
**ARRANGEMENTS FOR THE FUTURE OF ADULT SOCIAL SERVICES AND
THE DIRECTOR OF ADULT SOCIAL SERVICES**

**Responsible Cabinet Member(s) –Councillor Bryan Thistlethwaite, Adult Services
Portfolio**

Responsible Director(s) – Paul Wildsmith, Acting Chief Executive

Purpose of Report

1. To inform Members of proposals for the location of the responsibilities of the role of Director of Adult Social Services and the location of services for adults and older people in Darlington Borough Council.

Information and Analysis

2. While the Council has made the move to an integrated Children's Services Department, with effect from 1st April 2005, the Director of Children's Services also currently holds the statutory responsibilities of the Director of Social Services. This includes Adult Social Services, which is the subject of current consultation by the Government, and a matter, which the Council needs to address in terms of future management arrangements.
3. The Department of Health issued a consultation document on 21st March 2005, entitled "Best Practice Guidance on the Role of the Director of Adult Social Services", with a closing date for comments of 28th July 2005. This Guidance has been developed to support local authorities to implement the changes to chief officer portfolios made by the Children Act 2004 and confirms that the intention to issue best practice guidance on the role of the Director of Adult Social Services, rather than statutory guidance. The reason being that the guidance (once confirmed) and "Independence Wellbeing and Choice" a Green Paper published by the Department of Health in February 2005, signal the beginning of a process of change rather than the end. As such, the scope for local authorities to adopt a flexible approach, including innovation, is seen to be a source of learning and excellence in this process. The draft guidance therefore recommends that local authorities give consideration to the most effective configuration of services in order to ensure a coherent approach to planning and delivery.
4. The Government's intention is that the role of Director of Adult Social Services is equal in status, importance and esteem to that of the Director of Children's Services. The creation of the post of Director of Adult Social Services, therefore, alongside the new post of Director of Children's Services, is to enable a clear focus on the needs of adults with social care needs and the wider community.

5. The Government’s vision for adult social services, as set out in the recent Green Paper “Independence, Wellbeing and Choice” focuses on strong leadership within local government and beyond the immediate boundaries of social services. For the Director of Adult Social Services, this means not only providing leadership for social services staff, but also taking a leading role in delivering the wider social care and wellbeing agenda. This therefore, includes consideration of the management arrangements for a number of related service areas including Housing and Leisure activities, integrated services with other providers and the need to ensure close working arrangements between Children’s and Adult services.

Responsibilities of the Director of Adult Social Services role

6. It is envisaged that there will be seven key aspects to the role. These are:
 - (a) accountability;
 - (b) professional leadership;
 - (c) leading the implementation of standards;
 - (d) managing cultural change;
 - (e) promoting local access and ownership and driving partnership working;
 - (f) delivering an integrated whole systems approach to supporting communities; and
 - (g) promoting social inclusion and wellbeing.

Timetable

7. The Guidance states: “from the day that an authority appoints a Director of Children’s Services under Section 18 of the Children Act 2004 the amendments in schedule 2 come into effect” (ie the responsibility to appoint a Director of Adult Social Services).

Discretion to combine the Director of Adult Social Services (DASS) function with additional functions

8. The Guidance states:

“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. 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. 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.”

Option Appraisal

9. Set out below is a commentary on the options considered in respect of the structural change for Adult Social Care.

(a) Continue the role of Adult Social Care with the Children's Services Department

The newly established Children's Services Department has a significant change agenda over the next few years and needs to remain children focussed. The department is new, of a significant size and emerging and it is felt that to maintain focus on children and adults it would not be appropriate to link these two significant elements of the Council's business under one Director at time of such significant change.

(b) Formation of a Partnership with the Primary Care Trust

Whilst such an option may be considered in the future given that to move to a full blown partnership takes time to develop and is normally built on an established record of successful partnering in the service area, it is felt that this option would not be appropriate at this time.

(c) Establish a Department of Adult Social Services

This option was considered not to be appropriate as the establishment of a separate department with associated support was not seen as an efficient use of resources. In addition there is a potential for the service to become isolated at a time when greater integration with other services such as housing and leisure are seen as the way forward. Another variation on this theme would be to establish a new department linking Adult Social Care with Housing. However, again this is not seen as providing efficient use of resources and would add further disruption at a time when there is already a high volume of change across the organisation.

(d) Locate Adult Social Care within another Council Department

With the exception of linking Adult Social Care with Children's Services, there are no obvious links with other departments other than with Community Services where there is much synergy with many of the services provided within the department. The departmental management structure currently deals with a diverse range of services and it is felt that Adult Social Care would fit well within the department.

It is therefore proposed that the responsibilities, as set out in the Department of Health's Guidance on the Role of Director of Adult Social Services, be given to the current Director of Community Services, and that the Adult Social Care Services staff move into the Department of Community Services. Within the criteria laid out in the guidance for exercising local discretion, this facilitates the working arrangements envisaged by the Government, allowing a number of related service areas to be jointly managed by the Director of Community Services to ensure that maximum flexibility and scope for innovation is achieved.

