

# CHESHIRE EAST COUNCIL

## Report to Council

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**Date of Meeting:** 12<sup>th</sup> May 2010

**Report of:** Borough Solicitor

**Title:** **Designation of Statutory Roles**

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### **1.0 Purpose of Report**

- 1.1 To assign the statutory roles of the Director of Adult Social Services and Director of Children's Services and to authorise consequential amendments to the Constitution.

### **2.0 Recommendations**

That Council agree to:-

1. Transfer the statutory roles and responsibilities of the Director of Children's Services from the Strategic Director (People) to the Head of Children and Family Services with effect from 1<sup>st</sup> June 2010, until 1st September 2010, when it will transfer to the new post of Director of Children's Services.
2. Transfer the statutory roles and responsibilities of the Director of Adult Social Services from the Strategic Director (People) to the Head of Adult Services with effect from 1<sup>st</sup> June 2010, until 1st September 2010, when it will transfer to the new post of Director of Adult Services; and
- 3 Authorise the Borough Solicitor to incorporate these revised designations into the Council's Constitution and make such consequential amendments as he considers necessary.

### **3.0 Legal Implications**

- 3.1 The Local Authority Social Services Act 1970 requires the Council to designate one of its chief officers as Director of Social Services (Adult Services only). The Childrens Act 2004 requires the Council to appoint one of its chief officers as Director of Childrens Services.
- 3.2 The designation of statutory roles is a function carried out by Council

### **4.0 Risk Assessment**

- 4.1 Failure to comply with the Acts would leave the Council open to legal challenge.

## **5.0 Children's Services Department and an Adult Services Department**

The Staffing Committee at its meeting on 8<sup>th</sup> April 2010 considered proposals for some structural reorganisation and, in that context, took note of the decision of the Strategic Director (People) to retire and end his employment by Cheshire East Council on Tuesday 31<sup>st</sup> August, 2010.

The Staffing Committee supported a proposal for the establishment from 1<sup>st</sup> September, 2010 of a Children's Services Department and an Adult Services Department. It was agreed that the current Health and Wellbeing Services should be part of the new Adult Services Department.

It was agreed by the Staffing Committee that the current Head of Services for Children and Families should be "slotted in" to the post of Director of Children's Services and that the current Head of Adult Services should be "slotted in" to the post of Director of Adult Services.

Those decisions of the Staffing Committee were shared with the Members of the Cabinet and of the Council and were accepted by them.

The Strategic Director (People) will continue to work until his retirement on 31<sup>st</sup> August, 2010. He will work to ensure a smooth transition from the arrangements of a People Directorate into the arrangements of two new service Directorates.

It will be important, even before all the new structural arrangements are put into place, that the two Directors designate are properly empowered to take decisions and to represent the Council. Inspections are anticipated imminently and it will be essential for the Inspectors to engage fully with those who will actually be taking the service agendas forward. Recommendations for new structures within the two new Directorates will need to be framed. The Budget process for 2011/12 will be starting up shortly and they will need to take leadership in that on behalf of the new Departments.

The two Director designates therefore need to be assigned the statutory roles for the period 1<sup>st</sup> June 2010 until 31<sup>st</sup> August 2010 pending the formal establishment from 1<sup>st</sup> September 2010 of separate Children's Services and Adult Services Departments. From the 1<sup>st</sup> September 2010 the new Directors of the Children's Services and Adult Services Departments will then be assigned the statutory roles.

## **6. Reasons for Recommendations**

6.1 For all these reasons, it is recommended that the Council should decide to:-

Transfer the statutory roles and responsibilities of the Director of Children's Services from the Strategic Director (People) to the Head of Children and Family Services with effect from 1<sup>st</sup> June 2010, until 1st September 2010, when it will transfer to the new post of Director of Children's Services.

Transfer the statutory roles and responsibilities of the Director of Adult Social Services from the Strategic Director (People) to the Head of Adult Services with effect from 1<sup>st</sup> June 2010, until 1st September 2010, when it will transfer to the new post of Director of Adult Services.

***For further information:***

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***Background Documents: None***