

SCHEME OF DELEGATION

TO

OFFICERS

- (xxi) to undertake the transfer of enforcement responsibilities between enforcement authorities at a local level in terms of the Health and Safety (Enforcing Authority) Regulations 1998;
- (xxii) to act under Parts 3 and 8 of the Public Health (Scotland) Act 2008, powers of entry and other investigatory powers with regard to public health investigations and regulation of sunbeds;
- (xxiii) take action under the Environmental Act 1990, as amended, to deal with remediation of contaminated land;
- (xxiv) take action under the Environmental Act 1995 with regard to Local Air Quality Management;
- (xxv) to act as the Appropriate Officer in terms of the Bathing Waters (Scotland) Regulations 2008;
- (xxvi) to issue penalty notices under The Energy Performance of Buildings (Scotland) Regulations 2008;
- (11) to ensure the Council is able to deliver civil enforcement notices through the empowerment of Community Safety Wardens in accordance with Council Policy;
- (12) the monitoring and enforcing of dog fouling issues;
- (13) in conjunction with the Head of Legal and Democratic Services, to appoint and authorise suitably qualified and experienced officers to enforce the provisions of The Working Time Regulations 1998 (as amended).

5. Strategic Director - People

The Strategic Director – People is authorised to take overall responsibility for the functions of the Department, to oversee all staff and to act in all departmental matters excluding paragraph 454(2) ([Statutory Proper Officers of the Council](#)).

5a Chief Social Work Officer

- (1) As the Proper Officer the Chief Social Work Officer is specifically authorised to:-
- (i) To monitor the discharge of the Council's statutory social work duties;
 - (ii) To ensure the provision of effective professional and objective advice to Elected Members and officers of the Council in the Council's provision of social work services;
 - (iii) To ensure the effective governance of the balance of need, risk and civil liberties in the provision of social work services in accordance with professional practice and report to the Strategic Director - People any failure in the Council's corporate policy or governance arrangements in respect of such.
 - (iv) To provide advice on aspects of workforce planning including monitoring and assessment of social work students, securing of professional qualifications and continuous learning and development for staff, and supporting and advising managers in all aspects of staff supervision;
 - (v) To ensure the existence of systems to promote, communicate, support and review values and standards of professional practice including promoting good practice and identify and addressing poor practice in the provision of social work services;
 - (vi) To ensure that significant case reviews are undertaken of all critical incidents either resulting in, or which may have resulted in, serious harm or death;

- (vii) To provide an annual report to the Council on all of the statutory, governance and leadership functions of the role of the Chief Social Work Officer.
 - (viii) To take final decisions binding on the Council in relation to a range of social work services where provided by statute,
 - (ix) to be appointed as welfare guardian for any adult within the local authority area and to discharge the functions as welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000 and to nominate a person to be exercised on his behalf in terms of Section 86 of the Adults with Incapacity (Scotland) Act 2000;
 - (x) to fulfil the transferred responsibilities and rights in respect of a child for whom permanence order has been made while that order remains in force in terms of Section 80 of the Adoption and Children (Scotland) Act 2007;
 - (xii) to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and
 - (xiii) To authorize in an emergency the movement of children who are required to reside at a specific place under Children's Hearings (Scotland) Act 2011.
- (2) The Chief Social Work Officer is also authorised to serve any notice and take any action on behalf of the Council, in relation to the Council's functions in regard to –
- (i) the Social Work (Scotland) Act 1968,
 - (ii) the Social Work (Scotland) Act 1968 as read with sections 1 and 2(1) of the Chronically Sick and Disabled Persons Act 1970 and the Disabled Persons (Services, Consultation and Representation) Act 1986;
 - (iii) Part IV of the Children and Young Persons (Scotland) Act 1937,
 - (iv) Section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 43, 45, 47 and 48 of the National Assistance Act 1948;
 - (v) the Disabled Persons (Employment) Act 1958;
 - (vi) sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958,
 - (vii) sections 11 and 12 of the Guardianship Act 1973; and section 51 of the Criminal Procedure (Scotland) Act 1995;
 - (viii) the Children Act 1975;
 - (ix) the Adoption Act 1976;
 - (x) sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;
 - (xi) the Mental Health (Care and Treatment) (Scotland) Act 2003;
 - (xii) the Foster Children (Scotland) Act 1984;
 - (xiii) sections 38(b) and 235 of the Housing (Scotland) Act 1987;
 - (xiv) the Access to Personal Files Act 1987;
 - (xv) Part II of the Children (Scotland) Act 1995
 - (xvi) the Adoption and Children (Scotland) Act 2007 (asp 4) [;]¹⁵
 - (xvii) the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1).
 - (xviii) Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children's Hearings

(Scotland) Act 2011.