10. Although it is recommended that the statutory responsibility for Adult Social Services will rest with the Director of Community Services, the strategic lead and the management of day to day operations for Adult Social Care would rest with the current Assistant Director (Adults). The post holder would transfer to Community Services as Head of Adult Social Care. It is proposed that a revised job description for the post will be compiled and the revised role re-evaluated. Similarly the Job Description for the Director of Community Services will need amending to reflect the new areas of responsibility and the role will need re-evaluating.
11. In the longer term, there may be some re-structuring of functions within community services and adult social services to better reflect the integrated nature of service delivery and the intentions as set out in the Green Paper “Independence, Wellbeing and Choice”.
12. This position could be reviewed following the finalisation of the Guidance on the Role of Director of Adult Social Services if necessary (the closing date for consultation on the Guidance is 28th July 2005). For instance at this stage the Department of Health is seeking views through the consultation about the appropriateness of the title of Director of Adult Social Services and consideration of whether this best reflects the management of modern social care.
13. It is proposed that the Director of Community Services would take up statutory responsibility for Adult Services with effect from 1 August 2005 and all employees with Adult Services would transfer to Community Services at the same time. As part of the organisational change within Children’s Services and Adult Services there is ongoing work being undertaken on the disaggregation of support services teams between the two areas. This area of work is also integral to a Council wide review of support services and therefore timescales in respect of transfer arrangements for employees in these functions may vary and in the interim they will continue to provide support to both Children’s and Adult Services. It is likely that further clarification will be available on these areas around September time.

Providing a political focus on adult social services

14. Local authorities should ensure that the Director of Adult Social Services’ responsibilities are included in the portfolio of an Executive Member of the authority. This should include any responsibilities that go beyond the core functions of the Director of Adult Social Services function, where these are also included within the Director of Adult Social Services’ role. (eg wider partnership working with agencies/organisations outside the Council).
15. The Lead Member for Adult Social Services should hold:
 - (a) political accountability for the effectiveness, availability, and value for money of all adult social services in the Local Authority area;
 - (b) the necessary leadership to engage with local communities to ensure that adult social services are effective in meeting the needs of adults with social care needs, their families and carers; and

- (c) focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies;
- (d) Darlington already has a Lead Member with an Adult Social Services Portfolio, and therefore already fits with this model, as proposed in the Guidance on the Role of Director of Adult Social Services.

Outcome of Consultation

- 16. Consultation with the staff involved, the PCT and Trade Unions has been ongoing over a number of months. While the PCT are supportive of the proposed arrangements, there have been a number of concerns raised by UNISON and the management team within Adult Social Services.
- 17. The issues which have been raised broadly centre around concerns about whether Community Services will provide an appropriate 'fit' in organisational and cultural terms for Adult Social Care, as well as a perceived lack of professional social care support in a high risk area of business.
- 18. In addition UNISON have raised concerns about the role of the Director of Adult Social Services and have requested that a final decision on the location of Adult Social Services be deferred until the outcome of the governments consultation exercise is known and more guidance is available.
- 19. It is essential that the concerns of key personnel within Adult Social Care and their union colleagues are addressed and as part of the consultation process a meeting was held on 23rd June 2005 at which there was a very full discussion around the above concerns and measures which would be taken to address them in the transfer to Community Services. Reassurances were also given that should there be a need to review the situation when further government guidance is forthcoming then this would be undertaken as detailed in paragraph 12 above.

Legal Implications

- 20. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

- 21. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

22. The issues contained within this report do not represent change to Council policy or the Council's policy framework

Decision Deadline

23. For the purpose of the 'call-in' procedure this does not represent an urgent matter

Recommendations

24. It is recommended that Members:-
- (a) Agree to locate the statutory and operational responsibilities of the Director of Adult Social Services with the post of Director of Community Services;
 - (b) Agree that the scheme of delegation be amended to move the powers delegated to the Director of Adult/Social Services, apart from those in connection with Children's Services, to the Director of Community Services; and
 - (c) Agree to locate the staff and services of the current Adult Social Services within the Community Services Department.

Reasons

25. The recommendations are supported by the following reasons: -
- (a) To comply with the current draft Guidance on the Role of Director of Adult Social Services as set out in the consultation paper, and
 - (b) To work alongside the Government's vision for the future of adult social services, as set out in the Green Paper "Independence, Wellbeing and Choice."

Paul Wildsmith
Acting Chief Executive

Background Papers

1. Department of Health Green Paper "Independence, Wellbeing and Choice: Our vision for the future of social care for adults in England" – issued 21st March 2005, closing date 28th July 2005.
2. Department of Health Consultation Paper "Best Practise Guidance on the Role of the Director of Adult Social Services" – issued 21st March 2005, closing date 28th July 2005.

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