

Part 8.1

ADULTS HEALTH AND WELLBEING DIRECTORATE DELEGATIONS

1. PROVISION OF SOCIAL CARE SERVICES

Decision		Director	Service Head	Section Head	Other
1.1	Arranging for the provision of facilities for enabling disabled persons to be employed under special conditions. (Disabled Persons (Employment) Act 1958, Section 3)	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Commissioning Managers within agreed budgets and Financial Regulations
1.2	Obtaining information as to need for certain welfare services and to publish information about these services. (Chronically Sick and Disabled Persons Act 1970, Section 1)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		
1.3	Decisions as to whether the needs of a disabled person call for the provision by the authority of services. The provision of such services necessary to ensure that any incapacity of the disabled person or his/her authorised representative does not prevent the making of representations. (Disabled Persons (Services, Consultation and Representation) Act 1986, Section 3)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners within approved expenditure limits

Decision		Director	Service Head	Section Head	Other
1.4	Assessment of the needs of the disabled person for the provision of any welfare services pursuant to section 2 of the Chronically Sick and Disabled Persons Act 1990. (Disabled Persons (Services Consultation and Representation) Act 1986, Section 4)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Social Worker or Occupational Therapist.
1.5	Where a disabled person is living at home and receiving care from another person, decide whether the disabled person's needs, having regard to the ability of the carer, call for the provision of any services by the authority. (Disabled Persons (Services, Consultation and Representation) Act 1986, Section 8)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Social Worker or Occupational Therapist.
1.6	Consultation with organisations of disabled people regarding appointment or co-option to Committees of persons with special knowledge of the needs of disabled persons. (Disabled Persons (Services, Consultation and Representation) Act 1986, Section 10)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	
1.7	Assessing a person's need for community care services, taking into account their views and the views of any carers. (National Health Service and Community Care Act 1990, Section 47 and Community Care Assessment Directions 2004)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Social Worker or Occupational Therapist

Decision		Director	Service Head	Section Head	Other
1.8	Deciding the provision of services based on assessment, in line with the Fair Access to Care Services eligibility criteria. (National Health Service and Community Care Act 1990, Section 47)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners within approved expenditure limits
1.9	Arranging for the provision of accommodation under the National Assistance Act. (National Assistance Act 1948, Section 26)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		Delegated to Service Manager subject to consultation with Commissioning Manager and / or Funding Panel, dependent on approved expenditure limits
1.10	Making arrangements for the welfare of the elderly including the power to instruct voluntary agencies to make such arrangements on the Authority's behalf. (Health Services and Public Health Act 1968, Section 45)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	
1.11	Provision of welfare services according to assessed need. (Chronically Sick and Disabled Persons Act 1970, Section 2)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners within approved expenditure limits

Decision		Director	Service Head	Section Head	Other
1.12	<p>Making arrangements for</p> <ul style="list-style-type: none"> - the care of expectant and nursing mothers - for the prevention of illness, - for the care of persons suffering from illness and - for the after-care of persons who have been so suffering. - The provision of home-help and laundry facilities. (National Health Services Act 1977, Schedule 8) 	Adults, Health & Well-being	<p>Service Head (Disability & Health)</p> <p>Service Head (Commissioning & Strategy)</p> <p>Service Head (Older People & Homelessness)</p>	Service Managers	
1.13	<p>Making arrangements for:</p> <ul style="list-style-type: none"> - an assessment of the needs of a person with respect to the provision of services on notification from the NHS body that a person is to be discharged from hospital - and decide in consultation with the NHS body which of those services (if any) the authority will make available for the patient. (Disabled Persons (Services Consultation and Representation) Act 1986, Section 7 and Community Care (Delayed Discharges etc.) Act 2003. 	Adults, Health & Well-being	<p>Service Head (Disability & Health)</p> <p>Service Head (Commissioning & Strategy)</p> <p>Service Head (Older People & Homelessness)</p>	Service Managers	Delegated to Team Managers/Senior Practitioners within approved expenditure limits

