

## **Executive Director (Health and Adult Care).**

Contribute to the corporate leadership of the Council, as a member of the Executive Leadership Team, providing strategic leadership, direction and service expertise.

In accordance with Council policies, statutory requirements, guidance, Codes of Practice and subject to overall budget provision, the Executive Director Health and Adult Care will provide strategic leadership, direction, and where applicable, line management across:

1. Adult Care Services in conjunction with the Statutory DASS role
2. Public Health function in conjunction with the statutory DPH role, including the commissioning of a range of services as part public health duty of the council and to ensure the delivery of the Joint Strategic Needs Assessment pursuant to the Council's responsibilities set out in Section 116 Local Government and Public Involvement in Health Act 2007 for Health and Social Care needs.
3. The development of the Joint Health and Wellbeing Strategy for the Council's area.
4. The implementation of the Public Service Reform Strategy, including the Neighbourhood Model

The Executive Director will represent the Council as required by the Chief Executive in GM CA matters.

As a consequence of the role as Deputy Place Based Lead for NHS Greater Manchester (Bury), and in accordance with the provisions of the National Health Service Act 2006, to undertake joint collaborative action, as appropriate, with the National Health Service and other partner organisations for the planning and provision of jointly operated services within the Council's area, including.

1. Commissioning health and social care, secondary care mental health, and community services and primary care services (with NHS GM )
2. Continuing Health Care/Complex Care (with NHS GM)
3. Transforming Care (with NHS GM)

4. The development of Cooperation Agreements and Partnership Agreements for joint working arrangements -described as the Bury Integrated Care Partnership
5. To approve, amend or terminate contracts with providers whose services are commissioned by ICB or jointly with partners, including the Locality Board.

In conjunction with the Director for Children and Young People, to be responsible for functions in respect of:

1. co-operation to improve well-being with partner agencies.
2. multi agency arrangements to safeguard and promote welfare.
3. information databases
4. Ensuring the contribution of NHS partners through the Greater Manchester Integrated Care System to the delivery of council services and objectives for improvement of outcomes for children, young people and families.

To discharge the Council's functions with regard to the assessment of need for, and provision of, community care services in accordance with the Part III of the National Health Service and Community Care Act 1990 as amended or re-enacted, and any Regulations thereunder.

To take any decision and/or develop approaches that commit Council resources that are within budget and policy to deliver better outcomes for local people to meet the requirements of the Care Act, Children's Act and allied legislation and Public Health responsibilities, after consultation with the Cabinet member Health, Adult care, and Wellbeing

To enter into partnership arrangements with Health bodies and approve future variations to the arrangements under Section 75 of the National Health Services Act 2006 after consultation with the relevant Cabinet Members and Statutory Officers. 5.12  
Following consultation with the Council's Statutory Officer, to extend, re-negotiate or enter into any further agreements with health bodies in relation to any funding streams allocated to the what was the CCG, or, or exercised within the Terms of Reference of the Locality Board with the specific purpose of being transferred to or from the local authority under a Section 256 or Section 76 of the NHS Act 2006 arrangement and add any such sums to the budget.

To be responsible for such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.

## ADULT SOCIAL CARE

### Delegated Powers - Scheme of Delegation

Section	Officer's Job Title/Post	List Nature of Delegation/Authorisation (General or Specific)
<b>s9-12, S13 and s58-66 of the Care Act 2014.</b>	Social Worker, Social Care Officer or Reviewing Officer	Carry out an assessment of an adult's, carer's, child's (where it appears the child is likely to have needs for care and support after becoming 18) or young carer's needs for care and support Apply the national eligibility criteria
<b>s67 and s68 of the Care Act 2014.</b>	Social Worker, Social Care Officer or Reviewing Officer	Decision to appoint an independent advocate
<b>s17 of the Care Act 2014.</b>	Personal Budget Support Team Officer	Carry out a financial assessment
<b>s25 of the Care Act 2014</b>	Operational Team Manager	Authorise the care and support plan of an adult
<b>s 26, s31 and 33 of the Care Act 2014</b>	Personal Budget Support Team Officer/Operational Team Manager	Decision to make a direct payment to an adult or a nominated person
<b>s 25, s32-33 of the Care Act 2014</b>	Finance/ Direct Payments team officer/Operational Team Manager	Decision to make a direct payment to an authorised (suitable) person.

