

PROPOSED NEW WORDING & RENUMBERED (proposed changes explained in table below)

CHIEF SOCIAL WORK OFFICER

Where delegations are in *italics*, this denotes that they are statutory functions in line with legislation or statutory guidance.

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Social Work Officer who is appointed in accordance with the Social Work (Scotland) Act 1968 section 3, as a Statutory Officer, has the following powers: -

1. VALUES AND STANDARDS

- 1.1. to monitor the discharge of the Council's statutory social work duties;
- 1.2. to promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council (SSSC) for social service employers;
- 1.3. to work with relevant Directors and responsible Managers to ensure that all social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body;
- 1.4. to establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, the Practice Governance Framework: Responsibility and Accountability in Social Work Practice (Scottish Government 2011);
- 1.5. to ensure that the values and standards of professional practice are communicated on a regular basis and adhered to; and that local guidance is reviewed and updated periodically.

2. ADVICE

- 2.1. *to provide professional advice and contribute to decision-making in the local authority and health and social care partnership arrangements, raising issues of concern with the local authority Elected Members or the Chief Executive, or the Chief Officer of the Integration Joint Board as appropriate, regarding: -*
 - 2.1.1. *effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards;*
 - 2.1.2. *appropriate systems required to: -*
 - 2.1.2.1. *promote continuous improvement; and*
 - 2.1.2.2. *identify and address weak and poor practice;*
 - 2.1.3. *the development and monitoring of implementation of appropriate care governance arrangements;*

- 2.1.4. *approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;*
- 2.1.5. *requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;*
- 2.1.6. *workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;*
- 2.1.7. *continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;*
- 2.1.8. *the provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers*

3. SOCIAL WORK FUNCTIONS

- 3.1. *to take final decisions binding on the Council in relation to a range of social work services where provided by statute;*
- 3.2. *to serve any notice and take any action on behalf of the Council, in relation to the Council's functions in regard to: -*
 - 3.2.1. *the Social Work (Scotland) Act 1968;*
 - 3.2.2. *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;*
 - 3.2.3. *Section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 45 and 48 of the National Assistance Act 1948;*
 - 3.2.4. *the Disabled Persons (Employment) Act 1958;*
 - 3.2.5. *Section 11 of the Matrimonial Proceedings (Children) Act 1958;*
 - 3.2.6. *Section 51 of the Criminal Procedure (Scotland) Act 1995, as amended by Criminal Justice (Scotland) Act 2003;*
 - 3.2.7. *the Children Act 1975;*
 - 3.2.8. *the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;*
 - 3.2.9. *Sections 21 to 23 of the Health and Social Services and Social Security Adjudications Act 1983;*

- 3.2.10. the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 3.2.11. the Foster Children (Scotland) Act 1984;
- 3.2.12. Section 38(b) of the Housing (Scotland) Act 1987;
- 3.2.13. Part II of the Children (Scotland) Act 1995;
- 3.2.14. the Social Care (Self-directed Support) (Scotland) Act 2013 (asp 1);
- 3.2.15. Parts 5, 6, 9 to 11, 13 to 16, and 18 of the Children's Hearings (Scotland) Act 2011;
- 3.2.16. Part 6 (in so far as it applies to looked after children) of the Children and Young People (Scotland) Act 2014;
- 3.2.17. The Data Protection Act 2018;
- 3.2.18. The UK General Data Protection Regulation (GDPR).

4. ADULT SERVICES

- 4.1. to be appointed as welfare guardian for any adult within the local authority area and to ensure the discharge of the functions of welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000;
- 4.2. to ensure quality and to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000.

5. CHILDREN'S SERVICES

- 5.1. to fulfil the transferred responsibilities and rights in respect of a child for whom a permanence order has been made while that order remains in force in terms of Section 80 of the Adoption and Children (Scotland) Act 2007;
- 5.2. to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*
- 5.3. to decide whether to implement a secure accommodation authorisation in relation to a child and review such placements and removing a child from secure accommodation if appropriate, and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*
- 5.4. to decide where to transfer a child subject to a Supervision Order in cases of urgent necessity and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council.*

6. CRIMINAL JUSTICE

- 6.1. to take decisions associated with the management of drug treatment and testing orders and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;*

