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*Guidance on the Statutory Chief
Officer Post of the Director of
Adult Social Services*

DH INFORMATION READER BOX

Policy HR/Workforce Management Planning Clinical	Estates Performance IM & T Finance Partnership Working
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Title	Guidance on the Statutory Chief Officer Post of Director of Adult Social Services
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Description	Statutory guidance on the role and responsibilities of Directors of Adult Social Services.
Cross ref	Best Practice Guidance on the role of the Director of Adult Social Services
Superseded docs	The Roles and Responsibilities of Directors of Social Services, A Letter to Directors of Social Services from Denise Platt, CBE, Chief Inspector of Social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, Best Practice Guidance on the Role of Director of Adult Social Services, Consultation Document, March 2005
Action required	Councils with social services responsibilities are required to appoint a Director of Adult Social Services. Where a Director of Adult Social Services has been appointed ahead of the publication of this guidance the council should take any necessary steps to bring the roles and responsibilities of the postholder into line with this post.
Timing	Councils with social services responsibilities should ensure that a Director of Adult Social Services is appointed by 2008
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Summary

1. This statutory guidance instructs local authorities about arrangements for establishing a Director of Adult Social Services (DASS) post, pursuant to the Children Act 2004 (which amended the Local Authority Social Services Act 1970), with responsibility for local authority social services functions in respect of adults. This guidance, is issued under section 7(1) of the Local Authority Social Services Act 1970 and follows consultation on 'Draft Best Practice Guidance on the Role of the Director of Adult Social Services', which closed in July 2005. Separate 'Best Practice Guidance on the Role of the Director of Adult Social Services' has also been published alongside this statutory guidance which builds on the minimum guidance set out in this document and is designed to support Directors of Adult Social Services in delivering the Government's Vision for Adult Social Care.
2. The intention of this guidance is to create, within each council responsible for providing social services, a post with strategic responsibility and accountability 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 and combating social exclusion. The local authority shall take steps to ensure that the postholder is given the necessary authority to pursue this agenda, is enabled/given the necessary resources to provide professional leadership (including delivering workforce planning) in social care and deliver the cultural change necessary to implement person-centred services and to promote partnership working, and such other responsibilities as the Authority determines.
3. 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 through joint strategic needs assessment and joint planning.
4. The DASS will provide a key professional leadership role for staff working in adult social care services. He or she will also have a key role in ensuring accountability of services to local communities through consultation with local people and, in particular, users of services.

Duty to Appoint

5. The Children Act 2004 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 with social services responsibility 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 commenced¹. 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 A. This guidance applies only to local authorities with social services responsibilities in England. Arrangements for the administration of adult social services within local Government in Wales, Scotland and Northern Ireland are a matter for the relevant devolved administration.

7. The local authority shall ensure that the Director of Adult Social Services is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), 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 decision².

9. Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services.

1 See paragraph 9.

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

10. 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 an NHS body. A joint appointment of a person to a DASS post and a post in the NHS is therefore possible. Where such a joint appointment occurs the DASS must remain an employee of the local authority for the full range of social services responsibilities. In addition, local authorities may extend the DASS's responsibilities to cover other local authority services and responsibilities (such as leisure, housing, transport and adult education). It is for authorities themselves to determine whether to utilise/make use of these provisions given their particular circumstances.

Timetable

11. 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 5 and 6 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 should have made DCS appointments (i.e. when the duty to appoint comes into force), and consequentially DASS appointments. We expect that all local authorities will have appointed a DASS by 2008.

Status of this Guidance

12. This guidance, is issued by the Secretary of State for Health pursuant to section 7(1) of the Local Authority Social Services Act 1970. Where a local authority has designated a DASS in advance of this guidance being issued, the authority shall take the necessary steps to bring the functions of the post in line with this guidance.

