local Authorities and health bodies to work in partnership to produce comprehensive 3 year strategic plans which drew on CYPPs in relation to children.

3.11 Other sections of the Children Act 2004 identified the duties on a range of bodies to safeguard and promote the welfare of children, and the requirements on Local Authorities to establish, and other agencies to participate in, Local Safeguarding Children Boards.

3.12 In Safe Hands⁴, Guidance issued in 2000 under Section 7 Local Authority Social Services Act 1970, set out adult protection procedures for vulnerable adults. It required Social Services to take the lead in coordinating development of local interagency policies and commended the establishment of Adult Protection Committees and wider area Forums. The proposed Children and Families (Wales) Measure⁵ will, when enacted, further extend the Director's statutory responsibilities in relation to the establishment and operation of Integrated Family Support Teams.

² For further information about the NSF for Children, Young People and Maternity Services, please see: <http://www.wales.nhs.uk/sites3/home.cfm?OrgID=441>.

³ For further information about Stronger Partnerships for Better Outcomes, please see: <http://wales.gov.uk/publications/circular/circulars2006/1552968/?lang=en>.

⁴ For further information about In Safe Hands, please see: <http://new.wales.gov.uk/topics/health/publications/socialcare/reports/insafehands?lang=en>.

⁵ For further information on the proposed Children and Families (Wales) Measure, please see <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-cf.htm>.

3.13 In setting out the new arrangements for children's services introduced by the Children Act 2004, the Welsh Assembly Government reiterated the requirement for all Local Authorities to have Directors of Social Services to oversee the discharge of the authorities' Social Services functions. It placed the role of the statutory Director firmly in the context of the need for Local Authorities to have clear managerial arrangements and strong professional leadership for Social Services, and clear accountability, both in terms of decision-taking and scrutiny, for Social Services functions. A later section of this Guidance includes consideration of the implications for the reciprocal relationships between the Director of Social Services, the Lead Director for Children and Young People's Services and other Chief Officers and Heads of Services.

Statutory Framework for Improvement

3.14 Welsh Assembly Government has legislated to reform the Wales Programme for Improvement and strengthen community planning. This replaces the "best value" duty with a duty to secure improvement more broadly, requiring Local Authorities to account publicly each year for levels of performance and risk and to plan for future improvement. It places a duty on local partners to participate in developing the Community Strategy and further strengthens the statutory framework within which the Director of Social Services needs to operate.

4. Accountability within the Council

Executive structures and delegations

4.1 Under Section 37 of the Local Government Act 2000, each Authority is required to prepare and publicise a constitution including proposals for the discharge of functions. The Local Government Act 2000 (Local Authority Constitution) (Wales) Direction 2001 set out what the Council's constitution must include and within this was the allocation of responsibilities for the exercise of its Social Services functions, and in particular, for looked after children.

The Guidance for County and County Borough Councils in Wales on Executive and Alternative Arrangements 2006 stresses the need for a Council's constitution and the scheme of delegation within the executive to make clear who is responsible for the full range of the authority's Social Services functions.

4.2 Under the Guidance, Local Authorities can choose from a range of Executive structures. Within each model, there is scope for a wide variety of patterns of delegation by the Executive to individual Lead Members, Committees and officers. Among the reasons for delegating functions to officers, the Guidance (Para 3.44) advises that operational and management decisions, and decisions in respect of functions which require professional officer skills, should be delegated to ensure that the decision is fair and therefore lawful. "In Social Services ... there is also a need to exercise professional judgement in dealing with personal and confidential matters, which should be delegated to officers in keeping with the overall policies of the council".

4.3 The range of choices available to authorities will produce variations in structures and patterns of delegation. Each authority's constitution must set out clearly how Social Services accountabilities are arranged between the Executive, any designated Lead Members, the statutory Director of Social Services, the Head of Paid Service, Lead Director for Children and Young People's Services, and scrutiny committees.

Director of Social Services

4.4 Directors of Social Services should have a sufficient level of seniority, with direct access to the Head of Paid Service and to Councillors. This level of seniority is necessary for the discharge of the Director's responsibilities for the authority's Social Services functions, for delivery of the new accountabilities for performance and improvement, for effective working relationships with other Chief Officers, Lead Directors and senior management in allied agencies like the NHS, and for the diverse range of responsibilities to Councillors. The Director reports directly to the Head of Paid Service and must be a member of the top management team.

4.5 The full Council is responsible for agreeing the Council's policies and budget, and for approving specified statutory plans. The role of the Executive, in providing strategic leadership and direction to the Council, is set out in the Guidance for County and County Borough Councils in Wales on Executive and Alternative

Arrangements 2006. Overview and scrutiny committees hold the executive to account for its performance against agreed standards, policies and targets, assist in improving and developing the Council's policies, and examine the systems the executive has put in place to deliver its functions. The Director of Social Services has responsibilities to Councillors in all these capacities.