6.2. to carry out the functions of the local authority in relation to a breach of a supervised release order, or to appoint someone to carry out these functions and *to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council.*

7. PROFESSIONAL LEADERSHIP

7.1. *to support and contribute to evidence-informed decision-making and practice, at professional and corporate level, by providing appropriate professional advice;*

7.2. *to seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;*

7.3. *to support the delivery of social work's contribution to achieving local and national outcomes;*

7.4. *to promote partnership working across professions and all agencies to support the delivery of integrated services;*

7.5. *to promote social work values across corporate agendas and partner agencies.*

8. PARTNERSHIPS AND INTEGRATION

8.1. *to act as a non-voting member of the Integration Joint Board;*

8.2. *to provide consultancy and authority to the Chief Integration Officer to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003.*

9. REPORTING

9.1. *To report to the Chief Executive, elected members and to the Integrated Joint Board on issues which may identify risk to the safety of vulnerable people or impact on the social work service and also on the findings of relevant service quality and performance reports, setting out: -*

9.1.1. *implications for the local authority, for the Integrated Joint Board, for services, for people who use services and support, and carers; and for individual teams, members of staff and partners;*

9.1.2. *implications for delivery of national and local outcomes;*

9.1.3. *proposals for remedial action;*

9.1.4. *means for sharing good practice and learning;*

9.1.5. *monitoring and reporting arrangements for identified improvement activity.*

9.2. *to produce and publish a summary annual report for local authorities and Integrated Joint Boards on the functions of the Chief Social Work Officer role and delivery of the local authority's social work services functions.*

10. ACCESS, ACCOUNTABILITY AND REPORTING ARRANGEMENTS

10.1. To discharge their role effectively, the Chief Social Work Officer is authorised:
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10.1.1. *to have direct access to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners and also in partner services, including in Health and Social Care Partnership;*

10.1.2. *to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;*

10.1.3. *to be visible and available to any social services worker and to ensure the availability of robust professional advice and practice guidance;*

10.1.4. *to provide professional advice as required to senior managers across the authority and its partners in support of strategic and corporate agendas;*

10.2. The Chief Social Work Officer is enabled to -

10.2.1. *inform and influence corporate issues, such as managing risk, setting budget priorities and public service reform;*

10.2.2. *manage the relationships, responsibilities and respective accountabilities of service managers and the CSWO;*

10.2.3. *establish clear and formal deputising arrangements (with similar skills and experience available) to cover any period of absence by the CSWO and appropriate delegation arrangements where scale of business requires this.*

TABLE 1(g): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES

CHIEF SOCIAL WORK OFFICER (CSWO)

TABLE OF CHANGES TO THE SCHEME OF DELEGATION

NEW NUMBER	OLD NUMBER	WHAT IT USED TO SAY	WHAT IT NOW SAYS	REASON FOR CHANGE
1.1	1(i)	NO CHANGE		N/A
1.2	New	New delegation added	to promote values and standards of professional practice, including all relevant national Standards and Guidance, and ensure adherence with the Codes of Practice issued by the Scottish Social Services Council (SSSC) for social service employers.	Added in line with Statutory Wording
1.3	New	New delegation added	to work with relevant Directors and responsible Managers to ensure that all <i>social service workers practice in line with the SSSC's Code of Practice and that all registered social service workers meet the requirements of the regulatory body.</i>	As above
1.4	New	New delegation added	to establish a Practice Governance Group or link with relevant Clinical and Care Governance arrangements designed to support and advise managers in maintaining and developing high standards of practice and supervision in line with relevant guidance, including, for example, the Practice Governance Framework: Responsibility	As above

			and Accountability in Social Work Practice (Scottish Government 2011)	
1.5	New	New delegation added	to ensure that the values and standards of professional practice are communicated <i>on a regular basis and adhered to; and that local guidance is reviewed and updated periodically.</i>	As above
2.1	1(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	<i>to provide professional advice and contribute to decision-making in the local authority and health and social care partnership arrangements, raising issues of concern with the local authority Elected Members or Chief Executive, or the Chief Officer of the Integration Joint Board as appropriate, regarding:</i>	Minor amendment to wording to act in line with statutory guidance
2.1.1	1(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 Chief Executive any failure in the Council's corporate policy or governance arrangements in respect of such;	<i>effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards.</i>	Minor change to wording. Reporting moved to 9.1.
2.1.2	1(v)	to ensure the existence of systems to promote, communicate, support and review values and standards of	<i>appropriate systems required to 2.1.2.1 promote continuous improvement and;</i>	Amended in line with statutory guidance

