

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

## **CHIEF INTEGRATION OFFICER**

Subject to the General Provisions and Limitations as appropriate and in addition to the General Delegations, the Chief Integration Officer has the following powers: -

### **1. GENERAL**

- 1.1. to take overall responsibility for the functions that the Council has been directed to perform by the Angus Integration Joint Board in terms of the Public Bodies (Joint Working) Act 2014; and to oversee all staff and to act in all matters relating thereto;
- 1.2. to exercise responsibilities on behalf of Angus Council for the functions specified in The Public Bodies (Joint Working) (Scotland) Act 2014;
- 1.3. to promote and develop the integration of health and social care services;
- 1.4. to require reviews of the Integration Scheme solely for the purposes of amending the Integration Scheme to incorporate statutory amendments to the functions that require to be delegated by NHS Tayside or the Council to the Angus Integration Joint Board;
- 1.5. 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;
- 1.6. to approve revised standard rates and additional service charges for care homes under the National Care Home Contract (NCHC) recommended for annual uplift (or decrease) on a Scottish national basis by negotiation between COSLA and Scottish Care (or relevant successor bodies);
- 1.7. to provide information on Social Work and Health services for disabled people and any relevant services of other authorities or organisations in terms of Section 1(2)(b) of the Chronically Sick and Disabled Persons Act 1970;
- 1.8. to undertake the functions and duties of the council in terms of Section 2(1) of the Chronically Sick and Disabled Persons Act 1970;
- 1.9. to assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of Section 13 of the Disabled Persons (Services, Consultation and Representation) Act 1986.

### **2. SOCIAL WORK**

- 2.1. 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;
- 2.2. to assess need and make direct payments in terms of Section 12A of the Social Work (Scotland) Act 1968;

- 2.3. to take into consideration the views of the person and the carer on the provision of services in terms of Section 12A(1)(b) of the Social Work Scotland Act 1968;
- 2.4. to provide home help and laundry facilities in terms of Section 14 of the Social Work (Scotland) Act 1968;
- 2.5. to arrange for the burial or cremation of any person who was in the care of, or receiving help from, the Council immediately before their death and to recover expenses not reimbursed, in terms of Section 28 of the Social Work (Scotland) Act 1968;
- 2.6. to recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.

### **3. PEOPLE IN CARE SETTINGS**

- 3.1. 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 Sections 13A and 13B of the Social Work (Scotland) Act 1968;
- 3.2. in terms of Section 1 of the Community Care and Health (Scotland) Act 2002, not to charge for social care provided or secured by the service if that social care is personal care as defined in Section 2(28) of the Regulation of Care (Scotland) Act 2001.

### **4. CARERS**

- 4.1. to undertake the duties and responsibilities of the Council under the Carers (Scotland) Act 2016, pursuant to the service;
- 4.2. to undertake the duties and responsibilities of the Council under Part 4 of the Social Work (Scotland) Act 196, pursuant to the service;
- 4.3. 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;
- 4.4. to assess the ability of a disabled person's carer to provide care in terms of Section 8(1) of the Disabled Persons (Services, Consultation and Representation) Act 1986.

### **5. MENTAL HEALTH**

- 5.1. to provide services for persons who are not in hospital and who have or have had mental disorder, provide care and support or secure the provision of such care and support in terms of Section 25(1)(a)(i) and 25(1)(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003 including residential accommodation in terms of Section 25(3)(a)(i) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and personal care and support in terms of Section 25(a)(ii) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.2. to provide, or arrange for the provision of, services to promote well-being and social development for any persons, who are or have been suffering from

mental disorder, in terms of Section 26(1)(a) and 26(1)(b) of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to provide assistance or such facilities as are necessary for the provision of transport to enable persons to access services provided in terms of Section 25 and Section 26 of the Mental Health (Care and Treatment) (Scotland) Act 2003 for any persons who are or have been suffering from mental disorder in terms of Section 27 of the Mental Health (Care and Treatment) (Scotland) Act 2003;

- 5.3.** following consultation with and under authority from the Chief Social Work 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;
- 5.4.** to provide or secure the provision of suitable training and occupation for persons with a learning disability who are over school age (within the meaning of the Education (Scotland) Act 1980) in terms of Section 11 of the Mental Health (Scotland) Act 1984;
- 5.5.** to arrange a social circumstance report in the prescribed form from the person who is to be the patient's designated Mental Health Officer following the occurrence of a relevant event in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.6.** to ensure a Mental Health Officer is designated as the mental health officer having responsibility for the patient's case as soon as is reasonably practicable after a relevant event (in terms of Section 232 of the Mental Health (Care and Treatment) (Scotland) Act 2003) occurs where the patient was resident in the Angus area prior to admission or was not resident in Scotland prior to admission, but has been admitted to a psychiatric unit within the Angus area in terms of Section 229 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.7.** to authorise appropriately qualified staff to undertake inquiries in relation to persons who appear to have mental disorder and who may be at risk in terms of Section 33 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.8.** to authorise Mental Health Officers to provide information for the purpose of the issue of a warrant to enter premises and seek medical assessment of persons who appear to have mental disorder and be at risk in terms of Sections 33 to 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and to remove persons to a place of safety in terms of Section 293 of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.9.** to arrange, in collaboration with the Health Board, for the provision of independent advocacy for every person with a mental disorder and to take appropriate steps to ensure that those persons have the opportunity to make use of those services in terms of Section 259(1) of the Mental Health (Care and Treatment) (Scotland) Act 2003;
- 5.10.** 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;

