

Directorate scheme of delegation

Directorate: Adults and Wellbeing

The scheme of delegation is to be read in conjunction with relevant sections of the constitution including:

Part 3 – The functions scheme

Part 4 – Section 6 – the contract procedure rules

Part 4 – Section 7 – the financial procedure rules

	What the function/power is ¹	Who may carry it out ²	Any constraints/comments ³	Decision (E/C/O ⁴)
Social care operations				
1	Undertake best interest assessments under the Deprivation of Liberty Safeguards, MCA 2005	Best interest assessors who have completed and passed an approved training course and are current in registration as per regulations		O
2	Undertake Mental Health Assessor responsibilities under Deprivation of Liberty Safeguards, MCA 2005	Mental health assessors who have completed and passed an approved training course and are current in registration as per regulations		O

¹ Say what the activity is that is being delegated and the source of the power eg decision to instigate care proceedings under s 31 of the Childrens Act 1989

² Say all the posts to which the activity has been delegated; please refer only to post names and not post holders unless there is a personal delegation

³ Include any specific conditions or constraints which apply to the delegation eg requirement to first consult with xxx

⁴ Identify decision type as follows: E = executive function; C = Council function (includes most planning and regulatory activity); O = operational

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	What the function/power is¹	Who may carry it out²	Any constraints/comments³	Decision (E/C/O⁴)
3	Appoint a Relevant Person's Representative (RPR) under the Deprivation of Liberty Safeguards, MCA 2005	DoLS Authoriser will confirm on behalf of the Local authority who will be appointed as the (RPR)	DoLS authorisers will come from one of the following roles: <ul style="list-style-type: none"> • Director • Assistant Director • Head of Service • Service Manager • Locality Manger All DoLS authorisers require appropriate training that is provided locally and approved by Assistant Director of AWB Operations	O
4	Make mandatory conditions for the Managing authority to meet as Part of an authorisation under The Deprivation of Liberty Safeguards, MCA 2005	The DoLS Authoriser will authorise any conditions that must be met by the Managing authority within a Standard authorisation period under the Deprivation Of Liberty Safeguards	As above	O
5	Authorise a Deprivation of Liberty Standard Authorisation under the Deprivation of Liberty Safeguards MCA 2005	The DoLS Authoriser will authorise any standard authorisation under DoLS where they think it is appropriate to do so	As above	O
6	Instruct an Independent Mental Capacity Advocate (IMCA) under Section 39A of MCA 2005	Social care professionals		O
7	Instruct an Independent Mental Capacity Advocate (IMCA) under Sections 39C or D of MCA 2005	DoLS Best Interest Assessors DoLS Senior management	A 39C IMCA will be instructed if there is temporarily no Relevant Persons Representative in place for a person who is subject to a standard authorisation under DoLS	O

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	What the function/power is¹	Who may carry it out²	Any constraints/comments³	Decision (E/C/O⁴)
			A 39D IMCA will be instructed if the Relevant Person's Representative requires assistance in undertaking their role as RPR.	
8	Extend the period of a 7 day Urgent authorisation the Deprivation of Liberty Safeguards MCA 2005 for a further period of 7 day	DoLS team manager Senior BIA		O
9	Approach the court of Protection to ask it to rule in relation to a Deprivation of Liberty Safeguards Authorisation where there is a dispute regarding if it is appropriate.	Herefordshire Council solicitors	An approach to the Court of Protection where there is a DoLS is likely to take place where the person being deprived is objecting or there is an objection or dispute from or with the family of the person or other interested parties.	O
10	Approach the Court of Protection to ask it to rule in relation to a Deprivation of Liberty in a Community setting	Herefordshire Council solicitors	Applications to the court in these circumstances are likely to be made where a person is deprived of their liberty in settings such as supported living, or their own homes. For Young people aged 16 or 17 in any care setting whether it be a registered care home or a community setting an application to the court must be made.	O
11	Undertake Mental Capacity Assessments and Best Interest decisions under the MCA 2005	Adult Social Care professionals		O
12	Decision to instigate safeguarding concern under section 42 Care Act	Adult Social Care professionals		O
13	Decision to instigate safeguarding enquiry under section 42 Care Act	Adult Social Care Practitioner above Senior Practitioner		O
14	Determination of unmet need under the Care Act	Social Care professional		O
15	Approval of care plans in Care Act assessments	Senior Practitioners and above		O
16	Planned residential and nursing placement agreements	Social care service manager and above	All cases will be scrutinised by Quality Assurance Panel for quality and best value	O

