

By: Alex King – Deputy Leader
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To: Selection and Member Services Committee – 26 November 2008

Subject: Corporate Governance Audit report – responsibilities of statutory chief officers

Summary: To agree that the Constitution should be amended to include the responsibilities of the Director of Adult Social Services and the Director of Children’s Services as statutory chief officers, subject to the approval of full Council.

Unrestricted

Background

1. Kent Audit has reviewed the Council-wide governance arrangements by comparing them with the six principles of the CIPFA SOLACE Governance Framework (Delivering Good Governance in Local Government, 2007). The Council’s Governance arrangements have been found to be largely in accordance with both the core and supporting principles and based on the findings in this Audit, there is high assurance that risks, which could prevent achievement of business objectives pertaining to the audited system, are managed effectively. This is the highest level of control assurance and is only agreed as an overall outcome where there are “strong controls in place and complied with”.

2. Three recommendations have been made by Kent Audit, one of which relates to the acknowledgment in the Constitution of the statutory roles of certain chief officers. In accordance with Article 15.2 of the Constitution, changes may only be made to the Articles by full Council after consideration of the proposal by this Committee and appropriate public consultation.

Proposal to amend Article 12 of the Constitution

3. Kent Audit has identified that the Director of Adult Social Services (known in Kent as the Managing Director of Kent Adult Social Services) and the Director of Children’s Services (known in Kent as the Managing Director Children, Families and Education) are statutory chief officers, but are not acknowledged as such in the Constitution and their responsibilities are not included. The risk that has been identified by Kent Audit is that the significance and responsibilities of these roles may be underestimated. Accordingly, it is recommended that the Constitution should be updated to include the responsibilities of these statutory chief officers.

4. Article 12 of the Constitution explains the Council’s Management Structure and also includes the key responsibilities and functions of the Head of

the Paid Service, the Monitoring Officer and Chief Finance Officer. It is recommended that the key roles and responsibilities of the Director of Adult Social Services (Managing Director of Kent Adult Social Services) and the Director of Children's Services (Managing Director of Children, Families and Education), be added to Article 12, as follows:

Director of Adult Social Services

The Director of Adult Social Services (known in Kent as the Managing Director of Kent Adult Social Services) is a statutory 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 key roles of the Director of Adult Social Service include:

- Providing accountability for assessing local needs and ensuring availability and delivery of a full range of quality adult social services
- Providing professional leadership, including workforce planning
- Championing the rights of adults with social care needs in the wider community, including proactive and person-centred services
- Leading the implementation of standards to drive up the quality of care
- Promoting local access and ownership and driving partnership working to delivering a responsive whole system approach to social care
- Delivering an integrated whole systems approach to supporting communities, in particular by working closely with the Director of Children's Services to support individuals with care needs through the different stages of their lives
- Promoting social inclusion and well-being to deliver a proactive approach to meeting the care needs of adults in culturally sensitive ways

Director of Children's Services

The Director of Children's Services (known in Kent as the Managing Director Children, Families and Education) is a statutory post with strategic responsibility for building and leading arrangements under the Children Act 2004 (the Act) for improving outcomes for and well-being of children and young people, either directly or with other agencies. The Director is a member of the Children's Services Authority's (CSA) corporate team and is accountable to the authority's executive.

The Director of Children's Services is appointed for the purposes of the Children's Services Authority's functions in four key areas:

- (a) Education Services: the authority's functions in its capacity as a local education authority, except those excluded under section 18(3) of the Act (namely certain functions relating to further education, higher education and adult education).
- (b) Social Services: the authority's social services functions within the meaning of the Local Authorities Social Services Act 1970, insofar as they relate to children, and the local authority's functions for children and young people leaving care.

- (c) Health Services: any health related functions exercised on behalf of an NHS body under section 31 of the Health Act 1999, insofar as they relate to children.
- (d) Inter-agency co-operation: the new functions of the CSA set out in the Act, in particular building and leading the arrangements for inter agency co-operation in relation to the well-being and safeguarding of children, maintaining a database of basic information of all children in the area and preparing and publishing a Children and Young People's Plan.

Recommendation:

That the Constitution be amended to include the responsibilities of the Director of Adult Social Services (known in Kent as the Managing Director of Adult Social Services) and the Director of Children's Services (known in Kent as the Managing Director of Children, Families and Education) as statutory chief officers, as described in this report, subject to the approval of County Council.

Peter Sass
September 2008

Background Papers:

Report issued by Kent Audit on Corporate Governance – 29 May 2008