(xix) Part 6 (in so far as it applies to looked after children) of the Children and Young People (Scotland) Act 2014.

5a5b. Head of Schools and Learning

The Head of Schools and Learning is authorised:-

- (1) to ensure that the education provided in schools managed by Angus Council is directed to the development to their fullest potential of the personality, talents and mental and physical abilities of each child or young person enrolled in these schools, and to have due regard, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions which significantly affect that child or young person, taking account of the child or young person's age and maturity;
- ~~(32)~~ to have the power to provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995;
- ~~(33)~~ to make enquires and provide information to the Reporter to the Children's Panel where children may require compulsory measures of supervision in terms of Section 53 and 56(1) of the Children (Scotland) Act 1995;
- ~~(34)~~ to have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995;
- ~~(35)~~ to provide reports on children and their social background for a Children's Hearing in terms of Section 56(2) and/or (7) of the Children (Scotland) Act 1995;
- ~~(36)~~ to have the power to apply for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995;
- ~~(37)~~ to provide and maintain such residential and other establishments as are required for the Council's functions in terms of Section 59 of the Social Work (Scotland) Act 1968 or under Part II of the Children (Scotland) Act 1995, or arrange for the provision of such establishments;
- ~~(38)~~ to have the power to apply to a Justice of the Peace for an emergency child protection authorisation in terms of Section 61 of the Children (Scotland) Act 1995;
- ~~(39) to agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9) and 70(10) of the Children (Scotland) Act 1995;~~
- ~~(4039)~~ to put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995 and to recommend a review of such a supervision requirement or ask for an advice hearing to be held in terms of Section 73(4) of the Children (Scotland) Act 1995;
- ~~(41410)~~ to have the power, in any case of urgent necessity, to direct that a child who is obliged to reside in a specified place be transferred to another place in his/her interests or in the interests of other children in terms of Section 72(1) of the Children (Scotland) Act 1995;
- ~~(42411)~~ to have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995;
- ~~(43412)~~ to have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995;
- ~~(44413)~~ to have the power to apply to a Sheriff for a parental responsibilities order transferring the appropriate parental rights and responsibilities relating to a child to the Council in terms of Section 86 of the Children (Scotland) Act 1995;

- (45414) to fulfil the transferred responsibilities in respect of a child for whom a parental responsibilities order has been made while that order remains in force in terms of Section 87 of the Children (Scotland) Act 1995;
- (46415) to allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of Section 88 of the Children (Scotland) Act 1995;
- (4167) to approve or de-register foster carers and to pay fostering allowances to approved foster carers under the Fostering of Children (Scotland) Regulations 1996;
- (48417) to approve prospective adopters under the Adoption Agencies (Scotland) Regulations 1996;
- (4189) to ensure that there is an assessment of need in relation to any person to whom they have a duty under Section 29 of the Children (Scotland) Act 1995 (aftercare for persons who have been looked after by local authorities) and as amended by Section 73 of the Regulation of Care (Scotland) Act 2001;
- (50419) to operate a procedure as approved by the Council for considering representations (including complaints) made by any relevant person under Section 29 of the Children (Scotland) Act 1995 with a regard to the discharge of function under Section 73 of the Regulation of Care (Scotland) Act 2001;
- (51520) to make provision for the education of children with Additional Support Needs;
- (52521) to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;
- (53522) to be responsible for the provision of a Psychology Service;
- (523) to supervise and care for persons put on probation, released from prison, or subject to a community service order, and to provide the necessary social background reports and other reports to the court as required in terms of Section 27 of the Social Work (Scotland) Act 1968;
- (524) to provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995;
- (525) to supervise people placed on Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal (Procedure) Scotland Act 1995;
- (526) to ensure that persons who have been convicted of sexual offences are assessed and supervised under the terms and guidance of the Sex Offenders Act 1997;
- (527) to assist in the diversion of persons suffering from mental disorder who may be at risk to themselves from a custodial remand, either to hospital or to appropriate bail accommodation in accordance with the Criminal Procedure (Scotland) Act 1995 - Section 2000;
- (528) to operate a bail information and supervision scheme in accordance with the Bail (Scotland) Act 1995;
- (529) to supervise as required offenders made subject to an Order for Lifelong Restriction (OLR) in accordance with the Criminal Justice (Scotland) Act 2003;
- (630) to work closely with the Community Justice Authorities and the Scottish Prison Service to manage offenders pre, during and post sentence (Integrated Case Management) in accordance with the Management of Offenders etc (Scotland) Act 2005;
- (631) to work with the Community Justice Authority to provide appropriate planned and co-ordinated delivery of community offender services in accordance with Section 3 of the Management of Offenders etc (Scotland) Act 2005;

