

Best Practice Guidance on the Role of the Director of Adult Social Services

March 2005

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Document Purpose	Best Practice Guidance
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Title	Guidance on the Role of the Director of Adult Social Services
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Description	Guidance to support local authorities to implement structural changes resulting from the 2004 Children Act and to create a clear focus on managing the needs of adults with social care needs.
Cross Ref	Independence, Wellbeing and Choice; Our vision for the Future of Adult Social Care in England, A Green Paper
Superseded Docs	The Roles and Responsibilities of Directors of Social Services, A Letter to Directors of Social Services from Denise Platt, CBE, Chief Inspector of Social Services
Action Required	Local Authorities are required to create a Director of Adult Social Services Post by virtue of the Children Act, 2004. Any comments on the draft guidance should be submitted to DH by 10 June, 2005
Timing	Consultation closes on 28 July, 2005
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For Recipients Use

Foreword by the Parliamentary Under Secretary of State for Community

This guidance has been developed to support local authorities to implement the changes to chief officer portfolios made by the Children Act 2004.

The Department for Education and Skills has consulted on draft guidance on the role of the Director of Children's Services. The Guidance on the Role of the Director of Adult Social Services is intended to provide a parallel focus, in both managerial and political terms, on adults with social care needs and their communities. The drivers behind the Every Child Matters, Change for Children programme are well known and have received considerable coverage in the press. In the field of adult social services the need for change is equally pressing, although the experiences of adults excluded from mainstream society do not always receive the same high profile coverage.

We are entering a period of unprecedented change in the field of social care. The Government is publishing 'Independence, Wellbeing and Choice'¹ a Green Paper on the future of adult social care in England for consultation, in parallel to the publication of Guidance on the Role of the Director of Adult Social Services. The paper will consult on options for making social care more responsive to the needs and expectations of service users, their families, carers and the wider community. The Green Paper in itself will not offer a single solution to the needs of adults, but it will stimulate debate and encourage the full range of stakeholders to engage in a process that will transform the way social care is viewed.

Through the Green Paper process we will be seeking to encourage a change in culture, so that in future social care will be person centred, seamless and proactive. In future providers of services should treat people with respect and dignity and support them in overcoming barriers to inclusion. They should focus on outcomes and the wellbeing of individuals and advocate for the most disadvantaged groups. For the Director of Adult Social Services this means not only providing leadership for social services staff, but taking a leading role in delivering the wider social care and wellbeing agenda.

We are proposing to issue best practice guidance on the role of the Director of Adult Social Services, rather than statutory guidance. Our reasons are as follows. This guidance and 'Independence, Wellbeing and Choice' signal the beginning of a process of change, rather than the end. The needs of adults, while of comparable importance to those of children, are

1 Independence, Wellbeing and Choice: The vision for the Future of Social Care in England; A Green Paper. Published by the Department of Health, February, 2005.

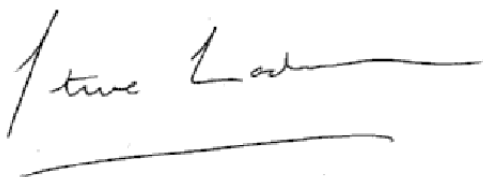
to some extent different in nature. Where a good reason for so doing is identified, local authorities should have the scope and flexibility to adopt an approach that differs from the model that we are recommending, provided that they retain a sufficient focus on the needs of the adult client group. Such innovation can be a source of learning and excellence.

It is fully intended that the role of the Director of Adult Social Services is equal in status, importance and esteem to that of the Director of Children's Services. We see no diminution of this by the fact that we have issued guidance as "best practice", rather than statutory guidance. Both roles are politically restricted statutory chief officer posts under Section 2 of the Local Government and Housing Act 1989 (as amended). The issuing of best practice guidance on the roles and responsibilities of the Director of Adult Social Services does not, and should not be seen to, weaken this in any way.