Decision		Director	Service Head	Section Head	Other
1.14	Consider requests from other social services departments, LEAs or Housing Authorities to assist them with the planning of the provision of services for carers and/or people who they care for, and the provision of such services where needs have been identified. (Carers (Equal Opportunities) Act 2004, Section 3)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners within approved expenditure limits
1.15	Consider a complaint made about Social Services, services commissioned by Social Services or services provided under Section 31 of the Health Act 1999. (Health and Social Care (Community Health and Standards) Act 2003, Section 114)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		
1.16	Making daily reimbursement payments to the relevant NHS body if the local authority is solely responsible for any delays in the discharge of a patient from hospital. (Community Care (Delayed Discharges etc.) Act 2003, Section 6)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		

Decision		Director	Service Head	Section Head	Other
1.17	Authorising payments, where appropriate, to the PCT or the SHA towards expenditure incurred or to be incurred by the body in connection with the performance of its prescribed functions. (Health Act 1999, Section 30 - inserted into 1977 National Health Service Act as Section 28BB)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head Commissioning & Strategy Service Head (Older People & Homelessness)		

2. MENTAL HEALTH

Decision		Director	Service Head	Section Head	Other
2.1	Applications for admission for assessment or for treatment or for guardianship. Specification of the qualification of the applicant. (Mental Health Act 1983, Section 11)		Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		Delegated to approved Mental Health Professional only
2.2	Applications for admission to hospital or guardianship in respect of a patient in any case where an Approved Social Worker is satisfied that an application ought to be made. (Mental Health Act 1983, Section 13)		Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		Delegated to approved Mental Health Professional only
2.3	Providing a social report to the hospital managers pursuant to an application made by a patient's nearest relative. (Mental Health Act 1983, Section 14)		Service Head (Disability & Health) Service Head (Commissioning & Strategy) Older People & Homelessness		Delegated to Approved Mental Health Professional only

Decision		Director	Service Head	Section Head	Other
2.4	Arrangements for reception into guardianship under this section. (Mental Health 1983, Section 37)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	
2.5	Appointment of a sufficient number of Approved Mental Health Professionals for the purpose of discharging the functions conferred on them by this Act. (Mental Health 1983, Section 114)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Head of Social Care Practice
2.6	Identification of and arranging provision of after-care services (Mental Health Act 1983, Section 117) and discharge from such services	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners [within approved expenditure limits for the provision of services]
2.7	Provision of reports to Mental Health Act Review Tribunals. (Mental Health Act Review Tribunal Rules 1983, Rule 6)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to social work staff, Community Mental Health Teams

Decision		Director	Service Head	Section Head	Other
2.8	Visiting and attending to the welfare of any patient admitted to a hospital or nursing home in England and Wales. (Mental Health Act Review Tribunal Rules 1983, Section 116, b)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to social work staff, Community Mental Health Teams
2.9	Provision of after-care services for certain categories of mentally disorder red patients who have ceased to be detained and leave hospital. (Mental Health Act Review Tribunal Rules 1983, Section 117) and discharge from s117	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners [within approved expenditure limits for the provision of services]
2.10	Entry and inspection of any premises in the area of the authority in which a mentally disordered patient is living, with reasonable cause to believe that the patient is not under proper care. (Mental Health Act Review Tribunal Rules 1983, Section 115)		Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)		Approved Mental Health Professional with warrants/legal authorisation appropriate to the circumstances
2.11	Defraying of expenses of Council Officers acting as Receivers under Part VIII of the Mental Health Act, 1989. (National Assistance Act 1948, Section 49)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers/ Senior Practitioners within approved expenditure limits

3. MENTAL CAPACITY ACT

Decision		Director	Service Head	Section Head	Other
3.1	Responsibility to decide whether an individual has capacity to make a particular decision. (Mental Capacity Act 2005, Section 2, 1)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team managers / Senior Practitioners
3.2	Approval of sufficient numbers of qualified Best Interest Assessors for the conducting of Best Interest Assessments.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Head of Social Care Practice
3.3	Responsibility to make deprivation of liberty safeguards assessments. (Mental Health Act Amendments 2007)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Approved Best Interest Assessors
3.4	Decision to authorise the deprivation of liberty within the terms of the Mental Capacity Act 2005.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	

