

Scheme of Delegations: Director, Adult Social Care September 2019 (amended January 2020)

The Director Adult Social Care is authorised in accordance with Part E: Officer Delegation Scheme to carry out functions on behalf of Full Council and the Executive. The Director has chosen to sub-delegate some or all of those functions to officers of suitable experience and seniority in his/her own directorate or in another directorate. These officers are identified by reference to their job title rather than by name. If the CFO delegates functions to a fellow Director he/she makes it clear in this sub-delegation scheme whether that Director can sub-delegate those functions.

This scheme details the officers who can carry out each function on the Director's behalf, together with the details of any terms and conditions which the Director has imposed on that sub-delegation. **All officers are bound by the Finance, Contract and Procurement Rules (Part D of the Constitution) and the Employee Code of Conduct (which can be found in Part C of the Constitution) and should consider these together with any other rules or requirements in relation to personal conflicts of interest which may apply to them when exercising authority delegated under this scheme.**

Even though the Director has sub-delegated the functions he/she remains accountable for all decisions taken in accordance with this scheme. An officer with sub-delegated authority may decide not to exercise that authority, or the Director may indicate that the authority should not be exercised, in respect of any individual matter. In either case that matter should be referred to the Director for a decision or for referral to the relevant Committee if appropriate.

Signed:

Louise Collett

Date: 27th March 2020



Group Delegations

The Director has chosen to delegate a number of functions to groups of officers. Where the same group of officers receive a number of separate delegations, in order to save space within the sub-delegation scheme, those groups of officers have been given a title. The following table sets out the title of each group of officers and lists the officers within each group.

Group Title	Officers Included in Group Authorisation
Assistant Directors	Assistant Director Quality and Improvement Assistant Director Commissioning Assistant Director Adult Social Care
Grade 7	Head of Service- Commissioning Head of Service Group Manager Head of Business Improvement and Support Customer Journey Change Manager Lead for Early intervention
Grade 6	Client Financial Services Business Manager Quality and Service Development Manager Commissioning Manager Advanced Social Work Practitioner
Grade 5	Senior Practitioner Senior Commissioning Officer

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Delegation to Director	
Part E 3.2 (i)	<p>To make decisions and approve expenditure relating to the functions of the Directorate providing:</p> <ul style="list-style-type: none"> • that the sum expended is within the approved budget for the Directorate and/or relevant portfolio, and • the amount in relation to any single matter does not exceed £200,000 or in the case of procurement, the Procurement Threshold (£181,302 as at September 2019) ; • that the requirements of the Financial Approval Framework in the Financial Regulations (Part D of the Constitution) and other requirements in the Constitution are complied with. <p>Where the amount in relation to any single matter is between £200,000 and £500,000 (revenue) or £1m (capital) then the decision will be made by the Cabinet Member with the Director. <u>An exemption applies to a decision to approve a care plan which the Council has a duty or power to provide as defined by s25 of Care Act 2014, s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970; or ss17 and 20 Children Act 1989.</u>¹</p> <p>Each Director must ensure that they and their relevant staff follow the Financial Rules (Part D of the Constitution) and the Financial Management Tool to ensure that their services are administered in line with procedure.</p>
Sub-Delegations	Sub Delegation to Officers within Adult Social Care Directorate
<p>Subject to there being an approved budget, and in accordance with Part D: Financial, Contract and Procurement Regulations* (and any other requirements), make purchases of goods and services (excluding consultancy services costing greater than £25,000) as shown.</p> <p>Note 1: virements of revenue budgets between directorates and between capital schemes can only be undertaken by the Chief Finance Officer or delegates.</p> <p>Note 2: all grant applications must be approved by the Chief Finance Officer and City Solicitor (Officer or delegates).*</p> <p>* See in particular Appendix B: Financial Approval Framework</p>	<p>Up to £200,000 or £10m subject to Procurement Governance Arrangements Director or deputising officer</p> <p>Up to £200,000 Assistant Director</p> <p>Up to £50,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5</p>

¹ These must be reported in the half yearly delegations reports (see [B6.8](#) of the Constitution)

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Delegation to Director	
Approval of a care plan which the Council has a duty or power to provide as defined by s25 of Care Act 2014, s46 of National Health Service and Community Care Act 1990 and s2 of the Chronically Sick and Disabled Persons Act 1970; or ss17 and 20 Children Act 1989;	<p>Up to £200,000 (annual value) Director or deputising officer</p> <p>Up to £200,000 (annual value) Assistant Director</p> <p>Up to £60,000 (annual value) Grade 7</p> <p>Up to £30,940 (annual value) Grade 6</p> <p>Up to £13,000 (annual value) Grade 5</p>