However, we are interested in the views of consultees on whether it is necessary to issue statutory guidance on the role of the Director of Adult Social Services under Section 7 of the LASS Act 1970, and if so, for what reasons. Responses to consultation on this document will be considered alongside responses to the 'Independence, Wellbeing and Choice' consultation.

Increasingly social care is delivered by a range of providers, many of which are outside the direct line management structure of social services. Although the statutory function of "Director of Adult Social Services" is defined in terms of local authority functions under the Local Authority Social Services Act, 1970, he or she will need to influence a range of service providers beyond the immediate scope of social services in order to effectively deliver our vision for the future of adult social care, including the wellbeing of all adults with social care needs. We are interested in the views of stakeholders on the desirability of changing the name of the Director of Adult Social Services, for example, to the Director of Services for Adults, to better reflect this wider remit.

We would welcome your views on this guidance and its usefulness to local authorities as a tool to support the change process. A number of specific questions for consultation, on which we would be grateful for the views of stakeholders, are attached at Annex A of the guidance.

A handwritten signature in black ink, appearing to read 'Steve Ladyman', with a horizontal line underneath.

Dr Stephen Ladyman MP
Parliamentary Under Secretary of State for Community

Summary

- 1 This guidance is intended as a tool to support local authorities in putting in place a senior management structure equipped to deliver local authorities' part in a new vision for adult social care.
- 2 The first part of this guidance sets out the legislative requirements for every local authority with responsibility for adult social services to appoint a Director of Adult Social Services. In some cases local authorities may opt to make a joint appointment with another local authority or a PCT. The Director of Adult Social Services will be responsible for the local authority's social services functions under the Local Authority Social Services Act 1970, in respect of adults.
- 3 The second part of this guidance is issued as best practice guidance and it sets out the context in which this guidance has been developed and suggests key roles and responsibilities, and reporting arrangements for the Director of Adult Social Services. The intention is to create a post with strategic responsibility for the planning, commissioning and delivery of social services for all adult client groups and with a leading role in delivering the wider vision for social care. The postholder should champion the needs of adults with social care needs, provide professional leadership and deliver the cultural change to implement person-centred services and to promote partnership working.
- 4 Annex A sets out a number of consultation questions for the consideration of stakeholders. Any views on the consultation questions, or the guidance in general should be submitted to: adultsocialcare@dh.gsi.gov.uk

Part 1: The Legislative Provisions

Duty to Appoint

- 5 The Children Act 2004⁴ requires every children's services authority in England to:
 - a. appoint a Director of Children's Services (DCS) (section 18(1) of the Act); and
 - b. designate a Lead Member for Children's Services (Section 19(1)).
- 6 The Children Act 2004 also makes an amendment to section 6 of the Local Authority Social Services Act 1970 ("the 1970 Act"). This amendment requires a local authority in England to appoint an officer as the Director of Adult Social Services, once a local authority exercises its power to appoint a DCS and, in any case once the duty to appoint a DCS is commenced². There will no longer be a requirement to appoint a Director of Social Services. The relevant provisions of Schedule 2 to the Children Act 2004 are reproduced at Annex B.
- 7 The Director of Adult Social Services is responsible for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 other than those for which the Director of Children's Services is responsible, in respect of adults.
- 8 The Director of Adult Social Services is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority. As is the case with former Directors of Social Services, the appointment of the Director of Adult Social Services is not a function of the executive. This means that the full council can take the decision, or may choose to delegate the decision³.
- 9 The Local Authority Social Services Act 1970 (as amended), allows local authorities to jointly appoint a single Director of Adult Social Services to cover their local authority areas. The partnership arrangements provided for by the Health Act 1999 also enable joint funding of posts between a local authority and a PCT. It is for authorities themselves to determine whether to utilise/make use of these provisions given their particular circumstances.

² See paragraph 10.

³ See the table in Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.

