

ADASS ADVICE NOTE

**DIRECTORS OF ADULT SOCIAL
SERVICES: ROLES AND
RESPONSIBILITIES**

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Director of Adult Social Services: Roles and Responsibilities

Key considerations for the appointment of post holders

1 Purpose

This paper has been drawn up by the Association of Directors of Adults Social Services (ADASS) to:

- Assist councils in the appointment of their Director of Adults Social Services (DASS) by setting out the essential criteria for those roles and the responsibilities of the post holder
- Assist councils in the re-organisation and merger of chief officer and/or chief executive roles
- Assist integrated health and care organisations in understanding the duties and responsibilities that councils have for social care, social work and the social model
- Assist those aspiring to such roles
- Assist Sector Led Improvement

2 Context

In 2016-17 local authorities in England will have spent 35% of their budgets on adult social care services. These are needs and legislation led services, heavily dependent on strategic system leadership, professional decision making, public engagement and partnership, accompanied by exceptional resource management.

The current financial environment of austerity and budget reductions at a time of significant demographic change with increased need and higher expectations present challenges the magnitude of which have not previously been faced in adult social care, and arguably across the totality of local government. Additionally, major change is underway in relation to the integration of health and social care to deliver sustainable systems to meet the needs of an increasing population of older and disabled people.

In facing budget reductions across the council, councilors and chief executives may review and streamline their management structures or councils and with the NHS may develop integration arrangements to secure the transformation and sustainability of health and care.

In doing so, in this environment, the importance of professional adult social services leadership cannot be underestimated. The knowledge and skill of adult social care leaders is a significant feature in the successful commissioning and delivery of sustainable, high quality care services. That leadership contributes to the wellbeing of the population and the avoidance of serious harm to individuals, legal challenge or financial, sufficiency or quality failure in the care market. The sustainability of social care, social work and the social model is essential to the sustainability of the NHS. Therefore councils should consider how critical aspects of the role of the DASS can be sustained, particularly in combined roles, functions or directorates.

When determining appropriate structures, chief executives (or members if there is not a chief executive) and boards will review the risks and impact using statutory frameworks and guidance. For

the director of children's services role there is a framework for assessing impact of merging the DCS role with other roles. This is used extensively and referred to in the cabinet reports that chief executives present when proposing re-organisations. There is also a Local Assurance Test, which can be undertaken in different ways to support these recommendations. The current process weighs heavily on the risks to children's services and produces an outcome that requires any new joint role to have a high level of competence in leading and managing children's services. A similar process exists for Directors of Public Health where very clear guidance exists regarding the duties and responsibilities of the post and the Faculty of Public Health have a key role in the recruitment process.

In respect of DASSs, the statutory duties of the DASS were set out in May 2006 (Best Practice Guidance on the role of the Director of Social Services, Department of Health). This does not fully reflect the current roles and responsibilities of the position and was not updated when the Care Act was introduced. This is a gap as chief executives and elected members do not have the benefit of up to date guidance when considering the skills and abilities required for the appointment of directors with portfolios with multiple statutory responsibilities, particularly in respect of adult social care leadership. This document is intended to plug that gap.

As pressures and risks increase, it is helpful to offer a framework to consider when assessing any merger of functions within councils or between councils and the NHS that involve adult social work and social care and this document sets out, therefore, key legislation, responsibilities, risks and a local assurance framework.

3 Key responsibilities

The DASS has responsibilities for professional leadership and operational delivery of adult social services, including for people when they are most disadvantaged and vulnerable, and their families and carers. This will be undertaken within the local care and health (and the wider council, criminal justice and community and economic) system. As such, this post should be at first tier officer level.

The following legislation shapes the role of the DASS:

- The Care Act 2014
- The Mental Capacity Act (2005) and Deprivation of Liberty Safeguards
- The Mental Health Act 2007
- The Human Rights Act 1998
- The Domestic Violence, Crime and Victims Act 2004 and subsequent legislation relating to Domestic Violence Protection Notices and Orders, the criminal offence of Coercive and Controlling Behaviour, Modern Slavery and Forced Marriages.

The council should, through the office of the DASS, ensure that effective systems are in place for discharging the following functions (including where a local authority has commissioned any services from another provider rather than delivering them itself):

- Prevention, information and advice
- Systems leadership and making sure the voice of social care social work and the social model is heard, particularly by working with NHS partners, the police, providers, voluntary organisations, the wider council and members of the community etc. to:

- shape care and health and wider public services in the area
- promote the inclusion and rights of disabled and older people
- Leading and championing the voice of people needing social care by engagement with them, shaping, influencing and implementing policy
- Meeting essential needs for care and support
- Market shaping and continuity: commissioning effectively and ensure the availability and quality of services that people want in order to be in control of their lives.
- Safeguarding adults needing care and support:
 - from abuse or neglect
 - when doctors are considering compulsory treatment or admission to psychiatric hospital
 - when people lack capacity to decide and may be restricted of their liberty
- Financial and resources management - to manage within resources, including fair charging policies and to advocate for a fair share for adults needing care and support

In order to fulfil these responsibilities Chief executives will need to ensure that if the DASS does not have a social work background there is capability within their department to cover the strategic levels of the Professional Capabilities Framework for social work so as to safeguard individuals in the community and the council itself in relation to complex and challenging casework.

