

**National Social Work Services Forum  
Minute of Meeting held on 12 September 2007**

**Present:**

Minister for Children and Early Years  
Janet Birks, co-chair, Changing Lives Service Development Group  
Sandy Cameron, Chair, Changing Lives Performance Improvement Group  
Andrew Denovan, User/Carer Forum Representative  
Bernadette Docherty – President, Association of Directors of Social Work  
Gail Fertacz, Association of Scotland's Colleges  
Laura Finnan, Scottish Consortium for Learning Disability (SCLD)  
Andrew Denovan, SCLD  
Norma Graham, ACPOS  
Nigel Henderson, co-chair Changing Lives Service Development Group  
Alexis Jay, SWIA  
Andrew Lowe, Chair, Changing Lives Practice Governance Group  
Gail MacNamara, College of Occupational Therapists  
Sylvia Murray – CoSLA  
Catriona Renfrew – Health Board Chief Executives  
Fiona Robertson, Communities Scotland  
Stephen Smellie, Unison  
Ruth Stark, BASW  
David Wiseman, Care Commission  
Councillor Douglas Yates, CoSLA

**Scottish Government Representatives**

Val Cox, Workforce & Capacity Issues  
Ian Davidson, Workforce & Capacity Issues  
Mike Foulis, Housing  
Catherine Rainey, Workforce & Capacity Issues  
Adam Rennie, Health Department

**Apologies:**

SOLACE  
David Crawford, Association of Directors of Social Work  
Brian Corrigan, Social Care Association  
Annie Gunner, Community Care Providers, Scotland  
Len Hammersley, Association for Scotland's Colleges (represented by Gail Fertacz)  
Carole Wilkinson, Chair, Changing Lives Workforce and Development Group  
Laura Dolan, SG Housing  
Christine Hallett, University Principal/Universities Scotland  
Wilma Dickson, Health Department, Scottish Government  
Lisa Curtice, SCLD  
Andy Murray, SCLD

**Welcome and Introductions**

1. The Minister welcomed everyone to this his second meeting of the Forum and reported that he had found the first meeting very helpful in starting to inform his early

thinking on social work services and the work being taken forward through the Changing Lives agenda. He stated that today's agenda would cover two broad areas:

- Firstly, looking at some of the work being taken forward through the Change Programmes, in particular the theme of personalisation – putting the user at the heart of services which was one of the key themes this group identified as a priority for its work. Also to consider the draft paper on the role of the Chief Social Work Officer which links to the other key theme identified around workforce, support and development.
- Secondly, to consider the Communications Strategy and how we might make best use of this Forum.

2. The Minister asked those who had not been present at the last meeting of the Forum to introduce themselves.

### **Minutes of Previous Meeting and Matters Arising**

3. The minutes of the previous meeting were agreed subject to a request to have the brief reports from the Changing Lives Chairs recorded more fully. This has been produced as an Annex to the original minutes and is attached here as Annex A.

4. Catherine Rainey reported that the Paper on Risk was published on 8 August and was available on the socialworkscotland and Scottish Government websites. Under the 7<sup>th</sup> bullet point of paragraph 11 it should be noted that CoSLA's Executive would be meeting with Val Cox later this month.

### **Update on Changing Lives Personalisation**

5. Janet Birks and Nigel Henderson, co-chairs of the Changing Lives Service Development Group spoke to their paper, informing the Forum that the paper had been widely circulated to other Change programmes, local practitioners forums etc in order to raise awareness and stimulate discussion. Nigel explained the background to the paper and how personalisation can mean a number of different things to different people. Feedback from the Forum was welcomed. Nigel acknowledged that there was more than one approach to delivering personalisation and highlighted the five key elements set out in the paper to achieving personalisation within current practice. These are:

**Tools**  
**Finance**  
**Workforce**  
**Mixed economy of care; and**  
**Performance Measures**

6. The Service Development Group will be discussing a re-draft of the paper, based on comments here and from others, at its meeting on 18 November.

**Action: any further comments to be sent to Moira Hughes as soon as possible – Members**

7. The Minister said that he had found the paper very accessible and invited comments. In the discussion that followed the paper was broadly welcomed and most were happy with the approach. A full discussion followed which is summarised at Annex B.

8. The Minister thanked members for their views and encouraged all to take the paper out to their constituencies to help raise awareness and encourage discussion of this agenda. Nigel Henderson also encouraged members to provide examples of best practice which should be sent to Catherine Rainey.