Decision		Director	Service Head	Section Head	Other
3.5	Duty to inform the hospital or care home management, the person concerned, any IMCA instructed and all interested persons consulted by the best interest assessor of their decision and the reason for it where the Local Authority is the Supervisory Authority. (Mental Capacity Act 2005, part 1, Section 4, 7)	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Approved Best Interest Assessors

4. SAFEGUARDING VULNERABLE ADULTS

Decision		Director	Service Head	Section Head	Other
4.1	Decision <u>not</u> to treat referral expressing concerns as requiring adult protection investigation	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	For referrals received centrally – Adult Protection Co-ordinator / Senior Adult Protection Officers For information received in community team – Team Manager / Senior Practitioner, in consultation with Adult Protection staff In case of disagreement, decision falls to Adult Protection Co-ordinator / Senior Adult Protection Officers

Decision		Director	Service Head	Section Head	Other
4.2	Decision to notify relevant partners (e.g. police, PCT) of referral in accordance with relevant Government guidance	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	For referrals received centrally – Adult Protection Co-ordinator / Senior Adult Protection Officers For information received in community team – Team Manager / Senior Practitioner, in consultation with Adult Protection staff In case of disagreement, decision falls to Adult Protection Co-ordinator / Senior Adult Protection Officers
4.3	Decision to inform CSCI / Care Quality Commission of adult protection concerns relating to a registered care provider (Care Standards Act, Part I, Section 7, 1b)	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Adult Protection Co-ordinator / Senior Adult Protection Officers
4.4	Responsibility to allocate for initial investigation	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Team Manager / Senior Practitioner

Decision		Director	Service Head	Section Head	Other
4.5	Decision on action required at conclusion of or pending conclusion of initial investigation	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Team Manager / Senior Practitioner
4.6	Decision to convene strategy meeting	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Team Manager / Senior Practitioner, in consultation with Adult Protection staff In case of disagreement, decision falls to Adult Protection Co-ordinator / Senior Adult Protection Officers
4.7	Duty to inform Adult Protection Team of outcome of investigation and subsequent action	Adults, Health & Well-being			Team Manager
4.8	Decision to refer to the Secretary of State any care worker who has been dismissed on grounds of gross misconduct from a local authority-run care home or domiciliary care service for vulnerable adults. (Care Standards Act 2000, Part VII, Section 93).	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Adult Protection Co-ordinator

5. DIRECT PAYMENTS

Decision		Director	Service Head	Section Head	Other
5.1	Agreement to offer of a Direct Payment (Health and Social Care Act 2001, Section 57 and Community Care, Services for Carers and Children's Services. (Direct Payments) (England) Regulations 2003) Community Care (Direct Payments) Act	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Decisions may be taken by the Chair of the Direct Payments Panel, provided that person is a Council employee.

6. CARERS

Decision		Director	Service Head	Section Head	Other
6.1	Decide whether a carer has needs in relation to the care which they provide or intend to provide; if so, whether they could be satisfied (wholly or partly) by services which the local authority may provide; and if they could be so satisfied, whether or not to provide services to the carer. (Carers and Disabled Children Act 2000, Section 2 and The Carers (Recognition of Services) Act 1994).	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Managers / Senior Practitioners within approved expenditure limits

Decision		Director	Service Head	Section Head	Other
6.2	Carry out an assessment of a carer's ability to provide and to continue to provide care for a person for whom it may provide or arrange for the provision of community care services, taking into account whether they wish to work or undertake education, training or leisure activities. (Carers and Disabled Children Act 2000, Section 1 and Carers (Equal Opportunities) Act 2004, Section 2)	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Social Worker or Occupational Therapist