		professional practice including promoting good practice and identify and addressing poor practice in the provision of social work services;	<i>2.1.2.2 identify and address weak and poor practice.</i>	
2.1.3		New delegation added	<i>the development and monitoring of implementation of appropriate care governance arrangements;</i>	Added in line with statutory wording
2.1.4	1(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;	<i>approaches in place for learning from critical incidents, which could include through facilitation of local authority involvement in the work of Child Protection Committees, Adult Support and Protection Committees and Offender Management Committees where that will result in the necessary learning within local authorities taking place;</i>	Amendment to implement statutory guidance
2.1.5		New delegation added	<i>requirements that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;</i>	Added in line with statutory guidance
2.1.6	1(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	<i>workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;</i>	Amendment to implement statutory guidance.

		and advising managers in all aspects of staff supervision;		
2.1.7		New delegation added	<i>continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of people who use services and support;</i>	Added in line with statutory wording.
2.1.8		New delegation added	<i>the provision and quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;</i>	Added in line with statutory wording.
3.1	1(viii)	NO CHANGE	NO CHANGE	N/A
3.2	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 –	to serve any notice and take any action on behalf of the Council, in relation to the Council's functions in regard to –	Minor edit to wording.
3.2.1	2(i)	NO CHANGE	NO CHANGE	N/A
3.2.2	2(ii)	NO CHANGE	NO CHANGE	N/A
3.2.3	2(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;	section 22(2) to (5A), (7) and (8), section 26(2) to (4) and sections 45 and 48 of the National Assistance Act 1948;	Removed references to sections 43 and 47 (repealed).
3.2.4	2(v)	NO CHANGE	NO CHANGE	N/A

3.2.5	2(vi)	sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958;	section 11 of the Matrimonial Proceedings (Children) Act 1958;	Removed references to sections 10 and 12 (repealed).
3.2.6	2(vii)	sections 11 and 12 of the Guardianship Act 1973; and section 51 of the Criminal Procedure (Scotland) Act 1995;	Section 51 of the Criminal Procedure (Scotland) Act 1995, as amended by Criminal Justice (Scotland) Act 2003;	Removed references to 1973 Act (repealed); added 2003 Act.
3.2.7	2(viii)	NO CHANGE	NO CHANGE	N/A
3.2.8	2(ix) 2(xvi)	the Adoption Act 1976; the Adoption and Children (Scotland) Act 2007 (asp 4);	the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009;	Amended to reference updated legislation.
3.2.9	2(x)	NO CHANGE	NO CHANGE	N/A
3.2.10	2(xi)	NO CHANGE	NO CHANGE	N/A
3.2.11	2(xii)	NO CHANGE	NO CHANGE	N/A
3.2.12	2(xiii)	sections 38(b) and 235 of the Housing (Scotland) Act 1987;	section 38(b) of the Housing (Scotland) Act 1987;	Removed reference to section 235 (repealed).
3.2.13	2(xv)	NO CHANGE	NO CHANGE	N/A
3.2.14	2(xvii)	NO CHANGE	NO CHANGE	N/A
3.2.15	2(xviii)	NO CHANGE	NO CHANGE	N/A
3.2.16	2(xix)	NO CHANGE	NO CHANGE	N/A
4.1	1(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	to be appointed as welfare guardian for any adult within the local authority area and to ensure the discharge of the functions of welfare guardian in terms of Section 59 of the Adults with Incapacity (Scotland) Act 2000;	Removal of s86 of the Adults with Incapacity (Scotland) Act 2000 Reflected in 4.2

		exercised on his behalf in terms of Section 86 of the Adults with Incapacity (Scotland) Act 2000;		
4.2		New delegation added	to ensure quality and to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000.	Added in compliance with legislation referring to supervision
5.1	1(x)	NO CHANGE	NO CHANGE	N/A
5.2	1(xii)	to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011;	to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and <i>to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;</i>	Delegation expanded to comply with statutory guidance
5.3	(xii)	(xii) to authorise the placement of children in secure accommodation under the Children's Hearings (Scotland) Act 2011; and	to decide whether to implement a secure accommodation authorisation in relation to a child and review such placements and removing a child from secure accommodation if appropriate, and <i>to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;</i>	Delegation expanded to comply with statutory guidance
5.4	1(xiii)	to authorise in an emergency the movement of children who are required to reside at a specific place under Children's	to decide where to transfer a child subject to a Supervision Order in cases of urgent necessity and <i>to ensure quality and maintain oversight where this function has been</i>	Delegation expanded to comply with statutory guidance

