

DUNDEE CITY COUNCIL

REPORT TO: **POLICY AND RESOURCES COMMITTEE - 8 JUNE 2015**

REPORT ON: **THE ROLE OF THE CHIEF SOCIAL WORK OFFICER**

REPORT BY: **CHIEF EXECUTIVE**

REPORT NO: **201-2015**

1.0 PURPOSE OF REPORT

1.1 This report details proposals for the future arrangements for the Chief Social Work Officer (CSWO) in Dundee. Departmental restructuring and the implementation of Health and Social Care Integration mean new arrangements are required to ensure the duties and functions of the CSWO continue to be implemented satisfactorily and that there is clarity around operational line management responsibilities and CSWO duties in relation to oversight of social work standards.

2.0 RECOMMENDATIONS

2.1 It is recommended that Policy and Resources Committee:

- Agrees the arrangements for the CSWO function following organisational changes within the Council and Health and Social Care Integration.
- Agrees that the role is undertaken by the most senior social work officer remaining with the Council, currently the Head of Children's and Criminal Justice Services. That in the event of absence the role will be covered by the most senior social work officer within Community Care, currently the Head of Community Care. Although, in future, this post will lie within the Health and Social Care Partnership the post holder will remain an employee of Dundee City Council.
- Notes the intention to appoint an independent chair for the Child Care and Protection Committee to ensure independent oversight and separation of the work of the Committee and those agencies responsible for child care and protection, thus offering more robust scrutiny and constructive challenge.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 BACKGROUND

4.1 The requirement for every local authority to have a Chief Social Work Officer (CSWO) is outlined within section 5 of the Social Work (Scotland) Act 1968, as amended by Section 45 of the Local Government, (Scotland) Act 1994. The qualifications are set down in regulations, the post holder must be a qualified social worker, be registered with the Scottish Social Services Council (SSSC) and have extensive operational and strategic management experience of social work services. To date the role of CSWO in Dundee has been carried out by the Director of Social Work however changes to departmental structures and the introduction of integration arrangements mean that this post will cease to exist and it is necessary that any future structure locates the role of the CSWO with a suitably qualified and experienced manager within the Council.

- 4.2 The CSWO is required to ensure the provision of appropriate professional advice to elected members and officers in the discharge of local authorities' statutory social work duties. The CSWO is a 'proper officer' in relation to the social work function: an officer given particular responsibility on behalf of a local authority, where the law requires the function to be discharged by a specified post holder. Part of the role is to help authorities understand the complexities of social work service delivery including issues such as corporate parenting, child and adult protection and the management of high risk offenders and the role social work plays in contributing to the achievement of national and local outcomes. The CSWO has responsibility within the Council for overall performance improvement, as well as the identification and management of corporate risk, insofar as these relate to social work services. The CSWO also has a responsibility to provide professional leadership.
- 4.3 The scope of the role relates to all social work and social care services, whether provided directly by the local authority or in partnership with other agencies. Where services are purchased on behalf of the authority, including from the private and voluntary sector, the CSWO has a responsibility to advise on the specification, quality and standards of services commissioned.
- 4.4 The CSWO duties and responsibilities include:
- Ensuring the effectiveness of systems in place for the assessment and management of risk;
 - Ensuring Council compliance with the requirements of external bodies such as SSSC, the Care Inspectorate, the Courts and Mental Welfare Commission;
 - Taking decisions relating to the curtailment of individuals rights and freedom and ensuring governance arrangements are in place for the management of the complex balance of risk, needs and civil liberties;
 - Supporting and advising managers in maintaining and developing high standards of practice and supervision and developing standards for service delivery;
 - Ensuring appropriate staff development and training arrangements are in place;
 - Ensuring appropriate advice is provided on corporate workforce planning and quality assurance, including safe recruitment practice;
 - Actively promoting continuous improvement, raising standards and evidence-informed good practice;
 - Critical incident reporting including incidents involving death or serious harm and serious staffing issues;
 - Preparing an annual report to the local authority on all of the statutory, governance and leadership functions of the role.
- Appendix 1 provides further details of the specific responsibilities attached to the role.
- 4.5 To discharge these responsibilities effectively, the CSWO is expected to have access to the Chief Executive, Elected Members and senior officers across the Council. The CSWO needs to ensure that professional standards and values are maintained by being visible and available to social services workers and ensure the availability of professional advice.