7. SUPPORTING PEOPLE

Decision		Director	Service Head	Section Head	Other
7.1	Authority to allocate the Supporting People Grant, and enter into contractual arrangements for service provision.	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Within expenditure limits as determined by financial regulations
7.2	Authority to resolve disputes over decisions where the Commissioning Body can not reach a unanimous vote.	Adults, Health & Well-being			

Decision		Director	Service Head	Section Head	Other
7.3	Authority to issue, amend or end contracts for services.	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Subject to Financial Regulations
7.4	Authority to issue contract default notice	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	

8. HOMELESSNESS & HOUSING ADVICE

Decision		Director	Service Head	Section Head	Other
8.1	Authority to enter into agreements with Housing Associations and private landlords for the provision of accommodation for homeless households (statutory and non-statutory).	Adults, Health & Well-being	Section Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Accommodation Business Manager / Assessment & Advice Manager / Rehousing Manager . Must be in accordance with the Council's Financial Regulations and Procurement Guidance.

Decision		Director	Service Head	Section Head	Other
8.2	Determine applicants as homeless under statutory definition. Housing Act 1996 s184	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Principal Assessment Officer
8.3	Determination of reviews against decisions in homelessness cases in accordance with approved legislation, Code of Guidance and approved policy guidelines. Housing Act 1996 s202	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Leader
8.4	Authorisation to give housing guarantees of not more than one month and rent deposit loans as part of the duty to provide advice and assistance or prevent homelessness.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Housing Advice Team Leader
8.5	Possession proceedings against occupiers of temporary accommodation to whom it has been established that no homeless duty is owed, or against those occupiers to whom a homeless duty has been lost or against squatters or unauthorised occupants of temporary accommodation.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Leader

Decision		Director	Service Head	Section Head	Other
8.6	Authorisation in cases of intentional homelessness to award a concessionary offer of public or private sector accommodation. Housing Act 1996 s190	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Assessment & Advice Manager / Rehousing Manager
8.7	Waiving of charges for the provision of temporary accommodation ["Rent"].	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Assessment & Advice Manager / Social Work Manager / Rehousing Manager
8.8	Waiving of charges for the storage of furniture.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Assessment & Advice Manager/ Social Work Manager/ Rehousing Manager
8.9	Awarding of Emergency Housing Priority (CG 1).	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Assessment & Advice Manager / Rehousing Manager

Decision		Director	Service Head	Section Head	Other
8.10	Awarding Extenuating Social Need Transfer (CG2).	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Leader
8.11	Authorisation of transfer of tenants of temporary accommodation in rent arrears in exceptional cases.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Rehousing Manager / Accommodation Business Manager
8.12	Decisions on application for priority housing on management, medical grounds, and emergency housing accommodation from persons who are homeless or threatened with eviction from their present accommodation.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Leader
8.13	Decision on reviews on the above matters.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Assessment & Advice Manager / Assistant Assessment & Advice Manager /Rehousing Manager

Decision		Director	Service Head	Section Head	Other
8.14	Authority to amend tenancy terms for temporary accommodation in accordance with Council policy.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Accommodation Business Manager
8.15	Approval of requests to be absent from temporary accommodation.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Team Leader
8.16	Authorise officers to exercise all powers under Schedule 3 of the Environmental Protection Act 1990 (powers of entry etc) including, but not limited to, entry to any premises and applying for, obtaining and executing warrants for such entry with regard to the inspection, repair and maintenance of gas appliances, installations and fittings and all associated works.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated to Accommodation Business Manager
8.17	Authority to write-off rent arrears in accordance with financial regulations.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Delegated according to Financial Regulations

Decision		Director	Service Head	Section Head	Other
8.18	Authorisation of refunds, compensation and other reasonable expenses to homeless applicants in appropriate circumstances.	Adults, Health & Well-being	Service Head (Disability & Health) Service Head (Commissioning & Strategy) Service Head (Older People & Homelessness)	Service Managers	Assessment and Advice Manager/Accommodation Business Manager/Rehousing Manager