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17	Emergency placement agreements for residential and nursing	Social care service manager and above	Temporary agreements only (maximum of 14 days)	O
18	Undertake Mental Health Act assessments under the Mental Health Act 1983 (amended 2007)	An Approved Mental Health Professional (AMHP) who has completed and passed an approved training course and undertaken a minimum of 18 hours refresher training each year.		C
19	Apply to the Magistrates Court for a section 135(1) warrant, MHA 1983.	An Approved Mental Health Professional (AMHP) who has completed and passed an approved training course and undertaken a minimum of 18 hours refresher training each year.		C
20	Perform the function of a Social Supervisor.	AMHP, experienced senior Social Worker or a commissioned specialist service.	This is a specialist role for forensic restricted patients conditionally discharged in agreement with the Ministry of Justice under section 37/41.	C
21	Authorise application under section 7 of the MHA for Guardianship.	Director of AWB		C
22	Setting of charging policy for care. Sections 14,17, 69 and 70 of Care Act 2014	Cabinet		E

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23	Care and Support Charging Policy Financial Assessment Appeal	WFAT Team manager Senior team member (HC7 and above)	Decision to be made within 30 days of receipt. If appellant remains dissatisfied they can use the council complaints process	O
24	Care and Support Charging Policy Financial Assessment 2 nd stage Appeal	Head of Service	To be dealt with in accordance with council complaints procedure.	O
25	Care and Support charge Waivers These may be considered in exceptional circumstances	WFAT Team manager Senior team member (HC7 and above) Head of Service	Senior post in welfare and financial assessment team grade HC7 or above can approve discretionary waivers up to £1,000 for a period not exceeding 6 months. Head of Service can approve waivers up to £2,000 (subject to annual review). Waivers above this amount will require the approval of the Director of AWB and Finance Manager	O
26	Authorisation for Deferred payment agreements under sections 34-36 Care Act 2014	Director Of AWB Assistant Director AWB Cabinet Member AWB		C
27	Deferred Payment Agreement (DPA) Appeal hearing and decision against refusal to award a DPA	Head of Service AWB Assistant Director AWB Director of AWB	The appeal must be dealt with by a head or service or above that was not involved in the original panel decision.	O
28	Agree top-up payments for residential/nursing care in accordance with Care Act 2014 – Annex A – choice of accommodation and additional payments.	Head of Service AWB Assistant Director AWB Director of AWB		O

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29	Approval to suspend a direct payment where the terms of the direct payment agreement are not met or where there is suspected fraud.	Head of Service AWB Assistant Director AWB Director of AWB		O
30	Approval of joint funded packages of care, including continuing health care and section 117 mental health aftercare services	Head of Service AWB Assistant Director AWB Director of AWB		O
31	Approve direct payment agreements and suitable person agreements (where applicable)	Locality manager AWB operations		O
32	Recall surplus funds from direct payment accounts	Locality manager AWB operations		O
Strategic Housing				
33	Approval for the allocation of grant money to developers/ RSL's/ applicants	Director AWB		C
34	Approval of grant monies	Director AWB		C
35	To negotiate/ renegotiate specialist accommodation on schemes with planning permission in lieu of a reduction in affordable housing	Housing Development Officer		O
36	Approval of RSL grant funding for purchase and repairs of properties off the open market	Housing Development Officers		O
37	To provide written comments/ bids to organisations such as CLG for requisition of grants	Strategic Wellbeing & Housing Manager		O
38	Written consent to the RSL to allow for the disposal of their assets following investigation	Strategic Wellbeing & Housing Manager		O

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39	Written consent to the RSL for the disposal of their assets following investigation and ascertain the level of financial clawback to be returned to the Local Authority	Housing Development Officers		O
40	Requisition of amendments to S106 agreements	Housing Development Officers	Request to be made to the planning department who then instruct the legal team	C
Public health				
41	Exercising statutory function of Director of Public Health during periods of absence	Consultant in Public Health		E