<b>s 19 Housing Grants, Construction and Regeneration Act 1986</b>	Housing Adaptations officer and Occupational Therapist	Decision to award disabled facilities grant to fund a property adaptation following an assessment
<b>s34 of the Care Act 2014</b>	<b>Personal Budget and Support Team Manager</b>	To enter into a deferred payment agreement.
<b>s27 of the Care Act 2014</b>	Social Worker, Social Care Officer or Reviewing Officer	Carry out a review of a care and support plan or support plan
<b>s3 of the Mental Capacity Act 2005</b>	Social Worker	Carry out a mental capacity assessment
<b>s4 of the Mental Capacity Act 2005</b>	Social Worker, Social Care Officer, Reviewing Officer, Best interest Assessor	Make best interest decisions under the Mental Capacity Act 2005
<b>s39 of the Mental Capacity Act 2005 (and associated regulations)</b>	Social Worker, Social Care Officer, Reviewing Officer, Best interest Assessor	Instruct an Independent Mental Capacity Advocate under s39 of the Mental Capacity Act 2005 (and associated regulations).
<b>s4A and Schedule A1 of the Mental Capacity Act 2005</b>	Dols team Manager	<p>In accordance with the provisions of s4A and Schedule A1 of the Mental Capacity Act 2005, decision to authorise a named Senior Manager or other officer to carry out specific functions under the Deprivation of Liberty Safeguards provisions of the Mental Capacity Act, including:</p> <ul style="list-style-type: none"> <li>• Approve Best Interest Assessors</li> <li>• Grant an extension of an Urgent Authorisation to a Managing Authority</li> <li>• Appoint Assessors</li> <li>• Review authorisations</li> </ul>

		<ul style="list-style-type: none"> <li>• Appoint a Relevant Persons Representative</li> <li>• Authorise a Managing Authority to deprive a person of their liberty</li> </ul> <p>Make conditions in respect of an authorisation.</p>
<b>Section 15 and 16 Mental Capacity 2005</b>	Team Manager supported by Allocated ASC Legal officer	Decision to make an application to the Court of Protection for a declaration
<b>s114 of the Mental Health Act 1983</b>	Principal Social Worker	To approve appointments of individuals to act as Approved Mental Health Professionals under s114 of the Mental Health Act 1983 or to suspend or end such approvals.
<b>s117 of the Mental Health Act 1983.</b>	Jointly held responsibility: - Complex Care Panel	Decision to accept that the Council is the responsible local authority for an individual under s117 of the Mental Health Act 1983.
<b>s7 or s37 of the Mental Health Act 1983</b>	DASS With support from Mental Health Team Manager	Decision to accept a person to guardianship under s7 or s37 of the Mental Health Act 1983
<b>s19 of the Mental Health Act 1983</b>	Mental Health Team Manager	Decision to agree a transfer of a person from hospital to guardianship under Mental Health Act 1983

<b>s19 of the Mental Health Act 1983</b>	Mental Health Team Manager	Decision to authorise or agree a transfer of a person from the guardianship of one guardian to another under s19 of the Mental Health Act 1983
<b>s29 of the Mental Health Act 1983</b>	Director of ASC or Assistant Director Operations	Decision to designate a named officer/s to fulfil the day-to-day functions and responsibilities of a guardian on behalf of the Council
<b>s29 of the Mental Health Act 1983</b>	Director of ASC or Assistant Director Operations	Decision to propose a named person to fulfil the day-to-day functions and responsibilities of a nearest relative on behalf of the Council
<b>Section 42 Care Act 2014 (Safeguarding)</b>	Head of Adult Safeguarding, and Safeguarding Operational Manager	Decision to make and terminate enquiries (statutory and non-statutory)
<b>Section 48 Care Act 2014, The Care and Support (Business Failure) regulations 2015</b>	Director, deputy or strategic lead for provider development	Decision to initiate the Provider Failure Protocol
<b>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</b>	Complaints Officer/ Complaints operational manager	Decision to agree a response to a complaint.

<b>Civil Contingencies Act 2004</b>	Director on Call	Decisions relating to adult social care staff deployment during a civil emergency between 9am and 5pm Monday to Friday.
<b>Section 75 and Section 256 NHS Act 2006 and associated regulations Section 195 of the Health and Social Care Act 2012</b>	Director of ASC / Deputy Place based lead, Borough Treasurer	In consultation with the Cabinet Member for Adult Social Care, Wellbeing and Independence, decision to approve pooled budget agreements for the integration of health and social care.
<b>Section 79 Care Act 2014: councils' ability to delegate all of their functions under the Act (except for safeguarding and charging)</b>	Director of ASC/ CEO / Leader of the Council	Decision, where appropriate in compliance with Procurement Standing Orders, to authorise a person to exercise a function on behalf of the Adult Social Care Directorate under the Care Act 2014

## PUBLIC HEALTH

### Delegated Powers - Scheme of Delegation

<b>Section</b>	<b>Officer's Job Title/Post</b>	<b>List Nature of Delegation/Authorisation (General or Specific)</b>
DIRECTOR OF PUBLIC HEALTH (DPH) shall be responsible for the discharge of the statutory responsibilities of the Director of Public Health under Section 73A(1) of the National Health Service Act 2006, and without prejudice to the foregoing, shall have power subject to compliance with the	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.