Timetable

- 10 From the day that an authority appoints a DCS under Section 18 of the Children Act 2004 the amendments in Schedule 2 come into effect (see paragraph 1 and 2 above), including the duty to appoint a DASS. The Secretary of State has the power to make an order appointing the date by which all local authorities must have made DCS appointments (i.e. when the duty to appoint comes into force), and consequentially DASS appointments.

Status of this Guidance

- 11 Part 1 of this guidance sets out the legislative requirements for the appointment of a Director of Adult Social Services.
- 12 Part 2 of this guidance has been issued as best practice guidance. This part of the guidance is intended to outline the rationale behind the creation of the DASS post, and provide a clear focus for local authority officers undertaking the function, by setting out the deliverables that they should be seeking to achieve.
- 13 Where a local authority has appointed a DASS in advance of this guidance being issued, the authority should consider the contents of part 2 of this guidance in the ongoing development of the role.

Part 2: Guidance on the Organisational Structure for the Delivery of Adult Social Services

2.1 Context and Rationale

- 14 The Children Act 2004 will require all local authorities with responsibility for educational and social services to appoint a Director of Children's Services with responsibility for co-ordinating and managing the provision of local children's services across education, health and social services. The creation of the new statutory post is necessary to ensure a co-ordinated approach to meeting the needs of all children and young people.
- 15 Directors of Children's Services will, amongst other things, take on the social services functions relating to children and children and young people leaving care that have been traditionally part of the remit of Directors of Social Services. Social Services functions for over 18s are not part of the statutory remit of DCSs. It is vitally important that the needs of adults from all disadvantaged groups and those needing support in society are not forgotten. The creation of the 'Director of Adult Social Services' post, alongside the Director of Children's Services, will ensure that all the social care needs of local communities are given equal emphasis and are managed in a co-ordinated way.
- 16 Adult users of social services are defined as people aged eighteen or over with assessed social care needs and may include:
 - > People with physical frailty due to ageing;
 - > People with physical disabilities;
 - > People with sensory impairment;
 - > People with learning disabilities;
 - > People with mental health needs (including mental frailty due to old age);
 - > People with long term medical conditions requiring social care in addition to health care;
 - > People who misuse substances; and
 - > Asylum seekers.

- 17 The development of the role of the DASS forms an integral part of the Government's strategy for adult social care set out in 'Independence, Wellbeing and Choice; Our Vision for the Future of Social Care for Adults in England' [available at www.dh.gov.uk/socialcare]
- 18 Through this process we will be seeking to encourage a change in culture, so that in future social care will be about:
 - > Promoting choice and independence;
 - > Providing and arranging practical care and support, often in combination with the NHS;
 - > Supporting the use of mainstream services and opportunities such as voluntary and community work, lifelong learning and employment;
 - > Offering protection to the most disadvantaged groups in society;
 - > Championing the holistic needs of individual adults to promote social inclusion and wellbeing in the community;
 - > Preventing deterioration in physical and mental health; and
 - > Supporting and promoting social inclusion and wellbeing by engaging with mainstream services and other local initiatives to support, build and enable community capacity and to reduce inequalities.
- 19 A key objective of 'Independence, Wellbeing and Choice' is to increase partnership working between providers of services for adults as well as users and carers, in order to encourage services to be designed around the needs of individuals, rather than dictated by organisational, or professional boundaries. The DASS role will be central to delivering this vision and championing the wider care needs of adults and promoting wellbeing.
- 20 As partnership working becomes embedded in organisational culture, the boundaries between social services and other organisations will be less clearly defined and it will be increasingly important for there to be a managerial focus on the needs of adults with social care needs and their carers. The DASS should provide a specific focus on adults and this should involve a role in championing the needs of adults that goes beyond the organisational boundaries of adult social care. The DASS should also provide strong leadership and coordination in ensuring that local providers of mainstream public services recognise and meet the needs of individual adults with care needs and their carers. He or she should work closely with housing support and other community

services, as well as with PCTS, mental health trusts and other NHS organisations to take a whole systems approach to care and rehabilitation of adults with ongoing care needs.