~~(632)~~ to act with the Scottish Prison Service and Police to jointly establish arrangements for assessing, managing and reviewing the risk from sex and violent offenders in accordance with Section 10 and 11 of the Management of Offenders etc (Scotland) Act 2005;

5e5d. Head of Adult Services

The Head of Adult Services is authorised:-

- (1) to promote and develop the integration of health and social care services.
- ~~(2) to supervise and care for persons put on probation, released from prison, or subject to a community service order, and to provide the necessary social background reports and other reports to the court as required in terms of Section 27 of the Social Work (Scotland) Act 1968;~~
- ~~(3) to provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995;~~
- ~~(4) to supervise people placed on Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal (Procedure) Scotland Act 1995;~~
- ~~(5) to ensure that persons who have been convicted of sexual offences are assessed and supervised under the terms and guidance of the Sex Offenders Act 1997;~~
- ~~(6) to assist in the diversion of persons suffering from mental disorder who may be at risk to themselves from a custodial remand, either to hospital or to appropriate bail accommodation in accordance with the Criminal Procedure (Scotland) Act 1995 – Section 2000;~~
- ~~(7) to operate a bail information and supervision scheme in accordance with the Bail (Scotland) Act 1995;~~
- ~~(8) to supervise as required offenders made subject to an Order for Lifelong Restriction (OLR) in accordance with the Criminal Justice (Scotland) Act 2003;~~
- ~~(9) to work closely with the Community Justice Authorities and the Scottish Prison Service to manage offenders pre, during and post sentence (Integrated Case Management) in accordance with the Management of Offenders etc (Scotland) Act 2005;~~
- ~~(10) to work with the Community Justice Authority to provide appropriate planned and co-ordinated delivery of community offender services in accordance with Section 3 of the Management of Offenders etc (Scotland) Act 2005;~~
- ~~(11) to act with the Scottish Prison Service and Police to jointly establish arrangements for assessing, managing and reviewing the risk from sex and violent offenders in accordance with Section 10 and 11 of the Management of Offenders etc (Scotland) Act 2005;~~
- (12) to prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968;
- (13) to make assessment of need in terms of Section 55 of the NHS and Community Care Act 1990;
- (14) to make appropriate arrangements for the provision of suitable residential accommodation with nursing provision of care and after care in terms of Section 56 of the Community Care Act 1990;
- (15) to notify carers of their entitlement to an assessment of their ability to care in terms of Section 9 of the Community Care and Health (Scotland) Act 2002;