**Action Point: any examples of good practice to be sent to Catherine Rainey - Members**

#### **Next Steps**

9. The Service Development Group will discuss the feedback received and will also be looking at how they can make this more accessible to a wider audience and explore how to best communicate the message.

#### **Role of Chief Social Work Officer (CSWO)**

10. Andrew Lowe, Chair of the Practice Governance Group spoke to this paper and thanked the Minister for the opportunity to raise this. Andrew explained that the paper had been reviewed at the Practice Governance Group's meeting the previous week but that it in no way was a finished piece of work.

11. Andrew explained the background to the CSWO role and how the role was indeed enshrined in Section 45 of the 1994 Local Government (Scotland) Act requiring new unitary authorities to appoint Chief Social Work Officers holding qualifications prescribed by the Secretary of State. This abolished the requirement previously set out in Section 3 of the '68 Social Work (Scotland) Act which required regional and island authorities to appoint Directors of Social Work and also laid down certain requirements with regard to their qualifications and appointment. Currently there is no legal requirement for someone holding the position of CSWO to be registered with the Scottish Social Services Council. In preparing the paper the Practice Governance Group have tried to future proof the role.

12. Andrew advised the Forum of the proposed role and responsibilities for the post as set out in the paper attached at Annex C.

13. The paper was broadly welcomed and Andrew opened up the discussion. The key areas raised during the discussion were:

\* Important that wherever the role is located within the local authority that it carries sufficient authority and accountability in order to carry out the role.

\* CSWO is charged with making decisions in high risk, complex areas such as responsibility for a child going into secure accommodation, guardianship responsibilities as well as adoption issues etc - the nature of the decision-making is a key factor.

\* Execution of statutory duties is at the core.

\* Useful to have clarity around the role as there seems to be confusion, and a lack of consistency, across Scotland.

\* Important that this is not looked at in isolation, for example need to clarify fit in relation to leadership and management responsibilities; what organisational and management arrangements are required to be in place.

\* It may be useful to look at the clinical arrangements that exist in the NHS and also to look at the structure within the NHS.

\* CSWO should have an 'unfettered right' to report to Council.

\* Is there a need to consider what protection might be put around this role - given messages to the Council might be uncomfortable (previously person could only be removed from post through 2/3 majority of Council vote).

\* Should consider having an element of independent assessment of the fitness of someone to be appointed to this role.

\* Social work primarily delivered through local authorities, but greater integrated working has introduced a range of other linkages that have to be considered. Need to explore access to CHPs and need to be explicit about what role CSWO would have in community planning etc.

\* Important to note that it has not been SWIA's experience during the course of their inspection visits that the role of CSWO is buried in organisations (as seems to be a fairly widely held perception), it is usually located 1st or 2nd tier of the organisation, with a few exceptions. SWIA also found that Chief Executives and elected members very much support the role and had a strong understanding of the role and the relationship to professional leadership.

\* Could be implications for LAs in respect of any legal accountabilities in relation to the services regulated by the Care Commission.

\* Not enough highly qualified social workers in senior management positions outwith social work.

\* Need to tease out more on relationship with the practitioner and the CSWO. The practitioner is not only accountable to the CSWO also to SSSC and possibly the Care Commission as well as their own line management .

\* Need to be careful about language we use – is it social work or social care. This is important – statutory responsibilities held by the role cannot be jointly held say with Health.

5. In summary, the presentation provided a useful starting point for consideration of the role of CSWO. There needed to be a separation and clarity between what is required by statute; what professional oversight might mean and the implications for how that sits with line management / organisational responsibilities; access/role and relationships with partners; and the wider role in relation to social values etc.

14. Andrew Lowe said that he was delighted by the debate and reiterated that the document was in no sense a finished paper. The role of the CSWO is a complex one strongly linked to the work of the Management and Leadership Change Programme. Andrew will be

meeting with CSWO's on 10 October and is exploring the possibility of a wider consultation across Scotland through an event early in the New Year to debate the issue with CSWOs and other interested parties. Issues raised in the course of today's discussion will be pulled together and a further paper issued to the Forum in due course. The product expected from this work would be a piece of guidance, hopefully signed off by Ministers, which should help ensure more clarity and consistency in the role..

### **Feedback from National Practitioners' Conference**

15. The Minister reported that he had attended the event and was struck by the evident enthusiasm amongst practitioners for the event.