4.6 Proper accountability arrangements must be in place for all Social Services staff, whether they are directly accountable to the Director or in a line management relationship to another Chief Officer. The Director has a pivotal role in securing accountability. They might not directly manage services in a variety of situations, for example where services are commissioned externally or through partnership with other agencies or other departments of the Council. Where activities and functions are shared, effective arrangements must be in place to enable the Director to manage information about the performance of all Social Services functions.

4.7 To ensure clarity, where services are managed separately within the Council these arrangements should be set out in a written framework document or where external agencies are involved, form part of the contractual agreement.

Accountabilities of the Director

4.8 There is a need for clarity about roles and relationships, and their implications for governance, in each area of the Director of Social Services' accountabilities. In discharging the accountabilities set out below, the Director will need to work collaboratively with a range of people but especially Councillors, other Chief Officers (especially the Lead Director for Children and Young People's Services, Director for Integrated Children's Services and the Director of Adult Services, if these posts are held separately), senior staff in partner agencies, service users and their families, and staff within the Social Services, particularly Heads of Service whether in direct line management or not. Where social service functions are managed separately mutual accountabilities at least for senior staff should be part of the framework document referred to in 4.7.

Clear Professional Leadership

4.8.1 The Director will:

- create a strong professional culture and communicate a clear vision for the direction of Social Services development;
- instil and gain commitment to high standards and continuous improvement;
- ensure adherence to the Codes of Practice for staff and employers published by the Care Council for Wales;
- represent values, principles and quality of practice to Councillors, staff, other agencies and the public;
- ensure effective arrangements are in place to safeguard practice standards and the operational independence of staff with direct responsibility for this;

- establish leadership and learning cultures at all levels in Social Services;
- perform a wider leadership role in respect of local social care services provided by the private and Third sectors;
- communicate with and listen to people using the authority's services and their organisations;
- act as the principal point of contact with Welsh Assembly Government policy and professional leads, the service and workforce regulators, audit and inspection bodies;
- ensure an effective contribution to the Health Social Care and Wellbeing Strategies for all groups and Children and Young People's Plans in relation to children in need and their families and to work in partnership to support the role of the Lead Director where this is held separately;
- engage in the wider service networks e.g; those established through WLGA, ADSS Cymru, ADEW and SSIA to promote collaborative learning and development; and
- maintain his or her own professional standards and continuing development.

Advice to Head of Paid Service and Councillors on Strategic Direction and Social Services Responsibilities

4.8.2 The Director will:

- ensure the Head of Paid Service, Executive and Councillors have access to the best, up-to-date professional advice and information on all Social Services matters;
- assure the Head of Paid Service and Councillors that statutory functions laid on the authority have been carried out, and that proper management information and accurate records are being kept;
- identify and advise Councillors on priorities, challenges and risks across all aspects of Social Services, including circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities and corporate action may be needed;
- brief the Head of Paid Service and Councillors on high-profile cases and other matters likely to cause public concern;
- ensure the authority's arrangements for strategic needs assessment and commissioning fully identify and prioritise the needs of children, young people, adults including older people and carers, and advise Councillors on the implications;
- advise Councillors on strategies for improving methods of intervention, service provision, practice, and use of resources;
- provide scrutiny committees with the professional advice and information necessary to fulfil their responsibilities; and
- raise standards in social work practice in light of relevant research evidence.

Strong Performance Management and Improvement Arrangements and Reporting

4.8.3 Within the framework for performance and improvement, the Director will:

- promote a culture of active performance management including optimising value from investment in all areas of Social Services;
- ensure process and outcome standards are clearly defined, with input from people using services, staff and other agencies in the statutory, private and Third sectors;
- supervise the introduction and maintenance of effective systems for managing performance, monitoring outcomes, achievements and shortfalls, and taking corrective action as required;
- present to Council, publish and report on an annual statement of plans for performance and improvement;
- ensure audit, inspection and other external reports on performance are considered and action taken accordingly;
- seek to identify areas where performance can be jointly reviewed and collaborative approaches to improvement taken; and
- raise standards in social work practice in light of relevant research evidence.

Sound Child and Adult Safeguarding Arrangements and Reporting

4.8.4 The Director will:

- oversee and report to Councillors on the operation, monitoring and improvement of child and adult protection and safeguarding systems;
- ensure the effective operation of the Local Safeguarding Children Board and Adult Protection Committee and especially that lessons are learned from serious case reviews and applied as necessary by all agencies, acknowledging that the effectiveness of arrangements depends upon the quality of each agency's contribution;
- ensure the application of emerging evidence to inform Social Services and inter-agency work on early intervention and prevention;
- raise the profile, support the policy and ensure adherence in practice to the extant guidance on adult protection;
- ensure all staff in children's and adults' Social Services, and in other agencies, understand and operate high standards of risk recognition and safeguarding practice;
- raise standards in social work practice through training, professional supervision and other opportunities for learning and reflection, so that staff involved in safeguarding work are properly supported; and
- promote greater public awareness of child and adult protection matters and adapt social work practice in light of relevant research.