- 21 'The future of local government: Developing a 10 year vision', published by the Office of the Deputy Prime Minister sets out a strategy for redefining the relationship between local and central government. As a senior local government officer the DASS will take a leading role in helping to deliver this strategy. It will mean working to achieve clear deliverables, but with increased scope for determining the processes and structures to achieve delivery. The DASS will be required to deliver outcomes and influence partners beyond the traditional boundaries of local government departments, particularly by working through Local Strategic Partnerships and as part of Local Area Agreements where these exist. A focus on both internal performance management and the management of performance in partnership arrangements such as Local Strategic Partnerships and Local Area Agreements will be important in ensuring the effective delivery of services.
- 22 The aim is to move to a position where there is clear accountability and an integrated strategy for adult social care both locally and nationally and a clear focus on the holistic needs of adults.

2.2 Role of the Director of Adult Social Services

23 It is envisaged that there will be seven key aspects to the DASS role:

- > Accountability;
- > Professional leadership;
- > Leading the implementation of standards;
- > Managing cultural change;
- > Promoting local access and ownership and driving partnership working;
- > Delivering an integrated whole systems approach to supporting communities; and
- > Promoting social inclusion and wellbeing;

Each of these aspects is considered below:

Accountability

Outcomes to be achieved

- > There are clear and appropriate accountability arrangements in place to scrutinise the work of the DASS;
- > The DASS is able to demonstrate to senior officers and members of the council that:
 - the needs of all adults with social care needs in the authority's area have been assessed (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities);
 - resources from the local authority and partner agencies have been identified;
 - services are being appropriately targeted on delivering improved outcomes; and
 - the potential contribution of the private sector, and the community and voluntary sector has been effectively and appropriately harnessed.

24 The Chief Executive of the local authority (head of paid service) is responsible for determining accountability arrangements. However, the DASS, as a statutory chief officer, should be a senior post with membership of the local authority corporate

team/senior management team. Postholders should carry sufficient weight to be able to influence partners and the planning of the full range of local authority services. The DASS should have direct access to all members of the authority, including executive and scrutiny committee members.

- 25 The DASS should provide professional responsibility and accountability for the effectiveness, availability and value for money of all adult social services in the local authority area. This should involve taking an active role in ensuring that there are robust arrangements for supervising contracts, where services have been outsourced, and in monitoring those services in respect of quality standards and timely delivery.
- 26 Where services are commissioned from another agency (whether that agency is in the public, private, voluntary or community sector), it is essential that that the contract provides for clear review mechanisms and accountability structures. These should provide for the DASS to monitor the effectiveness and efficiency of the service, to require improvements to be made where the service falls short of the quality or efficiency specified, and to be provided with such monitoring and improvement information as he or she may require.

Professional Leadership

Outcomes to be achieved

- > The DASS provides a clear leadership focus, both within the local authority and amongst partner agencies in providing a real and sustainable focus on adult social care;
- > There are sufficient financial, human and other resources available to discharge the authority's statutory adult social services functions and maintain service standards in the future; and
- > Staff are supported and developed so that they have the required competencies to deliver services to both national and local standards.

- 27 The DASS will provide leadership and create the conditions for others to perform and to innovate, and will be responsible for creating the framework for the effective delivery of adult social services. This leadership role may involve taking decisions about priorities for spending in the context of the resources available for social care and the need to balance both national and local priorities. The role of Local Area Agreements and Local

Strategic Partnerships will be a key issue in terms of setting priorities and allocating resources.

- 28 Services may be delivered directly by staff employed by the authority, or by other agencies or contractors under arrangements made by the authority. Where local authority officers are engaged in the delivery of adult social services they should report to the DASS. In some cases local authority officers may provide services in respect of both adults and children and there should be clear reporting arrangements to the relevant chief officer in place. In other cases the DASS may retain responsibility for the performance of staff seconded to partner organisations (e.g. staff in care trusts carrying out social care functions) he or she will also have a shared responsibility for staff working as part of a Local Strategic Partnership.

