

Appointments and Conditions of Service Committee – 30 April 2021

Title:	Appointment to the statutory role of Director of Adult Social Services (DASS)	
Director:	Richard Henderson Director for HR, Equality, Diversity & Inclusion	Wards affected: All
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Relevant Council Plan Key Theme:		
Nottingham People		<input checked="" type="checkbox"/>
Living in Nottingham		<input checked="" type="checkbox"/>
Growing Nottingham		<input checked="" type="checkbox"/>
Respect for Nottingham		<input checked="" type="checkbox"/>
Serving Nottingham Better		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>Section 6 of the Local Authority Social Services Act 1970 places a duty on a local authority to designate a Director of Adult Social Services (DASS). This role is then one of the statutory chief officer roles of the local authority by virtue of section 2 of the Local Government and Housing Act 1989.</p> <p>Full Council has re-designated the role of DASS to the post of the Corporate Director for People and this report requests Appointments and Conditions of Service Committee (ACOS) formally appoint the incumbent to the DASS role as per the Council's Constitution.</p>		
Recommendations:		
1	To approve the appointment of the current incumbent of Corporate Director for People to the statutory role of Director of Adult Social Services.	

1 Reasons for recommendation

- 1.1 Section 6 of the Local Authority Social Services Act 1970 places a duty on a local authority to designate a DASS. This role is then one of the statutory chief officer roles of the local authority by virtue of section 2 of the Local Government and Housing Act 1989.
- 1.2 A report was taken to Full Council on 8 March 2021 with the recommendation to re-designate the statutory responsibility of the DASS to the post of Corporate Director for People, and to amend the Constitution accordingly.
- 1.3 This recommendation was supported by Council and in light of the 'chief officer' status the DASS has, it is appropriate for ACOS to approve the appointment to this statutory role, under the Officer Employment Procedure Rules (Standing Orders on Employment Matters), in Part 4 of the NCC's Constitution.

- 1.4 The Corporate Director for People was already previously appointed in accordance with this duty at ACOS on 17 July 2019.
- 1.5 This report therefore recommends that ACOS approve the appointment of the DASS to the current incumbent of the post of Corporate Director for People.

2 Other options considered in making recommendations

- 2.1 As the Constitution has now been changed for the DASS role to sit at the Corporate Director level, the alternative options are limited.
- 2.2 The Council could revert the decision and re-designate the DASS to the Director for Adult Health and Social Care and appoint the incumbent to this post however, this would not be advised or recommended.
- 2.3 Archived statutory guidance entitled 'Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services' (May 2006), issued by the Secretary of State for Health via the Department of Health, but so far not replaced, states at paragraph 9: "Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services." The statutory responsibility of Director of Children's Services is already designated to the Corporate Director for People and, as per the Full Council report on 8 March 2021, the re-designation of the DASS creates equity for the two statutory roles with a reporting line to the Chief Executive.

3 Finance comments

- 3.1 There are no financial implications associated with this report.

4 Legal comments

- 4.1 By virtue of section 2 of the Local Government and Housing Act 1989, the DASS is one of the statutory chief officer roles of Nottingham City Council (NCC).
- 4.2 Currently, there is only archived guidance on the role of the DASS entitled: *Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services* (May 2006) issued by the Secretary of State for Health via the Department of Health but that is silent as to which particular officer in the local authority takes the role of DASS.
- 4.3 In terms of whom the DASS should report to, the archived statutory guidance entitled: *Guidance on the Statutory Chief Officer Post of the Director of Adult Social Services* (May 2006) states at paragraph 9:

"Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services."
- 4.4 It is necessary to consider the effect of the NCC Officer Employment Procedure Rules (Standing Orders on Employment Matters) in Part 4 of NCC's Constitution. Amongst other things, paragraph 1 of the Officer Employment Procedure Rules (Standing Orders on Employment Matters) states (emphasis added):

"For the purposes of the Officer Employment Procedure Rules the following categories are used:

(a) 'Chief Officer' includes the following:

- a. Chief Executive (on the basis of appointment as Head of Paid Service);
- b. Corporate Directors (on the basis that with respect to all or most of their duties they report directly to or are directly accountable to the Head of Paid Service);
- c. any Strategic Directors who with respect to all or most of their duties report directly to or are directly accountable to the Head of Paid Service;
- d. any other officer who with respect to all or most of their duties reports directly to or is directly accountable to the Head of Paid Service;

4.5 Therefore, by virtue of being directly accountable to the Head of Paid Service (i.e. Chief Executive) and by virtue of being comparable, in terms of seniority, with the Director of Children's Services, the DASS is a Chief Officer within NCC.

4.6 Following on, paragraph 2.1 of the Officer Employment Procedure Rules (Standing Orders on Employment Matters) states:

"The Appointments and Conditions of Service Committee (ACOS) is responsible for carrying out the appointment process for all Chief Officers (except for Chief Officers below the level of Director)."

4.7 Thus, under paragraph 2.1 of the Officer Employment Procedure Rules (Standing Orders on Employment Matters) it would then be for NCC's ACOS Committee to consider and formally appoint to the role of the DASS.

4.8 Full Council have already supported the recommendation to re-designate the statutory responsibility of the DASS to the post of Corporate Director for People, and to amend the Constitution accordingly.

4.9 Under section 7 of the Local Government and Housing Act 1989, NCC must appoint all staff based on merit. The Corporate Director for People was already appointed in accordance with this duty. Thus, NCC have already complied with this duty in the context of the appointment of the NCC Corporate Director for People and, if this recommendation is accepted, by virtue of extension, NCC will have complied with this duty in relation to the appointment of the DASS.

Aman Patel, Solicitor

5 Equality impact assessment

5.1 There are no equality impacts associated with this report.

6 List of background papers other than published works or those disclosing confidential or exempt information

6.1 None

7 Published documents referred to in compiling this report

7.1 Joint report of the Chair of Standards Committee and the Chair of Audit Committee - Amendments to the Constitution – Full Council 8 March 2021.