- 5.11. to make an application for a Compulsory Treatment Order (Section 63) in terms of Section 57(2)-(5) of the Mental Health Care and Treatment (Scotland) Act 2003 within 14 days as required by Section 57(7) and prepare report and care plan as prescribed by Section 61 and Section 62;
- 5.12. to identify named persons in terms of Section 59 of the Mental Health Care and Treatment (Scotland) Act 2003;
- 5.13. to interview patients, named persons 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, all under the Mental Health Care and Treatment (Scotland) Act 2003;
- 5.14. 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 of the Mental Health Care and Treatment (Scotland) Act 2003;
- 5.15. to be involved in decisions around suspension of detention in terms of Section 41, Section 53 and Sections 127/128 of the Mental Health Care and Treatment (Scotland) Act 2003.

## **6. ADULTS WITH INCAPACITY**

- 6.1. to carry out the duties and responsibilities of the Council in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000; including to take such steps upon any investigation 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;
- 6.2. to ensure that a suitably qualified professional officer of the Council shall 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;
- 6.3. 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;
- 6.4. to apply to the Sheriff for an intervention order in terms of Section 53(1), (3) of the Adults with Incapacity (Scotland) Act 2000;
- 6.5. to keep records in terms of Section 54 of the Adults with Incapacity (Scotland) Act 2000;
- 6.6. to notify the public guardian of any change of address in terms of Section 55 of the Adults with Incapacity (Scotland) Act 2000;
- 6.7. 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;

- 6.8. 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;
- 6.9. 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;
- 6.10. upon being nominated by the Chief Social Work Officer, 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 your behalf;
- 6.11. to apply to the Sheriff for renewal of guardianship orders in terms of Section 60 of the Adults with Incapacity (Scotland) Act 2000;
- 6.12. to instruct such persons as appropriate to discharge the powers under financial intervention orders applied for under Section 53 of the Adults with Incapacity (Scotland) Act 2000 as necessary;
- 6.13. to apply to the Sheriff in terms of Section 70 of the Adults with Incapacity (Scotland) Act 2000 in cases of non-compliance of third parties with orders granted on behalf of the local authority;
- 6.14. to apply to the Sheriff for the replacement or removal of a guardian or the recall of a guardianship order in terms of Section 71 of the Adults with Incapacity (Scotland) Act 2000;
- 6.15. to apply to the Sheriff for variation of guardianship orders in terms of Section 74 of the Adults with Incapacity (Scotland) Act 2000;
- 6.16. to delegate any of the powers granted under guardianship and intervention orders and any functions under the Adults with Incapacity (Scotland) Act 2000 to the appropriate person in the management structure of the Angus Health and Social Care Partnership as per Section 56 of the Local Government (Scotland) Act 1973 as amended.

## **7. ADULT PROTECTION**

- 7.1. to make inquiries into the circumstances of adults who may be at risk of harm in terms of section 4 of the Adult Support and Protection (Scotland) Act 2007;
- 7.2. to request co-operation in the exercise of any functions that the Council has under Part 1 of the Adult Support and Protection (Scotland) Act 2007 from a specified public body or officer of a public body in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- 7.3. to co-operate with specified public bodies to assist other councils exercising functions under Part 1 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 5 of the Adult Support and Protection (Scotland) Act 2007;
- 7.4. to delegate any of the powers and duties granted under Part 1 of the Adult Support and Protection (Scotland) Act 2007 to an appropriately qualified and

experienced council officer appointed by Social Work and Health as per Section 64 of the Local Government (Scotland) Act 1973 as amended;