Leading the Implementation of Standards

Deliverables to be achieved

- > A strategy for improving adult social services, influenced by local people, is in place and that benchmarks for service development and customer service have been established and progress against these has been effectively monitored;
- > The arrangements by which the DASS acts as principal point of contact for the conduct of adult social services' business with national organisations (including the Commission for Social Care Inspection) are operating effectively, and that information is provided as required by national agencies; and
- > There is a clear organisational focus on safeguarding vulnerable adults.

- 29 The DASS should lead the implementation of both national and local standards, targets for service improvement and applicable national policy initiatives such as National Service Frameworks. He or she should ensure that services are regularly monitored and remedial action is taken where necessary. The DASS should also ensure that high quality information about adult social services and progress against targets is provided to Government and regulatory bodies as and when required. The postholder should also be responsible for supporting the performance assessment process run by the Commission for Social Care Inspection.

- 30 The DASS is responsible for ensuring that there is a clear organisational focus on safeguarding vulnerable adults. He or she should also ensure that clear protocols are in place for dealing with adults identified as being at risk and that all staff are aware of these protocols. He or she should ensure that the local Adult Protection Committee (where one exists) or similar arrangements are working effectively.

Managing Cultural Change

Deliverables to be achieved

- > Services for adults with social care needs provided or commissioned by the authority and its strategic partners are effective at meeting needs in an individualised and culturally sensitive way; and
 - > Services are provided coherently, orientated towards the individual choices of adults with social care needs and the needs of the wider community and directed towards achieving shared outcomes across agencies.
- 31 The DASS should be responsible for managing a process of cultural change to ensure that the scope for personal choice is maximised and that services move towards a model that promotes the wellbeing of individuals, is person centred, and supports independent living and social inclusion. This includes changes to the culture and composition of the workforce. Personalisation of services should be promoted by encouraging individual choice and consideration of individuals' holistic needs, including their physical, cultural, emotional, cognitive and behavioural needs, as well as those of their carers.

Promoting Local Access and Ownership and Driving Partnership Working

Deliverables to be achieved

- > Information about the services available in the local authority area have been effectively communicated to service users, including young people with long-term care needs and other potential users of adult social services, their families and carers in the most appropriate format;
- > Service users, their families, carers and the wider community are involved in the planning, design and provision of adult social care services and the access needs of service users and their carers have been considered; and
- > There are clear and effective arrangements in place to support the joint planning, monitoring and delivery of services between different service providers in the health and social care sectors and other local partner organisations in the wider community.

- 32 The DASS should be responsible for promoting local access and ownership of services for adults and, in doing so, ensure that information about services and entitlement to services is communicated to users and potential users of adult services as well as their families, carers and the wider community. This should also include working with the Director of Children's Services to ensure that information about adult services is provided to young people approaching the age where they will make the transition from childhood to adult life, in order to facilitate their involvement in decisions about service provision.
- 33 The DASS should ensure that a bottom up approach to the planning and delivery of services is taken so that services are responsive to individual needs and the involvement of service users, carers and the wider community is ensured. This includes considering the specific needs of rural communities, as well as urban communities and being sensitive to the needs of different cultural groups. The DASS should also take responsibility for ensuring that adult social services are compliant with the Carers Act 2004.
- 34 The post-holder should take a leading role in coordinating partnership working and the joint commissioning of services with partner organisations in the NHS, housing and independent sector. He or she should also seek to maximise the contribution made to the planning of adult social services and representation of the needs of communities by other partner agencies (including agencies responsible for children's services) and

the voluntary, community and independent sector. The DASS should lead on making arrangements to bring together public, private, voluntary and community sectors to develop a shared programme for change, so that outcomes are improved and adults with social care needs are at the centre of service provision, rather than provision being built around organisational boundaries and professional disciplines.