- 4.6 The CSWO, through delegated authority, holds professional accountability for the delivery of safe and innovative social work and social care services within the local authority area and is responsible for monitoring social work activity across the Council and in future within the Health and Social Care Partnership. They will not, however, have direct operational management responsibilities for social work services within the Health and Social Care Partnership.
- 4.7 Clinical and care governance is the system by which Health Boards and Local Authorities are accountable for ensuring the safety and quality of health and social care services, and for creating appropriate conditions within which the highest standards of service can be promoted and sustained. Annex C of the Public Bodies (Joint Working) (Scotland) Act 2014 Clinical and Care Governance Framework sets out in some detail the working definition to be applied to Integrated Health and Social Care in Scotland. This definition has been adopted by NHS Tayside and the three Local Authorities working in Tayside in 'Tayside Integrated Health and Social Care Partnerships Clinical and Care Governance and Professional Governance Framework'.
- The CSWO will have an important role to play in the delivery of Clinical and Care Governance and Professional Governance and will therefore be a member of key strategic fora, including the Integrated Joint Board in Dundee and the Tayside Clinical and Care Governance and Professional Governance Forum.
- 4.8 The following arrangements are recommended for the effective delivery of the role of CSWO in Dundee:
- the assumption of the role of Chief Social Work Officer by the most senior social work qualified post holder within the Council, currently the Head of Children's and Criminal Justice Services.
 - the assumption of the role of the Chief Social Work Officer, in his/her absence, by the post holder of the most senior Social Work qualified post within the Health and Social Care Partnership.
- 4.9 The Chief Social Work Officer also has a key role to play in advising bodies such as the Chief Officer's Protecting People Group and both the Child Care and Adult Protection Committees. Currently the Head of Children's and Criminal Justice Services chairs the Child Care and Protection Committee, but arrangements for the appointment of an independent chair are currently being progressed. This will ensure independent oversight, scrutiny and challenge and will be consistent with the approach taken to Adult Support and Protection.
- 4.10 Systems of monitoring and reporting are already in place to support the Council to meet its obligations and ensure proper governance arrangements for social work services. These include monitoring of key targets, reporting on statutory elements of decision making such as guardianship and children placed in secure accommodation, significant case reviews and oversight of external scrutiny reports. It is however anticipated that these arrangements will be further developed given forthcoming structural changes. The CSWO will continue to report direct to the Chief Executive and the Council in appropriate circumstances and will continue to report annually to the Council on the statutory, governance and leadership functions of the role.

5.0 POLICY IMPLICATIONS

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.
- 5.2 An Equality Impact Assessment is attached to this report.

6.0 CONSULTATIONS

6.1 The Director of Corporate Services and Head of Democratic and Legal Services were consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

Annex C of the Public Bodies (Joint Working) (Scotland) Act 2014 Clinical and Care Governance Framework.

**David R Martin
Chief Executive**

DATE: 8 May 2015

APPENDIX 1

CHIEF SOCIAL WORK OFFICER RESPONSIBILITIES

- The production and submission of an annual report to Council which is subsequently submitted to Scottish Government.
- The detention of children and young people in secure care.
- The emergency transfer of children in care.
- Adoption agency decisions (registering of children in need of permanent care and of suitable long term/adoptive carers).
- Corporate parenting decisions for children for whom the Council has assumed parental rights.
- The appointment of Mental Health Officers.
- Decisions associated with the role of Guardian.
- Decisions associated with the provision of reports that could have an impact on a individual's liberty.
- Decisions associated with the management of High Risk Offenders in the Community.
- Decisions associated with the supervision and management of those released under licence.
- Critical incident reporting.

EQUALITY IMPACT ASSESSMENT TOOL

Part 1: Description/Consultation

Is this a Rapid Equality Impact Assessment (RIAT)?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Is this a Full Equality Impact Assessment (EQIA)?		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Date of Assessment:	Committee Report Number: 201-2015		
Title of document being assessed:	The role of the Chief Social Work Officer		
1. This is a new policy, procedure, strategy or practice being assessed (If yes please check box) <input type="checkbox"/>	This is an existing policy, procedure, strategy or practice being assessed? (If yes please check box) <input checked="" type="checkbox"/>		
2. Please give a brief description of the policy, procedure, strategy or practice being assessed.	This report highlights revised arrangement for the role of the Chief Social Work Officer given structural changes.		
3. What is the intended outcome of this policy, procedure, strategy or practice?	To advise of, and agree, changes to role.		
4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.	Nil		
5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.	Not applicable		
6. Please give details of council officer involvement in this assessment. (e.g. names of officers consulted, dates of meetings etc)	Jane Martin, Laura Bannerman, Jenni Tocher, Diane McCulloch and Dave Berry.		
7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy? (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)	No.		

Part 2: Protected Characteristics

Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?

NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.

If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part 3: Impacts/Monitoring

1. Have any positive impacts been identified? (We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)	No.
2. Have any negative impacts been identified? (Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)	No.
3. What action is proposed to overcome any negative impacts? (e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)	Not applicable
4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome? (If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)	Not applicable
5. Has a 'Full' Equality Impact Assessment been recommended? (If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)	No.
6. How will the policy be monitored? (How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)	The policy will be monitored by annual report to committee which is then copied to the Scottish Government.

Part 4: Contact Information

Name of Department or Partnership	Social Work
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Type of Document	
Human Resource Policy	<input checked="" type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

Manager Responsible	Author Responsible
Name: Jenni Tocher	Name: Jane Martin
Designation: Director of Social Work	Designation: Head of Service
Base: Dundee House	Base: Dudhope Castle
Telephone: 01382 433205	Telephone: 01382 436013
Email: jenni.tocher@dundeeicity.gov.uk	Email: jane.martin@dundeeicity.gov.uk

Signature of author of the policy:	Jane Martin	Date: 11 May 2015
Signature of Director/Head of Service:		Date: 12 May 2015
Name of Director/Head of Service:	Jenni Tocher	
Date of Next Policy Review:	Annually	