- 7.5. to have the power to enter a place to assist in conducting inquiries into the necessity of protecting an adult at risk of harm in terms of Section 7 of the Adult Support and Protection (Scotland) Act 2007;
- 7.6. to have the power to require any person holding health, financial or other records pertaining to an adult who is believed to be at risk of harm to produce the records for examination or give copies of the records to a council officer undertaking a function under Part 1 of the Adult Support and Protection and Protection (Scotland) Act 2007;
- 7.7. to apply to a Sheriff for a warrant for entry in order to fulfil functions under Sections 7 and 16 of the Adult Support and Protection (Scotland) Act 2007 in terms of Section 37 of the Adult Support and Protection (Scotland) Act 2007;
- 7.8. to apply to a Sheriff for an assessment order in terms of Section 11 of the Adult Support and Protection (Scotland) Act 2007;
- 7.9. to apply to a Sheriff for a removal order in terms of Section 14 of the Adult Support and Protection (Scotland) Act 2007;
- 7.10. to apply to a Sheriff for a banning order in terms of Section 19 or temporary banning order in terms of Section 21 of the Adult Support and Protection (Scotland) Act 2007;
- 7.11. 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;
- 7.12. 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;
- 7.13. 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;
- 7.14. to provide services to persons lacking capacity and make the necessary arrangements for them to take advantage of such services in accordance with the Adult Support and Protection (Scotland) Act 2007;
- 7.15. 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;
- 7.16. to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;
- 7.17. 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.

## **8. PROCUREMENT**

- 8.1.** In accordance with Procurement Standing Order 16.5.1, to enter into a contract with one provider where the requirement falls within the Health and Social Services classification designated within Schedule 3 of the Public Contracts (Scotland) Regulations 2015 and the Contract Value does not exceed the Light Touch Regime threshold.

**TABLE 1(h): PROPOSED CHANGES AND REASONS FOR PROPOSED CHANGES****CHIEF INTEGRATION OFFICER****TABLE OF CHANGES TO THE SCHEME OF DELEGATION**

NEW No.	OLD No.	WHAT IT USED TO SAY	WHAT IT NOW SAYS	REASON FOR CHANGE
1.1	1	NO CHANGE	NO CHANGE	N/A
1.2	2	NO CHANGE	NO CHANGE	N/A
1.3	3	NO CHANGE	NO CHANGE	N/A
1.4	4	NO CHANGE	NO CHANGE	N/A
1.5	65	NO CHANGE	NO CHANGE	N/A
1.6	66	NO CHANGE	NO CHANGE	N/A
1.7	23	to provide information on Social Work and Health services for disabled people and any relevant services of other authorities or organisations in terms of Section 9 of the Disabled Persons (Services, Consultation and Representation) Act 1986;	to provide information on Social Work and Health services for disabled people and any relevant services of other authorities or organisations in terms of Section 1 (2) (b) of the Chronically Sick and Disabled Persons Act 1970;	Amendment made to include correct legislation.
1.8	15	to provide services to chronically sick and disabled persons in terms of Section 2(1) of the Chronically Sick and Disabled	To undertake the functions and duties of the council in terms of Section 2(1) of the Chronically Sick and Disabled Persons Act 1970.	Amendment to cover more general duties under the legislation



		<p>Persons Act 1970:-</p> <p>(a) the provision of practical assistance for that person in his home;</p> <p>(b) the provision for that person of, or assistance to that person in obtaining, wireless, television, library or similar recreational facilities;</p> <p>(c) the provision for that person of lectures, games, outings or other recreational facilities outside his home or assistance to that person in taking advantage of available educational facilities;</p> <p>(d) the provision for that person of facilities for, or assistance in, travelling to and from his home for the purpose of participating in any services provided under arrangements made by the authority (under</p>		
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		<p>Section 12 of the 1968 Act or Section 23 of the 1995 Act), or, with the approval of the authority, in any services provided otherwise than as aforesaid which are similar to services which could be provided under such arrangements;</p> <p>(e) the provision of assistance for that person in arranging for the carrying out of any works of adaptation in his home or the provision of any additional facilities designed to secure his greater safety, comfort or convenience;</p> <p>(f) facilitating the taking of holidays by that person, whether at holiday homes or otherwise and whether provided under arrangements made by the authority or otherwise;</p>		
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		(g) the provision of meals for that person whether in their home or elsewhere;  (h) the provision for that person of, or assistance to that person, in obtaining, a telephone and any special equipment necessary to enable him to use a telephone.		
1.9	24	NO CHANGE	NO CHANGE	N/A
2.1	61	NO CHANGE	NO CHANGE	N/A
2.2	62	NO CHANGE	NO CHANGE	N/A
2.3	19	To take into consideration the views of the person and the carer on the provision of services in terms of Section 12A(b) of the Social Work Scotland Act 1968.	To take into consideration the views of the person and the carer on the provision of services in terms of Section 12A (1) (b) of the Social Work Scotland Act 1968	Minor amendment to specify subsection of Act that is being referred to.
2.4	12	NO CHANGE	NO CHANGE	N/A
2.5	13	NO CHANGE	NO CHANGE	N/A
2.6	63	NO CHANGE	NO CHANGE	N/A
3.1	11	to make arrangements with voluntary or other organisations or persons for	to make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for	Amendment made to add reference to 13B of the 1968 Act.