4.8.5 Whilst all staff have a responsibility to safeguard and promote the welfare of children, the Director of Social Services remains the senior officer within the Council with final and indivisible accountability for this. In relation to vulnerable adults the statutory basis for this responsibility is less clear cut and firm than with children. However, the responsibility for taking the lead in ensuring effective local procedures rests with Social Services for which the Director is accountable.

Workforce Planning and Professional Development

4.8.6 Working with staff and managers, other partners within the Council and with service providers, education and training bodies and regulators, the Director will provide leadership to:

- ensure that arrangements are in place to develop and set out the strategic direction for the workforce in the local social care sector flowing from the Council's policies and strategic needs assessment;
- ensure that a whole sector workforce plan is in place and delivered which identifies and secures implementation of measures to ensure a sufficiently large, skilled, safe and focused workforce to meet assessed needs, addressing issues of recruitment and retention, vetting, registration, reward, competences, qualifications, skill-mix, training needs and support requirements, and advising Councillors, partners and other providers where shortfalls produce shortcomings in service delivery or inhibit the Council's capacity to discharge its statutory responsibilities;
- ensure that the Council's overarching personnel policies reflect the particular requirements for a safe workforce and take full account of the requirements that flow from the employment of a regulated workforce and registered individuals;
- ensure that partnership arrangements are in place with Higher Education Institutions for the delivery of qualifying and post qualifying training for social workers and have in place a strategic plan which secures a sufficient supply of qualified social workers and include arrangements for providing practice learning opportunities;
- co-ordinate work with education and training providers to ensure they are equipped to deliver relevant, evidence-based programmes fitting staff, foster-carers and volunteers for current and future expectations; and
- promote cultures of continuous learning and evidence based practice at agency, team and individual level and effective access to knowledge organisations and sources and adapt social work practice in light of relevant research.

Partnership Working within and outside the Local Authority

4.8.7 The Director will:

- lead the development of an environment of inter-agency trust and commitment to joint working, and identify and work to remove barriers to cooperation;
- encourage bridge-building between Social Services and other departments and agencies, to develop understanding of their drivers, cultures and priorities, and identify scope for joint working at strategic, operational, team and project level;
- ensure that conditions are created for effective interagency working at all levels in key areas such as child and adult protection and in the alignment of strategic directions;
- promote development of protocols of practice within services to assist understanding of eligibility criteria;
- ensure, with advice from children and adults using services from a range of agencies, their families and carers, that problems of inter-agency coordination and gaps between services are identified and tackled, and opportunities maximised for improved joint working to the benefit of people using services;
- identify scope for pooling resources and use of the NHS Wales Act 2006 Flexibilities to deliver greater effectiveness and efficiency, and promote development of joint initiatives to derive identified benefits; and
- contribute to the implementation of local and Assembly Government policies and initiatives designed to secure improvements in partnership working.

Governance, Strategic Direction and Operational Management

4.8.8 In defining roles and accountabilities in these various spheres of the Director's responsibilities, authorities should distinguish clearly between governance, strategic direction and operational management responsibilities:

- at the level of governance, involving particularly the Council and Executive, the Head of Paid Service, the Director of Social Services and other Chief Officers, the focus is on political leadership and accountability, policy-making and budget-setting. The Director's role includes advising and where necessary commenting on reports to the Executive and the Council, from whatever source, which raise issues of professional concern, risk or reputation. The scrutiny committees have a key role in holding the Executive to account;
- at the level of strategic direction, the Director of Social Services reports to the Head of Paid Service and the Lead Member(s) for the way the Council's political, policy and budgetary decisions are translated into managerial, professional and service strategies, and decision-making on priorities in resource-use. Scrutiny committees again play a key role in

examining the effectiveness of systems for policy implementation, performance management, and budget allocation and control; and

- at the level of operational management, the Director of Social Services must have reliable systems and flows of information to monitor, influence, challenge and be accountable to Councillors for performance, quality, risk and opportunity across the full range of children's and adults' commissioning, service provision and practice. If services and staff do not come under the direct line management of the Director of Social Services, it is all the more important that reporting and accountability arrangements are clearly laid down and understood on both sides.

5. Reciprocal Relationships

Relationship between Director of Social Services and Head of Paid Service

5.1 The Head of Paid Service is:

- responsible for leading an organisation with the capability for successful delivery and to secure continuous improvement
- accountable to the Council and to the public for the execution of all Council services;
- responsible for the management and leadership of all Directors and Chief Officers, and for creating the conditions in which others can perform, innovate and provide leadership within their service;
- accountable as Head of Paid Service for the advice to Councillors about the allocation of resources; and
- accountable for ensuring (often through Chief Officers) that systems of management and monitoring are in place to keep them and the political leadership fully informed on all aspects of Council performance.

