

Article 12 – Officers

Explanatory Comment

12.00 This Article describes the structure of the Council and the roles of the Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (MO), ~~and~~ Chief Financial Officer (CFO), Director for Children's Services (DCS), Director of Adult Social Services (DASS) and Scrutiny Officer.

12.01 Management structure

- (a) **Structure:** The Head of Paid Service will determine and publicise a description of the senior overall-officer structure of the Council. ~~This is set out at Part 7 of this Constitution.~~
- (b) The Corporate Management Team is made up of the Chief Executive, Corporate Directors, Assistant Chief Executive and any other officer as determined by the Chief Executive. The duties of the Corporate Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council's vision, priorities and core values. Each Corporate Director has responsibility for at least one eCouncil priority portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes, projects and strategies, and where applicable statutory responsibilities, partnerships and specific projects.
- (c) The Council is required to designate the following-statutory officers (as per paragraph 12.00) posts: Head of Paid Service, Chief Financial Officer, and Monitoring Officer, wwho will act in accordance with their professional standards and best practice guidance.

~~The statutory posts referred to above will have the functions described in paragraph 12.02-12.04 below.~~

12.02 Functions of the Head of Paid Service

The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989. These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Chief Executive he/she may delegate other functions which are not included in Section 4.

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

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- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council [or to the Cabinet in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- (h) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy to act in his/her absence and when the Monitoring Officer is unable to act as defined in **Section 5 of the Local Government and Housing Act 1989.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

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12.04 Functions of the Chief Financial Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or to the Cabinet in relation to a Cabinet function] and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- (f) **Supporting the Audit Committee:** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

12.05 Functions of the Director of Children's Services (DCS)

The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being off all children and young people in the local area across all five Every Child Matters outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.

(a) The functions of the Director of Children's Services are specified in Section 18(2):

- functions conferred on or exercisable by the LA in its capacity as a local education authority¹;
- social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- functions relating to persons leaving care²;
- functions in respect to the co-operation to improve well-being with partner agencies ;multi agency arrangements to safeguard and

¹ Subject to exceptions set out in Section 18(3)

² Sections 23C to 24 D Children Act 2004

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- promote welfare; information databases ;children and young people's plans³;
- functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
- functions in respect to the improvement of young children's well-being; provision of child care; information ,advice and assistance, and training to child care providers⁴, and
- such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations

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(b) Key roles:

- leadership –
 - to promote the importance of improving outcomes for all children and young people,
 - to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
 - working with local head teachers collectively to drive up standards in schools and improve children's wellbeing.
- championing children and young people and their families within the local area;
- management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- safeguarding and promoting the welfare of children
- supporting looked after children
- ensuring there are effective arrangements for school improvement in the area;
- ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
- promoting early intervention and prevention in delivering services for children, young people and families; and
- emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

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12.06 Functions of the Director of Adult Social Services (DASS)

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The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

(a) The DASS is 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 DCS is responsible, in respect of adults.

(b) The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:

³ Sections 10 to 12 and 17 Children Act 2004

⁴ Part 1 of the Childcare Act 2006

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- accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
- professional leadership, including workforce planning;
- leading the implementation of standards;
- safeguarding vulnerable adults;
- 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.

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12.07 Functions of the Scrutiny Officer (SO)

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The Scrutiny Officer shall undertake the following functions, including:

a) **Promoting Scrutiny** - the SO will promote the role of the authority's scrutiny committee(s) and sub committee(s)

b) **Provide Support** - the SO will provide support to the scrutiny committee(s), sub committee(s) and members of those committees or sub committee(s).

c) **Provide Support and Guidance** - the SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

12.085 Duty to provide sufficient resources to the Head of Paid Service, Monitoring Officer and Chief Financial Officer

The Council will provide the Head of Paid Service, the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.096 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.1007 Employment

(a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

(b) All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

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