Delegation to Director	
Part E 3.2 (ii)	<p>To determine employment matters relating to staff including all changes to staffing structures below JNC level and the annual implementation of the contractual pay increment system.</p> <p>These powers will not include changes to terms and conditions of employment (the Birmingham Contract) or additional payments to any individual member of staff above the general financial threshold delegated to officers (£200,000).</p>
Sub-Delegations	Sub Delegation to Officers within Adult Social Care Directorate
1.	<p>Authority to fill vacancies in line with Contract of Employment (applicable to Grade)</p> <p>Note: the creation of new posts must be agreed corporately</p> <p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>

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2.	Acting Up / Honoraria	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>For posts below Assistant Director: approval of business cases by managers and HR Business Manager for review of recommendations at Directorate Management Meeting (DLT)/or according to Directorate process.</p>
3.	The organisational structure, job duties, grade and deployment of posts and employees for the Directorate	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director
4.	The operation of arrangements relating to hours of work, annual and other leave and time off for employees.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <p>Procedures for local operation:</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
5.	<p>The operation of the Council’s procedures relating to:</p> <ul style="list-style-type: none"> • Discipline; • Grievance; • Managing Capability; • Dignity at Work. 	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4 <p>Note: the Chair of a Disciplinary Hearing must have attended the Power to Dismiss Course</p>

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6.	Operation of the Council’s procedures in relation to redundancy, including consultation with trade unions	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
7.	The promotion, implementation and monitoring of the Council’s Equal Opportunities in Employment policy.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
8.	Training and Development for the Directorate.	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
9.	Ensuring the health, safety & welfare of employees	<p>In line with policy and procedures on the intranet, and with the Constitution in relation to Employee Code of Conduct</p> <ul style="list-style-type: none"> • Director • Assistant Director • Managers at GR7 – GR4
10.	Determining ‘politically	Director with advice from HR Director and City Solicitor (or delegates)

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	restricted' posts	
11.	Approval of cases of early retirement	Director under advice from the Chief Finance Officer and HR Director (or delegates)
12.	Deal with compensation for loss of office	Director under advice from the Chief Finance Officer and HR Director (or delegates)
13.	Make Compensation for diminution of Emoluments	Director only under advice of the HR Director and City Solicitor (or delegates)

Delegation to Director,		
Part E 3.2 (iii)	To approve tender strategies and award contracts in accordance with the Procurement Government Arrangements where the supplies, materials, or services to be purchased or the works to be executed are between the Procurement Threshold (£181,302 as at September 2019) and £10,000,000 in value, over the contract length.	
Sub-Delegations	Sub Delegation to Officers within Adult Social Care Directorate	
1.	<p>To approve tender strategies and contracts in accordance with Part D Financial, Contract and Procurement Regulations (Procurement Government Arrangements).</p> <p>Submitting bids to external organisations in accordance with Part D Financial, Contract and Procurement Regulations</p> <p>To approve contract extensions where the option to extend exists in the original contract, in accordance with Part D Financial, Contract and Procurement Regulations</p>	<p>Up to £200,000 or £10m subject to Procurement Governance Arrangements Director or deputising officer</p> <p>Up to £50,000 Assistant Director</p> <p>Up to £20,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5</p>

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Delegation to Director		
Part E 3.2 (iv)	Where no other viable alternative exists to approve contract extensions, where no extension option in the contract exists, in accordance with the Procurement Governance Arrangements where the supplies, materials, or services to be purchased or the works to be executed do not exceed £500,000	
Sub-Delegations	Sub Delegation to Officers within [title] Directorate	
1.	<p>Approval of Contract extensions as above in accordance with Part D Financial, Contract and Procurement Regulations</p> <p>Note: The report author (or team member) cannot approve their own report – this should be done by another officer with appropriate delegations</p>	<p>Up to £500,000 Director or deputising officer</p> <p>Up to £50,000 Assistant Director</p> <p>Up to £20,000 Grade 7</p> <p>Up to £10,000 Grade 6</p> <p>Up to £5,000 Grade 5 in conjunction with the City Solicitor and Chief Finance Officer (or their delegates)</p>

Delegation to Director		
Part E 3.2 (v)	To write off any individual debts of income (including any associated court costs and bailiffs fees) within their service directorate responsibility, and after consultation with the Chief Finance Officer, up to the sum of £25,000 per individual or organisation, which in the opinion of the Director is considered to be uneconomical to collect or is irrecoverable. <i>All individual debts above this amount can only be written off by the Chief Finance Officer.</i>	
Sub-Delegations	Sub Delegation to Officers within Adult Social Care Directorate	
1.	Write-off debts up to £25,000 for each debtor.	Director (or deputising officer)