5.2 The Director of Social Services is a statutory appointment and a full member of the top management team under the leadership of the Head of Paid Service. The Head of Paid Service does not appoint statutory officers, but is likely to have a role in this process. The statutory Director of Social Services is accountable to the Head of Paid Service and, through them, to the Council. This relationship is structured through the management team, through the budgetary process and through performance monitoring and management. This is the same for all Directors. Directors' powers are exercised corporately through the Council, not on a unilateral basis to governmental departments or agencies.

5.3 The regularity and quality of meeting time between Head of Paid Service and the Director of Social Services is a crucial element in the relationship of accountability. In order to ensure the necessary corporate profile for Social Services, the Head of Paid Service should be fully and regularly briefed by their Director of Social Services and vice versa. The Head of Paid Service should also take time to share information and thinking about new developments with Directors. This two-way briefing should include immediate "hot" issues; operational, performance and financial information, horizon scanning and strategic planning. These regular formal meetings will be in addition to what may be far more frequent informal check-ups and dialogue.

5.4 The Director of Social Services retains final and indivisible accountability for the quality and delivery of social care services whether these are directly provided or commissioned. They bear an obligation to keep their Head of Paid Service informed and involved, including reporting of Inspectorate and Audit reports. Following the recommendations of the Laming Report, Heads of Paid Service have a responsibility to inform and involve themselves as part of the overall leadership and management of the Council. In addition there is a responsibility for the Director of Social Services, with others in the top management team, for policy, strategy and finance across the whole range of Council services.

5.5 While these roles cohere for the most part, there can be inherent tensions, for example in the annual budget setting deliberations. As a member of the top management team, the Director may be required to find a significant level of savings, and at the same time to ensure sufficient resources to meet statutory responsibilities. The Head of Paid Service and the top management team have a joint responsibility to ensure that Councillors have clear advice on the level of resources required to meet those responsibilities. Where it is not possible for this to be resolved within the top management team, it is important that the advice of the Director of Social Services is made explicitly available to Councillors, together with the view of the Head of Paid Service. In these circumstances the Director of Social Services has the responsibility to ensure that the advice given is based on evidence of statutory duty and service quality and capacity in relation to resources. Portfolio holders for Social Services functions have key responsibilities in representing those issues within the Executive and achieving resolution.

5.6 There are areas where the roles of the Head of Paid Service and the Director of Social Services are rightly separate and others where they have distinct and complementary accountabilities. What is essential is that they are transparent and understood. Three specific areas where both will have an interest are the volume of resources, the quality of services, and the effectiveness of inter-agency relationships. For example, the Director of Social Services will be responsible for ensuring the quality of services for supporting and protecting children. The Head of Paid Service will also be responsible more generally for ensuring that the services provided to local people meet their needs, that sound arrangements are in place and that all services are being delivered effectively.

5.7 The Head of Paid Service must be able to detect and ensure correction of any systemic and ongoing breakdown in the standards and quality of the services delivered and, with elected Councillors must ensure an appropriate level of priority and resources are afforded to these services. The Annual Report, particularly the detailed analysis behind it, should be of a standard to assist in this. Both Heads of Paid Service and Directors have a risk management function as part of their role. Heads of Paid Service and Councillors need to be advised of, alert to and respond to appropriately presented and assessed risk management information from Directors of Social Services. This must be taken into account in setting budgets.

Relationship between Director of Social Services and Lead Director for Children and Young People's Services where these posts are held separately

5.8 The statutory basis for the Lead Director for Children and Young People's Services, and Children and Young People's Partnerships and Plans are set out earlier in Paragraphs 3.7 and 3.8.

5.9 The primary responsibility exercised by the Lead Director is to promote co-operation to improve the well being of children and young people and for production of the CYPP. This responsibility is in addition to and independent of any additional responsibility a Lead Director may have for particular services. These arrangements therefore do not affect statutory responsibility for service delivery, and the obligation on Local Authorities to have a Chief Education Officer and a Director of Social Services remains.

5.10 The Director of Social Services has a role to ensure an effective contribution to the CYPP in relation to children in need and their families and to work in partnership to support the role of the Lead Director.

Arrangements where the Lead Director also manages an Integrated Children's Service including Children's Personal Social Services

5.11 In order to ensure an integrated response to the Social Services and learning needs of children, some Councils locate child and family Social Services in an Integrated Children's Services Directorate, with that Director also taking the role of Lead Director.

5.12 The Director of Social Services retains a statutory overview of the full range of personal Social Services activities within the Authority, including statistical, financial and other relevant information and, in particular, is accountable for the quality of services provided to fulfil the authority's Social Services functions. The Director of Social Services is accountable for the preparation and/or content as well as for the implementation of all strategic plans relating to the full range of personal Social Services. Where such plans relate to children and young people and there is a Lead Director with integrated services responsibilities, they will be developed by the latter, having due regard to the statutory responsibilities of the Director of Social Services.