Role of the Director of Adult Social Services

13. Local authorities shall ensure that the responsibilities of the DASS, as set out below, properly relate to the local authority's functions in respect of adult social services. These responsibilities include:
 - (i) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - (ii) Professional leadership, including workforce planning;
 - (iii) Leading the implementation of standards;
 - (iv) Managing cultural change;
 - (v) Promoting local access and ownership and driving partnership working;

- (vi) Delivering an integrated whole systems approach to supporting communities;
and
- (vii) Promoting social inclusion and wellbeing;

Each of these aspects is detailed below.

Accountability

14. Local Authorities shall ensure that there are clear and appropriate accountability arrangements in place to scrutinise the work of the DASS in relation to the local authority's adult social services functions, including appropriate arrangements at Member level. They shall also take steps to ensure that the DASS has appropriate access to Members of the local authority with responsibility for political leadership in respect of adult social care and other services for adults which promote well-being, as well as relevant non-executive Members.
15. Local authorities shall take steps to ensure that the DASS delivers the local authority's responsibilities for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority's area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities). This responsibility shall include ensuring that services comply with statutory requirements, including requirements in respect of carers and equality and anti-discrimination legislation. The local authority shall ensure that the DASS is responsible for the efficiency, effectiveness and value for money of the services provided or commissioned by the local authority. The local authority's responsibilities, to be delivered by the DASS extend to residents receiving services out of the council area.
16. Local authorities shall ensure that the DASS draws up clear lines of responsibility, within his or her staff team for managing the needs of all adult client groups. Further details of responsibilities that local authorities are recommended to include within the DASS's remit in respect of drawing up clear lines of accountability are set out in more detail at paragraphs 15 to 19 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

Professional Leadership

17. The local authority shall make the DASS responsible for providing professional leadership for all local authority staff involved in delivering the council's social services functions for adults and across local networks and partnerships involved in the provision of adult social care services. The local authority should make the DASS

accountable for ensuring that relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by, or commissioned by the local authority.

18. The local authority should also make the DASS responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services. This includes shared responsibility for staff appointed to jointly funded posts between the local authority and other agencies/organisations involved in adult social care or healthcare.
19. Local authorities shall make the DASS responsible for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area. The process will involve responsibility and authority for assessing the needs of all client groups, the range of services required and the balance between different services to be provided by the local authority, now and in the future. Among other things, the DASS shall be enabled by the Local Authority to use the results of this exercise to improve the council's performance in strategic commissioning and market development. The local authority shall direct the DASS to undertake this strategic needs assessment in partnership with the Director of Children's Services, the Director of Public Health and other statutory agencies/organisations and in consultation with the wider community, including independent and voluntary sector organisations involved in social care for adults and families. The responsibilities that local authorities are recommended to place on the DASS in respect of a strategic needs assessment exercise are set out in more detail at paragraphs 23 to 25 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.
20. Local authorities shall ensure that the DASS is given responsibility for strategic planning (in relation to the local authority's social services functions) for the adult social care workforce. These responsibilities shall include working in partnership with the Director of Children's Services to jointly plan the social care workforce needed to meet the needs of families and the community as a whole. This responsibility for strategic workforce planning shall not be limited to consideration of social services staff in isolation from the wider social care workforce and shall include consideration of workforce capacity within the private, independent and voluntary sectors. The responsibilities that local authorities are recommended to place on the DASS in respect of a workforce planning are set out in more detail at paragraphs 27 and 28 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

21. Local authorities shall ensure that the DASS is made responsible for delivering services to relevant national and local standards, including monitoring the resource levels for adults' social services needed to maintain standards. The local authority shall ensure that the DASS has the responsibility and means to facilitate the achievement of national targets by the local authority, such as those set in the Public Service Agreement.

Leading the Implementation of Standards

22. Local authorities shall ensure that the DASS implements national standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services. This includes ensuring that the DASS acts as the principal point of contact within the local authority, below the chief executive, for the conduct of adult social services' business with national organisations, including the Commission for Social Care Inspection.
23. Local authorities shall ensure that the DASS has responsibility and authority for ensuring that the local authority maintains a clear organisational and operational focus on safeguarding vulnerable adults and that relevant statutory requirements and other national standards are met, including Protection of Vulnerable Adult (POVA) requirements. The local authority shall take steps to ensure that the DASS has the powers/resources necessary to encourage a culture of vigilance against the possibility of adult abuse.