		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;	people who appear to need such accommodation in terms of Section 13A and 13B of the Social Work (Scotland) Act 1968;	
3.2	14	NO CHANGE	NO CHANGE	N/A
4.1	New delegation added	New delegation added	To undertake the duties and responsibilities of the Council under the Carers (Scotland) Act 2016, pursuant to the service.	To reflect the duties upon the service
4.2	New delegation added	New delegation added	To undertake the duties and responsibilities of the council under Part 4 of the Social Work (Scotland) Act 1968, pursuant to the service.	To reflect the duties upon the service.
4.3	10	NO CHANGE	NO CHANGE	N/A
4.4	22	NO CHANGE	NO CHANGE	N/A
5.1	26	NO CHANGE	NO CHANGE	N/A
5.2	27	NO CHANGE	NO CHANGE	N/A
5.3	28	to appoint, and where necessary, terminate the appointment of Mental Health Officers in terms of Section 32 of the Mental Health (Care and Treatment)	following consultation with and under authority from the Chief Social Work 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;	amendment to wording to include authority from chief social work officer given the nature of the role. This is required by the legislation.

		(Scotland) Act 2003;		
5.4	29	NO CHANGE	NO CHANGE	N/A
5.5 – 5.15	30(i)-(x)	NO CHANGE	NO CHANGE	N/A
6.1	31 and 32	to carry out the functions of local authorities in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000; 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;	to carry out the duties and responsibilities of the Council in terms of Section 10 of the Adults with Incapacity (Scotland) Act 2000; including to take such steps upon any investigation 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;	Minor amendment to wording
6.2	33	to supervise welfare attorneys in terms of a court order made	to ensure that a suitably qualified professional officer of the council shall supervise welfare attorneys in terms of a	Minor amendment to wording to ensure qualified professional officer supervises.

		under Section 20(2)(c) and to apply for an order under Section 20(1) of the Adults with Incapacity (Scotland) Act 2000;	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;	
6.3	34	NO CHANGE	NO CHANGE	N/A
6.4	35	NO CHANGE	NO CHANGE	N/A
6.5	36	NO CHANGE	NO CHANGE	N/A
6.6	37	NO CHANGE	NO CHANGE	N/A
6.7	38	NO CHANGE	NO CHANGE	N/A
6.8	39	NO CHANGE	NO CHANGE	N/A
6.9	40	NO CHANGE	NO CHANGE	N/A
6.10	New delegation added	New delegation added	upon being nominated by the Chief Social Work Officer, 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 your behalf in terms of Section of the Adults with Incapacity (Scotland) Act 2000;	to allow the service to undertake function.
6.11	41	NO CHANGE	NO CHANGE	N/A
6.12	42	NO CHANGE	NO CHANGE	N/A
6.13	43	NO CHANGE	NO CHANGE	N/A
6.14	44	NO CHANGE	NO CHANGE	N/A
6.15	45	NO CHANGE	NO CHANGE	N/A
6.16	46	NO CHANGE	NO CHANGE	N/A
7.1	47	NO CHANGE	NO CHANGE	N/A

7.2	48	NO CHANGE	NO CHANGE	N/A
7.3	49	NO CHANGE	NO CHANGE	N/A
7.4	50	NO CHANGE	NO CHANGE	N/A
7.5	51	NO CHANGE	NO CHANGE	N/A
7.6	52	NO CHANGE	NO CHANGE	N/A
7.7	53	NO CHANGE	NO CHANGE	N/A
7.8	54	NO CHANGE	NO CHANGE	N/A
7.9	55	NO CHANGE	NO CHANGE	N/A
7.10	56	NO CHANGE	NO CHANGE	N/A
7.11	57	NO CHANGE	NO CHANGE	N/A
7.12	58	NO CHANGE	NO CHANGE	N/A
7.13	59	NO CHANGE	NO CHANGE	N/A
7.14	25	NO CHANGE	NO CHANGE	N/A
7.15	64	NO CHANGE	NO CHANGE	N/A
7.16	New delegation added	New delegation added	to establish an Adult Protection Committee in terms of Section 42 of the Adult Support and Protection (Scotland) Act 2007;	Transferred from Director of Children, Families & Justice
7.17	New delegation added	New delegation added	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.	Transferred from Director of Children, Families & Justice
8.1	New	New delegation added.	In accordance with Procurement Standing Order 16.5.1, to enter into a contract with one provider where the requirement falls within the Health and Social	To align with proposed new Procurement Standing Orders.

			Services classification designated within Schedule 3 of the Public Contracts (Scotland) Regulations 2015 and the Contract Value does not exceed the Light Touch Regime threshold	
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