5.13 In order for the Director of Social Services to discharge their accountabilities effectively, regular and formal reporting arrangements are needed with the Lead Director with integrated children's services responsibilities. These must be sufficient to satisfy the Director of Social Services of the safe and effective operation of these services and to enable the Director to inform the Council accordingly in the annual report referred to later. In addition, the Director of Social Services must be available to the Director of Integrated Services, as is necessary and practical, to support them in their role by providing advice on particular service issues, keeping them properly informed of relevant practice and workforce issues (including, for example, the dissemination of Circulars) and to ensure the coherence of services.

5.14 Both have a reciprocal responsibility to liaise regularly and formally in accordance with agreed arrangements. Close liaison should also be maintained with the Cabinet Members for Children's Services. The effectiveness of these arrangements should be reviewed by the Head of Paid Service from time to time, revising them as necessary, and reported on a regular basis to the, Executive Board and Cabinet/Council.

Relationships between Director of Social Services and Heads of Services for Adults and for Children and Families

5.15 Where operational management of any part of Social Services is outside the direct line management of the Director of Social Services, there should still be regular liaison between the Director of Social Services and that Head of Service and a written framework document should set out clearly responsibilities and lines of accountability that the Council has put in place to ensure all aspects of Social Services can be safely managed.

6. Reporting Performance, Improvement and Scrutiny

General responsibility

6.1 The Local Government (Wales) Measure 2009⁶ replaces the “best value” duty with a duty to secure improvement more broadly. The Measure gives Welsh Ministers the power to issue statutory guidance to Local Authorities on how they should discharge their general improvement duty (i.e. to make arrangements to secure continuous improvement in the way their functions are exercised, having particular regard to strategic effectiveness, service quality, service availability, fairness, sustainability, efficiency and innovation).

6.2 The Wales Programme for Improvement (WPI): Guidance for Local Authorities will be revised for April 2010 to reflect this latest legislation. The new statutory regime better integrates long-term strategic planning and shorter-term service improvement. The Director of Social Services plays a key role in this regime, and should be able to provide each component with reliable information as well as sound professional advice on all aspects of the Council’s Social Services functions.

6.3 Until April 2010 the Wales Programme for Improvement (WPI): Guidance for Local Authorities 2005 remains in force and the Director of Social Services should continue to ensure each element of that regime has access to the required information and professional advice.

6.4 Full and effective use of evidence to drive improvement is integral to the WPI. This includes, but is not limited to, the use of performance indicators. The Director of Social Services has responsibilities for ensuring the accuracy and reliability of evidence supplied, and for advising the Council on its interpretation.

6.5 Improvement Plans are a requirement of the WPI and are a key mechanism for engaging citizens in information about the performance of services provided by their Local Authority. The Director can assist the Council in ensuring that children, adults and families receiving Social Services, including those from seldom-heard groups, receive and can respond to information on the Council’s Social Services performance.

6.6 Where concerns exist about the performance of Councils, the Welsh Assembly Government and the Welsh Local Government Association are committed to the implementation of the “Protocol On The Provision Of Local Government Support, The Undertaking Of Intervention And The Exercise Of Powers Of Direction Under The Local Government Act 1999”. This protocol, which will be revised for 2010 to reflect the latest legislation, is centred around five key principles:

- Principle 1: Areas of actual or potential weakness should be known in advance of any moves towards support or intervention.
- Principle 2: No automatic ladder or ratchet of Intervention.

⁶ For more information on the Local Government (Wales) Measure 2009 see: <http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/business-legislation-measures-lg.htm>.

- Principle 3: Local Authorities are responsible for improving their own performance, including remedying any shortcomings.
- Principle 4: A programme for support and/or intervention activity should be established in consultation with the authority and national organisations along with clear start and exit mechanisms.
- Principle 5: There should be 360° Feedback.

Requirement to Report Annually

6.7 The Local Government (Wales) Measure 2009 introduces more flexible arrangements for Councils to report improvement. It is important that there is a sound foundation for reporting performance in Social Services which can inform the corporate arrangements. This must be grounded more clearly within the authority.

6.8 The Director of Social Services must report annually to their Council on the delivery, performance and risk as well as plans for improvement of the whole range of Social Services functions. The report will have an important role in the development of the Council's overarching Improvement Plan (WPI). The report and the underpinning evidence will inform the development of the CSSIW work programme for the authority including the overarching authority wide regulatory plan. It will be important that the report and underpinning evidence is shared at appropriate points in the cycle with CSSIW.