Managing Cultural Change

24. The local authority shall ensure that the DASS is made responsible for managing the necessary cultural change to deliver the council's responsibility to promote well-being and for delivering pro-active services with an appropriate focus on prevention. Local authorities shall ensure that the DASS is responsible for taking account of the cultural needs of communities in planning and commissioning services in line with relevant national guidelines.

Promoting Local Access and Ownership and Driving Partnership Working

25. Local authorities shall ensure that the DASS is made responsible for effectively communicating information about the services available in the local authority area, eligibility criteria and charging policies 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. The DASS shall also be made responsible for ensuring appropriate involvement of, and consultation with, service users, their

families, carers and the wider community in the planning, design and provision of adult social care services and for considering how accessible services are to services users, their families, carers and the wider community. In taking forward such communication the local authority shall ensure that the DASS takes account of any national and local guidelines.

26. Local authorities shall also ensure that the DASS is responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies. This is essential for ensuring well-being is being promoted effectively.

Delivering an Integrated Whole Systems Approach to Supporting Communities

27. Local authorities shall take steps to satisfy themselves that:
- (i) The DASS and the Director of Children's Services have adequate partnership working arrangements in place to enable a whole systems approach to social care to be taken;
 - (ii) Arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised;
 - (iii) The DASS and the Director of Children's Services have put adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and, where eligible, receive a service which meets their needs throughout their transition to becoming adults; and
 - (iv) All services falling within the DASS's remit remain focused appropriately on safeguarding both adults and children.

Promoting Social Inclusion and Wellbeing

28. Local authorities shall ensure that the remit of the DASS includes promotion of social inclusion and wellbeing, with a view to developing sustainable services that promote independence and minimise the need for intensive home care and residential services. They shall also be satisfied that arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority. The local authority shall take the necessary steps to enable the DASS to provide a specific focus on the wellbeing of adults and this should involve a role in championing the needs of adults that goes beyond the organisational boundaries of adult social care.

29. Local authorities shall ensure that the DASS is made responsible for promoting equality of opportunity and eliminating discrimination in respect of adult social care services.

Discretion to Combine the DASS Function with Additional Functions

30. The DASS function is a statutory function and a local authority is required to appoint a statutory chief officer with responsibility for delivering that function. However, there is nothing to prevent local authorities from expanding the remit of the post held by the DASS to include other aspects of local authority business if they so choose, e.g. housing and leisure services. In some cases expanding the role may contribute to the DASS's capacity to deliver his or her responsibilities.
31. In certain circumstances responsibility for partner organisations, for example NHS organisations, might also be combined with the DASS role.

Providing a Political Focus on Adult Social Services

32. Local authorities shall ensure that effective political accountability arrangements for adult social care exist at member level. It is the Department of Health's intention to introduce legislation to require local authorities to appoint a Lead Member for Adult Services with responsibility at Member level for ensuring a strategic approach to services for adults provided by the local authority and, in particular, promoting wellbeing, preventing social exclusion and protection of vulnerable adults.
33. Until such time as any further guidance about political arrangements for overseeing adult social services are introduced, local authorities shall ensure that there is:
 - Clear political accountability for the effectiveness, availability and value for money of all local authority adult social services (and preventing unnecessary use of healthcare resources);
 - The necessary political 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 political focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies.
34. Local authorities shall ensure that there are effective and transparent relationships between the DASS and the political leadership of the local authority including arrangements to scrutinise the effectiveness of adult social care.

35. There shall also be clear political arrangements in place to ensure effective partnership working between children's social services and adults' social services and that a holistic approach to meeting the needs of communities is taken.