

EXECUTIVE DIRECTOR OF ADULT SOCIAL CARE

ADULT SOCIAL SERVICES FUNCTIONS

1. The Executive Director of Adult Social Care is the statutory Director of Adult Social Care and therefore shall exercise the following functions and may delegate them to another member of staff.
 - 1.1 To make arrangements for the provision of care and support services to clients pursuant to the Council's powers and duties under the Care Act 2014, and, in so far as they remain in force as amended by the Care Act 2014, the following: National Assistance Act 1948, The NHS and Community Care Act 1990, the Mental Health Act 1983, the Mental Capacity Act 2005, the Health and Social Care Act 2001, the Health and Social Services and Social Security Adjudications Act 1983, the Chronically Sick and Disabled Persons Act 1970, the Health Services and Public Health Act 1968, Schedule 8 of the National Health Service Act 1977 and the Carers and Disabled Children Act 2000, and any other relevant community care legislation.
 - 1.2 To incur expenditure to limits imposed by the estimates, subject to:
 - (a) Statutory approval where required.
 - (b) Estimates being approved where necessary.
 - 1.3 To authorise officers to act in connection with the powers and duties conferred on the Council to institute or defend on behalf of the Council proceedings before any court and to appear on behalf of the Council before such a court in any proceedings instituted by the Council, or on the Council's behalf, or against the Council.
 - 1.4 To enter into arrangements with the private and voluntary sector for the provision of the facilities and services already the subject of delegation to the Director under this scheme.
 - 1.5 To arrange for the periodic re-assessment of any charges levied in accordance with the Guidance from the Department of Health on Fairer Charging Policies, including consideration as appropriate of whether to waive or reduce charges under s17(3) of the Health and Social Services and Social Security Adjudications Act 1983.
 - 1.6 In agreement with the Director of Law and the Chief Executive to enter into agreements with the Hammersmith & Fulham CCG and/or other NHS bodies in accordance with section 75 of the National Health Services Act 2006 including:
 - (a) the pooling of local authority and NHS funds
 - (b) agreeing to joint and/or lead agency commissioning arrangements

- (c) agreeing to joint and/or lead agency integrated provision of services
- (d) the sharing of information systems

on such terms as he/she considers appropriate.

- 1.7 To administer a system of charging for residential care and domiciliary care services consistent with Government Guidance, and where domiciliary care charges have been approved by the Council in accordance with the Health and Social Services and Social Security Adjudications Act 1983 (delegated to the Head of Finance, Community Services).
- 1.8 The Executive Director of Adult Social Care may delegate the above functions to proper officers employed by the Royal Borough of Kensington and Chelsea and/or Westminster City Council to be exercised under agreed joint arrangements.

The Director of Operations, Adult Social Care, is responsible for the powers and duties set out below, unless otherwise specified.

2. SAFEGUARDING VULNERABLE ADULTS

- 2.1 To ensure that a borough Safeguarding Adults Board meets regularly and agrees multi-agency policies and procedures to protect vulnerable adults, and produces an annual report.

3. CARE ACT 2014

- 3.1 To make arrangements for the provision of care and support for adults and carers aged 18 or over and establish care standards that support general wellbeing and prevent, delay, or reduce needs for care and support.
- 3.2 To make arrangements to establish and maintain a service for providing people in the borough with information and advice relating to care and support for adults and carers. The service must provide information and advice as stipulated in section 4.2 of the Care Act 2014.
- 3.3 To make arrangements to promote the efficient and effective operation of a market in services for meeting care and support needs. This is with a view to ensuring that any person in the borough wishing to access services in the market has a variety of providers with high quality services to choose from with sufficient information to make an informed decision about how to meet the needs in question. Promoting diversity and quality in provision of services must have regard to Section 5.2 of the Care Act 2014.