- 35 In order to effectively deliver partnership working the DASS should ensure that the flexibilities to integrate social services and NHS services, provided for by the Health Act, have been given consideration, where appropriate. The potential to improve the delivery of services through Local Area Agreements and Local Strategic Partnerships should also be utilised.
- 36 In relation to other partner organisations, the DASS should ensure that staff are made aware of their shared responsibility for improving outcomes and sharing information about the extent to which those responsibilities are being met.

Delivering an Integrated Whole Systems Approach to Supporting Communities

Deliverables to be achieved

- > The needs of all young people with long-term social care needs who will shortly make the transition from childhood to becoming adults have been assessed and appropriately taken into account in the provision of adult services; and
- > All adult services, and adult mental health services, remain child protection focused.

- 37 The Director of Children's Services and the Director of Adult Social Services should work together to ensure that a whole systems approach is taken to meeting the needs of communities and, in particular, that individuals with care needs within those communities, are supported.
- 38 The DASS should be responsible for the arrangements to support the transition of service users between different service providers, and between children's and adult's services. He or she should cooperate with the Director of Children's Services to ensure a collaborative approach to the interface between social services for children and social services for adults on the range of issues. In particular, this should include developing an integrated approach to child protection, learning disabilities, mental health services and drug and alcohol misuse services.

- 39 The DASS should work closely with the Director of Children's Services to assess and meet the needs of children who are entering the transition phase from childhood to becoming adults. He or she should ensure that adult services are sufficiently aware of the needs of children and their relationships to adults requiring services, and work with the DCS to deliver the local authority's corporate parenting responsibilities (e.g. ensuring that staff contribute to reviews of looked after children). The DASS should also work with the Director of Children's Services to ensure that adult services remain sufficiently child-protection focused.

Promoting Social Inclusion and Wellbeing

Deliverables to be achieved

- > The needs of adults with social care needs, their families and carers are taken into consideration in the planning and delivery of the full range of services provided by the local authority; and
 - > Every effort has been made to encourage partners within the local authority area, including voluntary, independent and private sector organisations to take account of the needs of adults with social care needs, their families and carers.
- 40 In implementing cultural change, the DASS should also seek to develop models of care that support the wellbeing of individuals and promote healthy lifestyles. This means promoting active lifestyles and preventing social exclusion for adults with social care needs (including those with mental health needs, learning difficulties and cognitive or behavioural difficulties, for example, resulting from long-term neurological conditions). Social care also has a role to play in the wider local government agenda, such as building sustainable communities and preventing poverty.
- 41 The DASS should participate in the planning of the full range of council services and seek to influence the design of other council services to ensure that they enable adults with social care needs to participate fully in the community. He or she should contribute to the development of Local Delivery Plans, in partnership with local NHS Primary Care Trusts. The DASS should, in particular, and in partnership with the Director of Children's Services, be closely involved in planning systems to support people with long-term care needs during the transition from childhood to becoming adults. He or she should take a lead in encouraging providers of adult services to take account of the needs of young people moving from children's services into their care.

Discretion to Combine the DASS Function with Additional Functions

- 42 The nature of the DASS job description is a matter for local authorities to determine and they have the flexibility to expand the remit of the DASS to other aspects of local authority business if they so choose, in so far as this contributes to the DASS's capacity to deliver his or her responsibilities. In certain circumstances functions or responsibility for partner organisations, for example NHS organisations, might also be combined with the DASS role.
- 43 Local authorities may, for example, choose to allocate to the DASS the local education authority functions that relate to further education, higher education and adult education which are listed in section 18(3) of the Act, or any other local authority functions such as leisure, housing, and community services. In broadening the DASS's remit beyond the minimum statutory requirements it is essential that the role retains sufficient personal focus on adult social services.
- 44 It is recommended that local authorities give consideration to the most effective configuration of services in order to ensure a coherent approach to planning and delivery. Increasingly, multi-agency approaches will be needed to support the wellbeing of communities and expanding the remit of the DASS may provide for a more holistic approach to meeting the needs of people in the local community.