- (46) to notify carers of children with disabilities that they may be entitled to an assessment in terms of Section 11 of the Community Care and Health (Scotland) Act 2002;
- (47) to make payments towards expenditure by NHS bodies on delegated functions in terms of Section 14 of the Community Care and Health (Scotland) Act 2002;
- (48) to make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Section 13A of the Social Work (Scotland) Act 1968;
- (49) to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- (10v) to consent or otherwise to the detention in hospital in terms of Section 36 or Section 44 of the Mental Health Care and Treatment (Scotland) Act 2003 in relation to a person with mental disorder who meets the grounds as set out in these parts of the Act;
- (11v) to make an application for a Compulsory Treatment Order (Section 63) in terms of Section 57(2-5) within 14 days Section 57(7) and prepare report and care plan as prescribed by Section 61 and Section 62;
- (12viii) to identify named persons in terms of Section 59;
- (13viii) interview patient, named person and relevant others in relation to Section 86 renewal, Section 91 extension and variation and Section 95 application to vary and provide evidence to RMO and tribunal as appropriate;
- (14ix) to consent or otherwise to the detention in hospital; of a person already subject to a community based Care and Treatment Order in terms of Section 114; and
- (15x) to be involved in decisions around suspension of detention in terms of Section 41, Section 53 and Sections 127/128.
- (3816) to carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000;
- (3917) to take such steps upon any investigation in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000 as seem necessary to safeguard the property, financial affairs or personal welfare of the adult and to co-operate with the public guardian, mental welfare commission and other local authorities for this purpose in terms of Section 12 of the Adults with Incapacity (Scotland) Act 2000;
- (4018) to supervise welfare attorneys in terms of a court order made under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000;
- (4119) to appeal to the Sheriff or the Court of Session in terms of Section 52 of the Adults with Incapacity (Scotland) Act 2000 where necessary;
- (4220) to apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000;
- (4321) to keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000;
- (4422) to notify the public guardian of any change of address in terms of Section 55(a), (b) of the Adults with Incapacity (Scotland) Act 2000;
- (4523) to carry out all necessary notifications in terms of Section 76 of the Adults with Incapacity (Scotland) Act 2000 and to transfer and accept Guardianship Orders to and from other local authorities in terms of Section 76(1) of the Adults with Incapacity (Scotland) Act 2000;
- (4624) to apply for registration of financial intervention orders to the General Register of Sasines or the Land Register of Scotland in terms of Section 56 of the Adults with Incapacity (Scotland) Act 2000;

- (4725) to apply for guardianship orders in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000, including interim orders and deal with any financial implications arising therefrom all in terms of Section 57 of the Adults with Incapacity (Scotland) Act 2000;
- ~~(48) to be appointed as welfare guardian for any adult within the local authority area and to discharge the functions as welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000 and to nominate a person to be exercised on his behalf in terms of Section 86 of the Adults with Incapacity (Scotland) Act 2000;~~
- (6526) to have the power to apply for the attachment of a power of arrest at any time while a banning order or temporary banning order has effect in terms of Section 25 of the Adult Support and Protection (Scotland) Act 2007;
- (6627) to have the power in urgent cases to apply to a Justice of the Peace for a warrant for entry or removal order in terms of Section 40 of the Adult Support and Protection (Scotland) Act 2007;
- (6728) to take such steps upon any removal under Section 14 of the Adult Support and Protection (Scotland) Act 2007 as seem necessary to safeguard the property of the adult at risk in terms of Section 18 of the Adult Support and Protection (Scotland) Act 2007;
- (6829) to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;
- (6930) to appoint a convenor who is not an officer of the Council to the Adult Protection Committee and any other representative or member with the necessary skills and knowledge in terms of Section 43 of the Adult Support and Protection (Scotland) Act.
- (7031) to operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968;
- (7132) to promote social welfare including giving help in kind or in cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968;
- (7233) to assess need and make direct payments in terms of Section 12A of the Social Work (Scotland) Act 1968;
- (7334) to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968;
- (7435) to recover any charges for services provided in terms of the Social Work (Scotland) Act 1968, Part II of the Children (Scotland) Act 1995 and the Mental Health (Scotland) Act 1984, the Adults with Incapacity (Scotland) Act 2000 all in terms of Section 87 of the Social Work (Scotland) Act 1968;
- ~~(75) to operate the Taxicard Scheme approved by the Council, including:-~~
- ~~(i) assessing eligibility of clients and operators to participate in the scheme;~~
- ~~(ii) award of grants for the provision of accessible vehicles and for the provision of swivel seats.~~
- (7664) to grant leave of absence with salary to enable staff to undertake approved courses, subject to appropriate provision having been made in the approved estimates of expenditure;

5d. Head of Quality and Performance

The Head of Quality and Performance is authorised:

- (1) to prepare a medium-term service plan for the Directorate;
- (2) to prepare an annual Directorate improvement plan;

- (3) to liaise with all relevant external scrutiny and inspection bodies;
- (4) to determine the requirements for workforce registration and establish plans for meeting such requirements;
- (5) to prepare an annual self-evaluation for the Directorate;
- (6) to co-ordinate all corporate governance activity for the Directorate;