6.9 The format for the report will be a matter for each Council but it must:

- be published as soon as possible after the end of the financial year to which it refers; and
- report performance and risk and set out plans for improvement in relation to:

GETTING HELP

Access to services
Assessment
Care Management and review

SHAPING SERVICES

Planning and partnerships
Commissioning and contracting
Resources

THE SERVICES PROVIDED

Range of services provided
Quality of services provided

DELIVERING SOCIAL SERVICES

Workforce
Performance management

THE EFFECT ON PEOPLE'S LIVES

Protecting vulnerable people
Promoting independence and social inclusion

PROVIDING DIRECTION

Leadership and culture
Corporate and political support and scrutiny

- take into account the views of service users and their families as well as other key stakeholders;

- report the full set of social care (adults) and social care (children) performance information (including performance indicators) that is integral to the WPI; and
- take account of all Inspection, Review and Regulatory work undertaken;
- include reference to all client groups.

6.10 The process by which this report is generated within each Council will be critical. The Director of Social Services will oversee all stages of the process, briefing the Lead Member(s) and other Councillors, the Head of Paid Service and other Chief Officers about any aspects causing concern. The process must build on the Council's corporate and service performance and data systems, and be built on valid, robust and reliable information including national performance indicators. It must be owned by those in the service, so that they "recognise the picture" presented, and by the Council as a whole as a key lever for improvement. It must generate the core set of information needed by inspectors and regulators to deliver inspection regulation and review.

6.11 To ensure the rigour, quality and reliability of these processes and the information flows supporting them, the Director must be in a position to secure the necessary cooperation, information supply and commitments to action from any parts of Social Services provision not reporting directly to him or her. This is particularly important in relation to inspection and in regulation of services where the Director is the designated responsible person and may also be the Responsible Individual for directly provided services. It is also important external providers and partner agencies contribute their view of the quality of partnership working.

6.12 It is vital that the Council and its citizens, as well as inspectors and regulators, can rely on the Report as a full and true picture of Social Services in its area. That will require transparency and frankness on the part of its authors. Good quality data and intelligence will be vital and strong links with the Local Government Data Unit will be essential to ensure that opportunities for the full utilisation of performance and intelligence are exploited. There will also need to be robust challenge built into its development and this is likely to include:

- auditing of data accuracy;
- "clubs" of like Councils to examine comparative data;
- peer review; and
- Overview and Scrutiny Committees' attention and advice to the Executive, especially focussed on the adequacy of plans to address the issues identified.

6.13 Directors of Social Services should ensure Councils adopt a robust and transparent approach to the production and quality assurance processes of their data, in the interests of their citizens.

Engagement with Scrutiny Processes

6.14 Overview and scrutiny committees are an essential and integral part of executive arrangements. Under Section 21 of the Local Government Act 2000 and the Guidance on Executive and Alternative Arrangements, they are given wide-ranging powers of review and scrutiny and the ability to make reports and recommendations on any matters relevant to the area and its inhabitants.

6.15 Directors of Social Services may have to perform different roles in relation to their Council's overview and scrutiny functions, and may occasionally need to manage tensions between these roles. As chief professional adviser to the Council on Social Services matters, the Director will advise the scrutiny committees directly involved in children's and adults' Social Services matters, and possibly others with a relevant interest in Social Services matters. The committees will examine services for which the Director has providing, commissioning or coordinating responsibilities, and may be critical of aspects of performance, provision and shortfalls. The Director will have relevant knowledge and networks to support the committees' work in seeking views from citizens, groups and organisations in the wider community, some of whom may differ from the Council in their views on priorities, resource levels and criteria for allocation.

7. Recommended Competences for Appointment as Director of Social Services

In order to fulfil the accountabilities set out earlier in this guidance, the Director of Social Services should demonstrate a range of attributes that Councils should have regard to. These are set out below.

Competency

Knowledge:

- knowledge of the legislative and structural context of Social Services and social care services in Wales;
- understanding and experience of working in publically accountable national and local political contexts, answerable to Councillors;
- substantial experience and sound judgement in the management of social services or social care services particularly including areas of safeguarding;
- good knowledge of the operational environment of private and Third sector organisations; and
- knowledge and experience in workforce planning and development with a good understanding of the importance of an effective workforce in all sectors.

Competency

Skills:

- strong professional leadership capabilities, able to achieve change and improvement through influence, persuasion and effective communication;
- able to uphold public trust and confidence in social care services;
- able to give Councillors and fellow Chief Officers confidence in his/her capacity to carry delegated responsibilities;
- able to hold people and services to account through information flows and systems, reporting lines and professional and management audit methods;
- able to maintain the commitment of staff and managers at all levels to high standards and good practice;
- able to work effectively within local and national government frameworks;
- effective management of people, work and resources;
- effective at strategic needs assessment and planning in collaboration with other agencies; and

- effective at partnership working, contributing to the shared vision, common purpose and development of collaborative solutions that underpin cooperation in planning and delivery of services.