2.3 Providing a Political Focus on Adult Social Services

- 45 Local authorities should ensure that the DASS's responsibilities are included in the portfolio of an executive member of the authority, this should include responsibilities that go beyond the core DASS function, where these are also included within the DASS role⁴. Authorities should consider whether it would be appropriate to mirror the responsibilities of the DASS at the local political level by designating a single elected Member as the 'Lead Member for Adult Social Services' (along the lines of the children's services model). If authorities decide to follow this approach it would be advisable to assign the Lead Member a portfolio comprising the full range of adult social services responsibilities covered by the DASS to ensure that there is an appropriate political focus on these issues.
- 46 Authorities adopting these arrangements are advised to ensure that the Lead Member has:
- > political accountability for the effectiveness, availability and value for money of all adult social services in the local authority area;
 - > the necessary leadership to engage with local communities and ensure that adult social services are effective in meeting the needs of adults with social care needs, their families and carers; and
 - > a focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies.
- 47 Whether or not authorities choose to reflect the DASS's responsibilities directly at Member level, they must ensure that the DASS works together with the appropriate elected Member(s) to establish a framework of accountabilities for the effective discharge of functions, and the delivery of services within this framework. In particular, they will ensure that clear protocols are agreed with the Director of Children's Services and the Lead Member for Children's Services (designated under section 19 of the Act) to support joint working and a collaborative approach to meeting the life-long needs of all people supported by social services. The DASS and Lead Member should, in order to discharge their functions to the highest possible standard, forge effective links with local NHS partners, and with equivalent officers and elected representatives of other council services that affect adults significantly, in particular, housing services.
- 48 It will be important for the DASS and appropriate Lead Member or Members to have a close working relationship in order to exchange information and views so that they fulfil their responsibilities for adult social services effectively.

4 Further consideration needs to be given as to how this model might be applied to the range of different models of political organisation in local authorities (e.g. the mayor and council manager system, local authorities without executive arrangements).

The Responsibilities Of The Lead Member For Adult Social Services

- 49 Where authorities designate a Lead Member for Adult Social Services it would be sensible if he or she were to have a strategic and, in the context of the council's constitutional arrangements, a decision-making function in respect of adult social services in the local authority area, in the same way as other functions are exercised by members of the executive.
- 50 Arrangements could be made for the Lead Member to delegate the operational aspects of functions to other Members of the executive or other Members provided that he or she should maintain effective overview and overall political accountability for the full range of adult social services.

Leadership and Accountability

- 51 The Lead Member should provide leadership across the range of local adult social services, and champion the cause of effective integration, so that responsibilities are clearly defined and needs appropriately addressed. The Lead Member's role would differ from the DASS role insofar as the Lead Member's leadership responsibility should be political rather than professional, and in the context of his or her role as an elected member of the council, the Lead Member should develop the strategic direction of adult social services and bring leaders of partner organisations together in a shared vision; while the DASS will lead partners in embedding the strategy and in delivering the vision.
- 52 The Lead Member should also exercise his or her leadership function by ensuring that officers of the local authority and the DASS in particular are effective in meeting their responsibilities. The Lead Member should also have a role, at a political level, in championing the interests of adults with social care needs in the local authority area and in ensuring that they are included in the life of the community.

Partnerships and Governance

- 53 The Lead Member should, on behalf of the executive, have direct accountability for adult social services in the local authority area and for ensuring that they meet required standards. In relation to other partners, the Lead Member should ensure that their governing or executive bodies or boards are aware of their shared responsibility for improving outcomes, that information about the extent to which those responsibilities are being met is available, and for ensuring that the DASS also exercises this function at chief officer level, particularly where the Lead Member is not directly involved in governance arrangements. The Lead Member should be accountable to the mayor, or leader of the Council.

- 54 Working closely with the Lead Member for Children's Services, the Lead Member should take a particular interest in ensuring that there is effective partnership working between providers of children's social services and adult's social services and an effective policy continuum between the two phases so that disadvantaged young people have their needs addressed effectively during the transition from children's services to adult services, and other links are appropriately addressed.