4 Key risks

Key risks to the local population, to the council and to the NHS that the DASS should help to manage or mitigate are:

- The safety and wellbeing of people needing care and support in relation to the quality of services, quality failure and safeguarding people at home and in the community
- Market and provider failure
- Financial failure
- Legal challenge

The rise in need and the complexity of need, together with increasing expectations and rights in law, alongside reducing resources increases each and all of these risks.

Councils will wish to ensure that those appointed as DASSs:

- Are fully cognisant of the legal framework within which they work, their obligations and the challenges of meeting rights and entitlements, quality and managing resources
- Are able to lead across systems and to lead the social care workforce to shape care and health and wider public services in the area

- Are able to engage with, articulate and represent the voice of those people in the community who are at their most disadvantaged or vulnerable and those who care for them
- Are able to mitigate and manage risks associated with death or serious harm to those individuals, legal challenge and financial, sufficiency or quality failure in the care market
- That they have the capacity within the breadth of their responsibilities to safely manage all of the above.
- That they are committed to their leadership role with respect to ongoing improvement and learning, specifically in relation to commitment to and active engagement with Sector Led Improvement.

There are a number of tools available that scope the risks across adult social care services including the 'Towards Excellence in Adult Social Care Risk Awareness Tool', the ADASS/CIPFA 'Risk and Resources' tool, and those for making the best use of resources, safeguarding adults and the MCA/DoLS. These tools can be used by chief executives in assessing the range and level of risks in this area of local authority work and assist in indicating priorities for mitigation.

5 Local structures

Within the legal framework, it is for individual local authorities to determine their own organisational structures in the light of their local circumstances. However, local authorities must ensure that there is a single officer responsible for adult social services. Given the breadth and importance of social care, local authorities should give due consideration to protecting the discrete roles and responsibilities of DASSs before allocating to them any additional functions.

It is legally permissible for two or more local authorities to appoint a single joint DASS to cover adult social services responsibilities across all the local authority areas concerned. However, local authorities will, as a matter of course, want to ensure their structures and organisational arrangements enable them to fulfil their statutory duties effectively, be transparent about responsibilities and accountabilities, and support effective interagency and partnership working.

6 Local Assurance

It is for each local authority to determine the precise nature of its own assurance process and how to provide transparency for local communities about which individuals are fulfilling the statutory role of the DASS, taking account of local circumstances. However, in doing so, the following elements are likely to be essential in assuring that effective arrangements are in place:

- clarity about how senior management arrangements ensure that the safety and the care and support needs of the community are given due priority and how they enable staff to help the local authority discharge its statutory duties in an integrated and coherent way
- clarity about how the local authority intends to discharge its adult social services functions and be held accountable for them from political, professional, legal and corporate perspectives (including where, for example, services are commissioned from external providers or mutualised in an arm's length body)
- the ability to lead the development of an efficient and sustainable social care system and market and to ensure effective financial performance

- the ability to evidence the level of resource required to meet statutory social care requirements, reflecting the needs of the population, changing demographic trends and cost pressures. To oversee the effective use of resources to meet statutory need
- clarity about how the social workers will deliver the legal safeguards for individuals who are at risk of abuse or neglect, who may be being considered for compulsory admission or treatment or who lack capacity to make decisions and are at risk of being deprived of their liberty
- clarity about the seniority of and breadth of responsibilities allocated to individual post holders and are aware of how this impacts on their ability to undertake those responsibilities (especially where a local authority or council and NHS partnership is considering allocating any additional functions to the DASS post)
- the involvement and experiences of people needing care and support in relation to local services
- clarity about safeguarding systems, ensuring that professional leadership and practice is robust and can be challenged on a regular basis, including an appropriate focus on offering early help and working with other agencies in doing so
- the adequacy and effectiveness of local partnership arrangements (e.g. the local authority's relationship with the Health and Wellbeing Board, the NHS, providers, the third sector, Community Safety Partnerships, health and wellbeing boards, police, Multi-Agency Public Protection Arrangements and Multi-Agency Risk Assessment Conferences) and their respective accountabilities and

Further sources of information

The Professional Capabilities Framework:

<https://www.basw.co.uk/pcf/PCF13NOVAdvancedLevelDescriptors.pdf>

Towards Excellence in Adult Social Care Risk Awareness Tool:

http://www.local.gov.uk/adult-social-care/-/journal_content/56/10180/7527002/ARTICLE

The ADASS/CIPFA Risk and Resources Tool:

<https://www.adass.org.uk/adass-and-cipfa-social-care-risk-tool>