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Delegation to Director		
Part E 3.2 (vi)	The Chief Executive and Directors have delegated authority to approve and make payments in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body”. In all such cases where the Council is the Accountable Body, the Chief Executive or any Chief Officer has authority to make lawful payments in compliance with the terms under which the Council holds monies as the Accountable Body and in accordance with any requirements approved by the Council as Accountable Body, up to but not exceeding the total amount held under each agreement with the grant giver.	
Sub-Delegations		Sub Delegation to Officers within Adult Social Care Directorate
1.	To approve and make payments to and from a pooled budget arrangement in connection with the duties of the council where it holds monies in the capacity of an “Accountable Body” as above and in accordance with Part D Financial, Contract and Procurement Regulations. This is subject to the delegation agreed by Cabinet for each specific pooled budget arrangement.	Up to £200,000 Director or deputising officer / Assistant Director and Chief Executive subject to the delegation agreed by Cabinet for each specific pooled budget arrangement.

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Delegation to Chief Officers and Statutory Officers		
Part E 3.3	<p>Chief Officers and Statutory Officers are empowered to authorise all necessary actions in relation to disasters and emergencies as designated under the Council’s Emergency Plan when activated; or under Business Continuity Plans in the event of a business continuity disruption.</p> <p>In the event of the Emergency Plan being activated, and following action taken, the Chief Officer must notify the Chief Finance Officer in writing, of the circumstances and estimated financial impact and report formally to the relevant Cabinet Member or, for non-executive matters, to the next available meetings of the relevant committee</p>	
Sub-Delegations		Sub Delegation to Officers within [title] Directorate
1.	As above	Director or deputising officer

Additional Sub-Delegations

	Sub – Delegation subject area	Delegated to (Officer level):
1.	Carry out consultation in connection with, and issue certificates and related documentation. In connection with the issue of Injunctions (a civil offence) and Criminal Behaviour Orders and similar processes.	Director sub-delegated to Assistant Directors
2.	Sign Investigatory Powers Act 2000 forms, subject to authorisation and certification of the City’s Chief Legal Officer.	Director sub-delegated to Assistant Directors
3.	Administer and collect income, in relation to the budgets for which they are responsible and in accordance with procedures:	
3.1	Request Invoicing	Director - £200,000 with relevant finance officers Assistant Director - up to £50,000 GR7 - £20,000 GR6 - £10,000 GR5 - £5,000
3.2	Charge Interest and Administration Fees (Client Financial Services – formerly known as ASCC – Adult Social Care Contributions)	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer
3.3	Take action to recover debts (related to the Directorate)	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer
3.4	Instruct Debt Collection Agencies and/or the Chief Legal Officer to take action to collect debts	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer
3.5	Apply for Attachment of Earnings Orders	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer

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3.6	Levy Distress Warrants	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer
3.7	Petitioning for Bankruptcy or Winding-up Orders	Director £200,000 delegated to Assistant Directors in consultation with a rep of S151 officer
3.8	Refund overpayments	Director £200,000 in consultation with a rep of S151 officer Assistant Director - £100,000 in consultation with a rep of S151 officer GR7 - £20,000 in consultation with a rep of S151 officer GR6 - £10,000 GR5 - £5,000 in consultation with a rep of S151 officer
3.9	Determine, approve and settle any Compensation or other claims in relation to Directorate functions / Service Areas	Director / Assistant Directors - £25,000 in consultation with a rep of S151 officer
4.2	Instruct the City Solicitor to commence or defend any legal proceedings brought by, against or for the Council.	Director / Assistant Director in consultation with a rep of City Solicitor officer
4.3	Action Appeals in respect of the decision to commence or defend any legal proceedings brought by, against or for the Council.	Director / Assistant Director in consultation with a rep of City Solicitor officer
4.4	Instruct the City Solicitor to consider offers to settle proceedings	Director/Assistant Director in consultation with a rep of City Solicitor officer
4.5	Instruct the City Solicitor to conclude, sign, make variations or seal any legal documents on behalf of the Council	Assistant Director in consultation with a rep of City Solicitor officer
4.6	Guardianship under sections 7 and 10 of the Mental Health Act 1983	Heads of Service (Operational and Partnership)

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	<p>Acting as Nearest Relative under section 29 Mental Health Act 1983</p> <p>Deputies for property and affairs (and for personal welfare) appointed under section 16 Mental Capacity Act 2005</p>	
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