Competency

Behaviour:

- committed to implementation of human, civil and children's rights and user responsive practice;
- promotes participation and inclusion through open, accessible and transparent styles of working;
- demonstrates imagination, vision, creativity and innovation with an outward looking approach to learning and development;
- committed to continuous development at all levels and across all sectors; and
- demonstrates a critically reflective approach to their own practice and development.

Appendix 1

Local Authority Social Services Act 1970 Schedule 1

Social Services Functions

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Children and Young Persons Act 1933		
Part III	Protection of the young in relation to criminal and summary proceedings; children appearing before court as in need of care, protection or control; committal of children to approved school or care of fit person, etc	Still in force
Part IV	Remand homes, approved schools and children in care of fit persons	Still in force
National Assistance Act 1948		
Sections 21 to 27	Provision of residential accommodation for the aged, infirm, needy, etc	s.21, 23, 24 & 26 still in force s.22 in force but to be Repealed s.25 & 27 Repealed
Sections 29 and 30	Welfare of persons who are blind, deaf, dumb or otherwise handicapped or are suffering from mental disorder; use of voluntary organisations for administration of welfare schemes	Still in force
Sections 43 to 45	Recovery of costs of providing certain services	s.43 and 45 in force s.44 Repealed
Section 48	Temporary protection of property belonging to persons in hospital or accommodation provided under Part III of the Act, etc	Still in force

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Section 49	Defraying expenses of Local Authority officer applying for appointment as deputy for certain patients	Still in force
Section 56(3) except so far as it relates to an offence under section 47(11)	Prosecution of offences	Still in force
Disabled Persons (Employment) Act 1958		
Section 3	Provision of facilities for enabling disabled persons to be employed or work under special conditions	Still in force
Mental Health Act 1959		
Section 8	Welfare and accommodation of mentally disordered persons	In force but to be repealed
Mental Health (Scotland) Act 1984		
Section 10	Welfare of certain person while in hospital in Scotland	Still in force
Health Visiting and Social Work (Training) Act 1962		
Section 5(1)(b)	Research into matters relating to Local Authority welfare services	Act repealed
Section 5(1)(c)	Research into matters relating to functions of Local Authorities	Act repealed
Children and Young Persons Act 1963		
Part I	Powers relating to young persons in need of care, protection or control; further provisions for protection of the young in relation to criminal proceedings	Sections dealing with Social Services functions repealed
Health Services and Public Health Act 1968		
Section 45	Promotion of welfare of old people	Still in force

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Section 65	Financial and other assistance to voluntary organisations	Still in force
Social Work (Scotland) Act 1968		
Sections 75(2) and 76(4)	Reference for consideration, etc. of case of child in care whose parent moves to Scotland and transfer of child	s.75 & 76 repealed
Children and Young Persons Act 1969		
The whole Act except section 9 in so far as they assign functions to a Local Authority in their capacity of a local education authority	Care and other treatment of children and young persons through court proceedings;	Some sections (s.9, for example) dealing with Social Services functions still in force
Chronically Sick and Disabled Persons Act 1970		
Section 1	Obtaining information as to need for and publishing information as to existence of, certain welfare services	Still in force
Section 2	Provision of certain welfare services	Still in force
Section 18	Provision of certain information required by Secretary of State	In force but to be repealed
Local Authority Social Services Act		
Section 6	Appointment of Director of Social Services in Wales	s.6 still in force
Section 7B	Provision and conduct of complaints procedure	s.7B in force but to be repealed
Adoption Act 1976		
	Functions continuing to be exercisable by virtue of any transitional or saving provision made by or under the Adoption and Children Act 2002	Sections dealing with Social Services functions repealed

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Children Act 1975		
Part II	Application by Local Authority for revocation of custodianship order; inquiries carried out by Local Authority in custodianship cases	Repealed
Supplementary Benefits Act 1976		
Schedule 5	Provision and maintenance of [resettlement units] for persons without a settled way of living	Repealed
National Health Service Act 1977		
Schedule 8	Care of Mothers and young children; prevention, care and after-care; home help and laundry facilities	Still in force but now contained in Schedule 15 of the National Health Service (Wales) Act 2006
Residential Homes Act 1980		
Sections 1 to 7	Registration of disabled or old persons' homes and residential homes for mentally disordered persons	Repealed
Mental Health Act 1983		
Parts II, III and VI	Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering	Still in force
Sections 66, 67, 69(1)	Exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals	Still in force
Section 114	Appointment of approved social workers	Still in force

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Section 115	Entry and inspection	Still in force
Section 116	Welfare of certain hospital patients	Still in force
Section 117	After-care of detained patients	Still in force
Section 130	Prosecutions	Still in force

Health and Social Services and Social Security Adjudications Act 1983

Section 17, so far as relating to services provided under the enactments mentioned in subsection (2)(a) to (c)	Charges for Local Authority welfare services	Still in force
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Public Health (Control of Disease) Act 1984