- 3.4 To make arrangements to co-operate with relevant partners in exercising respective functions relating to care and support for adults or carers under section 6 of the Care Act 2014.
- 3.5 To make arrangements for the provision of adults and carers assessments in line with the eligibility criteria under section 13. This includes the power to meet needs for care and support even if satisfied that the borough is not required to meet the adults needs under section 18.
- 3.6 To make arrangements for the provision of care accounts to monitor if the costs accrued by an adult with eligible needs exceeds the cap on care costs. This includes meeting costs above the cap on costs in accordance with sections 15 and 16 of the Care Act 2014. In cases where a care account is maintained this must be in accordance with section 29 of the Care Act 2014.
- 3.7 To make arrangement to provide care and support to prisoners and persons in approved premises that have eligible needs, in accordance with section 76 of the Care Act 2014.
- 3.8 To promote integration of care and support provision with health provision and health-related provision where this is considered to:
 - a) Promote the wellbeing of adults in the borough with needs for care and support and the wellbeing of carers in its area,
 - b) Contribute to the prevention or delay of the development by adults or carers in the borough of needs for care and support or,
 - c) Improve the quality of care and support for adults and carers (including the outcomes that are achieved from such provision)

4. NATIONAL ASSISTANCE ACT 1948

- 4.1 To make arrangements for the provision of accommodation for persons aged 18 or over who are in need of care and attention by reason of age, illness, disability or any other circumstances; and for expectant and nursing mothers who are in need of care and attention which is not otherwise available to them under section 21.
- 4.2 To make arrangements for the provision of accommodation and essential living needs for asylum seekers under section 21 and in accordance with the provisions of the Immigration and Asylum Act 1999, the Nationality Immigration and Asylum Act 2002 and any regulations made thereunder.
- 4.3 To make arrangements for promoting the welfare of persons aged eighteen or over who are blind, deaf or dumb, or who suffer from mental disorder of any description and other persons aged eighteen or over who are substantially and permanently

handicapped by illness injury or congenital deformity or such other disabilities as may be prescribed, under section 29.

- 4.4 To make payments in respect of the services accommodation or equipment provided up to the limits imposed by the annual estimates and to take such action as is necessary to secure the recovery of such charges from residents.
- 4.5 To refer disputes with other local authorities over the ordinary residence of clients to the Secretary of State for resolution.
- 4.6 To agree with the Hammersmith and Fulham CCG an appropriate Public Health Medicine Consultant to act as Medical Officer of Health for the purposes of Section 47 of the National Assistance Act 1948 and to apply to a Magistrates Court for orders removing chronically sick disabled or elderly persons to more suitable accommodation.
- 4.7 To take steps to protect property if there is a danger of loss or damage to it where a person is provided with accommodation or admitted to hospital under Section 48.

5. NHS AND COMMUNITY CARE ACT 1990

- 5.1 To arrange assessments of needs for community care services in accordance with Section 47 of the Act and to arrange for services to be delivered to meet the assessed needs.
- 5.2 To establish and administer the procedure for considering representations (including complaints) as instructed by the Secretary of State using the powers under Section 50.7 (B) (1).

6. MENTAL HEALTH ACT 1983

- 6.1 To authorise officers to act as Approved Mental Health Professionals.
- 6.2 To take such action as may be necessary for the administration of a person's affairs where that person is unable to do so by reason of mental disorder (within the meaning of the Mental Health Act 1983) and for managing his/her affairs in accordance with any direction which might be issued by the Court of Protection (for Deputyship under the Mental Capacity Act 2005 see para. 6.3 below).
- 6.3 To authorise an application by an approved mental health professional to the County Court for an Order substituting an approved mental health professional or any other specified person as the nearest relative of a person suffering from mental disorder (within the meaning of the Mental Health Act 1983).

- 6.4 To decide whether or not persons should be received into the Guardianship of the Council in accordance with the provisions of the Act.
- 6.5 To provide after care services under Section 117 Mental Health Act 1983.

7. MENTAL CAPACITY ACT 2005

- 7.1 To appoint appropriate officers as best interest assessors.
- 7.2 To make decisions on behalf of the Council as the supervising body where a request is made by a managing authority for the authorisation of a deprivation of liberty.
- 7.3 To apply to the Court of Protection under the Mental Capacity Act 2005 or under the Court's inherent jurisdiction as appropriate (only the person holding office as Director of Community Services can be appointed Deputy for property and affairs or Deputy for welfare by the Court of Protection and the formal responsibility for deputyship cannot be delegated).

8. DIRECT PAYMENTS

- 8.1 To authorise direct payments under the Health and Social Care Act 2001 and the Community Care, Services for Carers Services (Direct Payments) (England) Regulations 2003.

9. MISCELLANEOUS

- 9.1 To make arrangements for the provision of social care services to clients pursuant to the Council's powers and duties under the Care Act 2014 Chronically Sick and Disabled Persons Act 1970, the Health Services and Public Health Act 1968, Schedule 8 of the National Health Service Act 1977 and the Carers and Disabled Children Act 2000, and any other relevant community care legislation.

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