Constitution, Standing Orders, any relevant provisions of the Financial Regulations and any legal requirements, to: Provide the public, elected Members of the Council and officers of the Council with expert, objective advice on health matters.		
Discharge the Council's duty under Section 2B of the National Health Act 2006 and the Health and Social Care Act 2012 to take such steps as the Council considers appropriate for improving the health of the people in its area	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
Discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to the Council, either by arrangement or under regulations, including those services mandated by regulations made under Section 6C of the Health and the National Health Service Act 2006.	Director of Public Health (DPH)	Primarily provided with and through Consultant in Public Health who leads on health care public health.
Ensure that plans are in place to protect the health of the local population from threats to health and prevent, as far as possible, threats to health arising. Exercise the Council's functions in planning for and responding to emergencies that present a risk to public health.	Director of Public Health (DPH)	Duty provided and delivered through the health protection board in collaboration with the Consultant in Public Health.
Discharge the Council's functions in	Director of Public Health	Assured and delivered primarily through



relation to dental public health under Section 111 of the National Health Service Act 2006. Part 3 Section F (adopted May 2019)	(DPH)	Start Well Partnership – lead by the Public Health Specialist - Start Well.
Discharge any functions imposed on the Council in relation to joint working with the prison service under Section 249 of the National Health Service Act 2006		Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
Prepare an annual report on the health of the population of Bury under Section 73(B) (5) of the Health Service Act 2006	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
DsPH must have a place on their local health and wellbeing board (section 194(2)(d) of the 2012 Act)	Director of Public Health (DPH)	Agreed member of the HWB when DPH unavailable Consultant in Public Health will deputise.
To discharge the Council's function under the Healthy Start and Welfare Food Regulations 2005 (as amended) in relation to providing Healthy Start vitamins where the Council provides or commissions a maternity or child health clinic	Director of Public Health (DPH)	Assured and delivered primarily through Start Well Partnership – lead by the Public Health Specialist - Start Well.
To act on behalf of the Council as proper officer for the purposes of Section 47 of the National Assistance Act 1948, as amended	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.
To discharge the functions of the Council under the Public Health (Control of Disease) Act 1984 and Regulations made under that Act, in consultation with the Chief Operating Officer – Neighbourhoods where	Director of Public Health (DPH)	Duty provided and delivered with and through wider team. In DPH absence lead by Consultant in Public Health.

appropriate		
Through regulations made under section 73A(1) of the 2006 Act, responsibility for their local authority's public health response as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications (a function given to local authorities by sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act 2003, as amended by Schedule 5 of the 2012 Act)	Director of Public Health (DPH)	Assured and delivered through the Public Health Specialist – Healthy Place.

## WELLNESS

### Bereavement Services

<p>– To act on behalf of the council in respect of the legislation specified in The Local Authorities' Cemeteries Order 1977 – The Council is defined as a burial authority for the provision and maintenance of cemeteries.</p>	<ul style="list-style-type: none"> <li>• Assistant Director (Operations)</li> <li>• Parks &amp; Countryside Manager</li> <li>• Cemetery Registrar</li> <li>• Area Supervisor</li> </ul>	<p>– The council may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery. Where burials take place the order regulates the process including regulation of memorials.</p>	
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<p>– To act on behalf of the council in respect of the legislation specified in The Cremation (England and Wales) Regulations 2008 (amendment 2016).</p>	<ul style="list-style-type: none"> <li>• Assistant Director (Operations)</li> <li>• Parks &amp; Countryside Manager</li> </ul>	<p>- The Cremation (England and Wales) Regulations 2008 ('the 2008 Regulations') make provision about the operation of crematorium in England and Wales, including in relation to the disposal of ashes, and the keeping of records relating to cremations.</p>	
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## Libraries

<p>– To meet the requirements of the Public Libraries and Museums Act 1964; in doing so the Council should consider a number of legal obligations, including the Equality Act 2010, Best Value Duty 2011 guidance, Localism Act 2011, the Human Rights Act 1998 (I have taken this from the front page of <a href="https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service">https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service</a>)</p>	<ul style="list-style-type: none"> <li>• All officers of the Libraries &amp; Archives team, Head of Wellness Operations</li> </ul>		
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