Section 46(2) and (5)	Burial or cremation of person dying in accommodation provided under Part III of the National Assistance Act 1948, and recovery of expenses from his estate	Still in force
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Housing Act 1996 Section 213(1)(b)

Co-operation in relation to homeless persons and persons threatened with homelessness	Still in force
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Disabled Persons (Services, Consultation and Representation) Act 1986

Sections 1 to 5, 7 and 8 except in so far as they assign functions to a Local Authority in their capacity as a local education authority	Representation and assessment of disabled persons	Still in force
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ENACTMENT	NATURE OF FUNCTIONS	NOTES
Housing (Scotland) Act 1987		
Section 38(b)	Co-operation in relation to homeless persons and persons threatened with homelessness	Still in force
Children Act 1989		
The whole Act, in so far as it confers functions on a Local Authority within the meaning of that Act	<p>Welfare reports</p> <p>Consent to application for residence order in respect of child in care</p> <p>Functions relating to special guardianship orders</p> <p>Family assistance orders</p> <p>Functions under Part III of the Act (Local Authority support for children and families)</p> <p>Protection of children</p> <p>Functions in relation to community homes, voluntary homes and voluntary organisations, private children's homes, private arrangements for fostering children, child minding and day care for young children</p> <p>Inspection of children's homes on behalf of Secretary of State</p> <p>Research and returns of information</p> <p>Functions in relation to children accommodated by Local Health Boards, Primary Care Trusts, National Health Service trusts and local education authorities or care homes, independent hospitals or schools</p>	Still in force
National Health Service and Community Care Act 1990		
Section 46	Preparation of plans for community care services	Still in force
Section 47	Assessment of needs for community care services	Still in force

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Education Act 1996		
Section 322	Help for local education authority in exercising functions under Part III of the Act	Still in force
Carers (Recognition and Services) Act 1995		
Section 1	Assessment of ability of carers to provide care	Still in force
Community Care (Direct Payments) Act 1996		
	Functions in connection with the making of payments to persons in respect of their securing the provision of community care services or services under the Carers and Disabled Children Act 2000	Repealed by the Health and Social Care Act 2001 but repeal not yet in force
Adoption (Intercountry Aspects) Act 1999		
Sections 1 and 2(4)	Functions under regulations made under section 1 giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29 May 1993 and functions under Article 9(a) to (c) of the Convention	Still in force
Carers and Disabled Children Act 2000		
The whole Act, in so far as it confers functions on a Local Authority within the meaning of that Act	Assessment of carers' needs Provision of services to carers Provision of vouchers	Still in force

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Health and Social Care Act 2001		
Part 4 in so far as it confers functions on a Local Authority in England or Wales within the meaning of that Part	Functions in relation to the provision of residential accommodation Making of direct payments to person in respect of his securing provision of community care services or services to carers	Part 4 is in force, apart from section 56 which is in force in so far as conferring any power to make an order or regulations which is exercisable by the Secretary of State, not in force otherwise s.56 deals with regulations that may make provision for a LA to make arrangements for residential accommodation in Scotland, N. Ireland, Channel islands or Isle of Man
Adoption and Children Act 2002		
	Maintenance of Adoption Service; functions of Local Authority as adoption agency	Still in force
Community Care (Delayed Discharges etc) Act 2003		
Part 1	Functions relating to hospital patients likely to need community care services to be made available in order to be discharged safely	Not yet in force in Wales
Health and Social Care (Community Health and Standards) Act 2003		
Section 114	Consideration of complaints	In force but Schedule not yet amended to refer to it

ENACTMENT	NATURE OF FUNCTIONS	NOTES
Carers (Equal Opportunities) Act 2004		
Section 3, in so far as it confers functions on a Local Authority within the meaning of that section	Co-operation between authorities	Still in force
Children Act 2004		
Sections 13 to 16 and 31 to 34	Functions relating to Local Safeguarding Children Boards	Still in force NB Sections 31 to 34 apply only to Wales
Mental Capacity Act 2005		
Section 39	Instructing independent mental capacity advocate before providing accommodation for person lacking capacity	Still in force
Section 39A	Instructing independent mental capacity advocate when giving an urgent authorisation, or making a request for a standard authorisation, under Schedule A1 to the Act	Still in force
Section 39C	Instructing independent mental capacity advocate when no representative for relevant person under Part 10 of Schedule A1 to the Act	Still in force
Section 39D	Instructing independent mental capacity advocate when representative for relevant person under Part 10 of Schedule A1 to the Act is not being paid	Still in force
Section 49	Reports in proceedings	Still in force
Schedule A1	Any functions	Still in force

ENACTMENT**NATURE OF FUNCTIONS****NOTES****Children and Young Persons Act 2008**

Part 1

Making arrangements for the discharge of relevant care functions in relation to certain children and young persons

Still in force