Authorities choosing not to designate a Lead Member for Adult Social Services

- 55 Where authorities choose not to designate a Lead Member for Adult Social Services to directly mirror the responsibilities of the DASS, they must ensure that adult social services functions are given an appropriate focus at the local political level as part of the portfolio of an executive member with wider responsibilities. Authorities adopting this type of arrangement are advised to make use of the guidance in section 2.3 as appropriate for their particular circumstances.

Annex A: Questions for Consultation

Stakeholders are invited to make general comments on the draft guidance, but it would be particularly helpful if responses could focus on the following:

- (i) We have issued the Guidance on the Role of the Director of Adult Social Services as best practice guidance. Is statutory guidance necessary? If so, for what reasons?
- (ii) Does the guidance, as currently drafted, provide authorities with sufficient flexibility to meet their business needs? If not, what further flexibility would be useful and why (within the legal framework).
- (iii) Are there groups of people in society with social care needs that are not currently being met? If so, will this guidance facilitate their inclusion?
- (iv) Our intention is to avoid being prescriptive about the configuration of services, although we believe that the DASS should be a senior local authority officer. Should the DASS normally be directly accountable to the Chief Executive?
- (v) Is guidance on the role of the DASS useful as a tool for local authorities to facilitate planning the management structure and providing a focus on adult social services?
- (vi) We have defined the Role of the DASS as far as possible in terms of the deliverables that should be achieved and avoided being prescriptive about the way that duties should be performed in order to maximise scope for local discretion. Is this the best approach?
- (vii) Are there other key deliverables that should be included within the DASS remit?
- (viii) Does the creation of the DASS post alongside the Director of Children's Services post have implications for the wider social care workforce?
- (ix) Is guidance on providing a political focus on adult social services helpful to support the development of a clear political focus on the needs of adults with social care needs?
- (x) We are proposing that the appointment of a Lead Member should be at the discretion of local authorities. Should this be statutory? If so, for what reasons?
- (xi) How well does the lead member model fit with different political structures within local authorities?
- (xii) Does the title "Director of Adult Social Services" adequately reflect the remit that we envisage for the postholder, or would an alternative title better reflect the management of modern social care? If so, what should this title be?

Annex B: Schedule 2 of the Children's Act 2004

Children Bill [HL]

Schedule 2 — Director of children's services: consequential amendments

SCHEDULE 2

DIRECTOR OF CHILDREN'S SERVICES: CONSEQUENTIAL AMENDMENTS SECTION 2 AND 3

Local Authority Social Services Act 1970 (c. 42)

- 2 (1) The Local Authority Social Services Act 1970 is amended as follows.
 - (2) In section 6 (director of social services)—
 - (a) before subsection (1) insert—

“(A1) A local authority in England shall appoint an officer, to be known as the director of adult social services, for the purposes of their social services functions, other than those for which the authority's director of children's services is responsible under section 18 of the Children Act 2004.”;
 - (b) in subsection (1), after “local authority” insert “in Wales”;
 - (c) in subsection (2), after “director of”, in both places, insert “adult social services or (as the case may be)”;
 - (d) in subsection (6), for “a director of social services” substitute “a person under this section”.
 - (3) In Schedule 1, in the entry for “Sections 6 and 7B of this Act”, after the words “Appointment of” insert “director of adult social services or”.

Local Government and Housing Act 1989 (c. 42)

- 3 In section 2 of the Local Government and Housing Act 1989 (politically restricted posts), in subsection (6)—
 - (a) after “means—” insert—
 - “(za) the director of children’s services appointed under section 18 of the Children Act 2004 and the director of adult social services appointed under section 6(A1) of the Local Authority Social Services Act 1970 (in the case of a local authority in England);”;
 - (b) in paragraph (a), at the end insert “(in the case of a local authority in Wales)”;
 - (c) in paragraph (c) after “director of social services” insert “(in the case of a local authority in Wales)”.



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