		Hearings (Scotland) Act 2011.	<i>delegated to a suitable officer of the Council.</i>	
6.1	New	New delegation added	to take decisions associated with the management of drug treatment and testing orders and <i>to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;</i>	Added in line with statutory guidance
6.2	New	New delegation added	to carry out the functions of the local authority in relation to a breach of a supervised release order, or to appoint someone to carry out these functions and <i>to ensure quality and maintain oversight where this function has been delegated to a suitable officer of the Council;</i>	As above
7.1	New	New delegation added	<i>to support and contribute to evidence-informed decision making and practice, at professional and corporate level, by providing appropriate professional advice;</i>	Added in line with statutory guidance
7.2	New	New delegation added	<i>to seek to enhance professional leadership and accountability throughout the organisation to support the quality of service and delivery;</i>	As above
7.3	New	New delegation added	<i>to support the delivery of social work's contribution to achieving local and national outcomes;</i>	As above

7.4	New	New delegation added	<i>to promote partnership working across professions and all agencies to support the delivery of integrated services;</i>	As above
7.5	New	New delegation added	<i>to promote social work values across corporate agendas and partner agencies.</i>	As above
8.1	New	New delegation added	<i>to act as a non-voting member of the Integration Joint Board.</i>	Added in line with statutory guidance
8.2	New	New delegation added	to provide consultancy and authority to the Chief Integration Officer to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003;	Added to act with point 5.3 of Chief Integration Officer's scheme of delegation
9.1	New	New delegation added	<i>To report to the Chief Executive, elected members and to Integrated Joint Board on issues which may identify risk to safety of vulnerable people or impact on the social work service and also on the findings of relevant service quality and performance reports, setting out:</i> <i>9.1.1 implications for the local authority, for the Integrated Joint Boards, for services, for people who use services and support and carers. For individual teams,</i>	Added in line with statutory guidance

			<p><i>members of staff and partners;</i></p> <p><i>9.1.2 implications for delivery of national and local outcomes;</i></p> <p><i>9.1.3 proposals for remedial action;</i></p> <p><i>9.1.4 means for sharing good practice and learning;</i></p> <p><i>9.1.5 monitoring and reporting arrangements for identified improvement activity.</i></p>	
9.2	1(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;	<i>to produce and publish a summary annual report for local authorities and Integrated Joint Boards on the functions of the Chief Social Work Officer role and delivery of the local authority's social work services functions.</i>	Amendment in line with statutory guidance
10.1	New	New delegation added	<p>To discharge their role effectively, the CSWO is authorised:</p> <p><i>10.1.1 to have direct access to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners and also in partner services, including in Health and Social Care Partnership;</i></p> <p><i>10.1.2 to bring matters to the attention of the Chief Executive to ensure that professional standards</i></p>	Added in line with statutory guidance

			<p><i>and values are maintained;</i></p> <p><i>10.1.3 to be visible and available to any social services worker and ensure the availability of robust professional advice and practice guidance;</i></p> <p><i>10.1.4 to provide professional advice as required to senior managers across the authority and its partners in support of strategic and corporate agendas;</i></p>	
10.2	New	New delegation added	<p>10.2 The Chief Social Work Officer is enabled to;</p> <p><i>10.2.1 inform and influence corporate issues, such as managing risk, setting budget priorities and public service reform;</i></p> <p><i>10.2.2 manage the relationships, responsibilities and respective accountabilities of service managers and the CSWO;</i></p> <p><i>10.2.3 establish clear and formal deputising arrangements (with similar skills and experience available) to cover any period of absence by the CSWO and appropriate delegation arrangements where scale of business requires this.</i></p>	As above