16. Catherine Rainey informed the Forum that over 140 practitioners attended the event with all LA areas represented and the voluntary sector was also well represented. The report of the event and the DVD were on the socialworkscotland website and had also been widely distributed. Very helpful write up from the 9 workshops had been produced and circulated to each of the Change Programme Chairs. Overall the event had been well received and practitioners were keen for this to be repeated again next year.

### **Communications Strategy**

17. Catherine Rainey spoke to the papers setting out work that has been undertaken since the first draft of the Strategy was presented in the Autumn of 2006. The Strategy Paper outlines what are the key communication objectives and the means of meeting them over the next year or so. The paper also looks at issues for stakeholders and identifies what they need to know and offers an opportunity to capture key issues and will be a standing document which will be reviewed in the Spring. The additional paper is a calendar of events along with an activity paper. Both of these will be live documents and will be regularly updated and populated through the Change Programmes, this Forum and also the User and Carer Forum.

18. CoSLA reported that it would raise this as a standing item on their Executive Group's agenda to which a representative from the Scottish Government would be invited. It was noted that some of the objectives detailed in the plan were very similar, in particular bullet points 1, 3 and 7, perhaps it would be helpful to collapse these down. Evaluation and measuring are an important factor and it was felt that the Changing Lives Newsletter may not be sufficiently acknowledging its effectiveness. The point was raised that there were no representatives from staff groups on the Communications Networking Group. Catherine indicated this would be followed up. It was recognised that there was a need to indicate a stakeholder list, but keen to see that opportunities for joint working and recognising this was a joint agenda. It was suggested that frontline practitioners and users/carers thought some of the messages still being used from the 21<sup>st</sup> Century Review were a bit negative e.g. "More of the same won't work" It was agreed that it was important to look at how the messages from Changing Lives are communicated to the more rural and remote areas. It was acknowledged that more work on the strategy was needed to sharpen it up and members agreed to work to provide comments on a further iteration of the paper.

**Action Point: Catherine and the Communications Team to develop further version of the strategy and circulate to members for comment.**

### **Roles and Responsibilities of the National Social Work Services Forum**

19. The Minister reiterated that he found it very helpful to have a Forum representing such a diversity of interests and stakeholders in the social care field. Having such a large

group and diversity of interests also brought a challenge as to how we get the business done and how to make sure that this can indeed function as a body which fulfils its remit.

20. The Minister posed a number of questions which might be considered:

- Membership - Have we cast our net too widely and asked if some members feel that there is little value in their attending or that they have been unable to contribute
- The Agenda - Would there be benefit in identifying themes for discussion e.g. a discussion on Crerar following its publication.
- Targeted meetings – would there be benefit in a meeting with those most directly involved in social work separately, perhaps considering some of the business that could be brought to this Forum.

21. In the discussion that followed the following points were made:

- Forum only beginning to get a feel for where it's going, only now able to get into meaty discussions such as those on the agenda today
- Keen to retain the broad membership
- Concerns raised about the efficiency and effectiveness of the Forum with not enough debate of current issues. Need to find a way of broadening the agenda to debate real life issues and developments
- Forum members would benefit from seeing relevant papers from the Change Programmes in order to inform the debate, Changing Lives update paper was useful but not enough information
- Members should be canvassed for agenda items. Need perhaps to structure the agenda to look at Policy and Structure and also Best Practice
- Forward planning of agenda to reflect milestones / developments around Public Sector Reform
- How do we work in partnership in the context of wider public protection. Relevance of police and strong partnerships with health
- How might the Forum play a part in the Futures thinking – implications could be considered in a one day discussion
- Setting up a sub-group – a social work delivery group to take forward some of its own work and bring back issues to the Forum could be useful
- Need to be clear about what information we are sharing and also be aware of other debates that are happening across other areas of Government that the Forum can contribute to
- Important to include the voice of users and carers in discussions, can feel isolated; important to build in their views and experiences.

22. Information and suggestions from today's discussion would be gathered up and put forward for future agenda items.

23. The Minister thanked everyone for attending. He very much valued the comments made and said he was interested in pursuing a further discussion on the futures agenda, possibly at a longer event. The Minister agreed to give further consideration to the issues raised today with regard to the role of the Forum.

**Action: Officials agreed to write out to members to seek suggestions for agenda items for future meetings and look at ways of pulling in a range of issues.**

24. **Date of Next Meeting**

The next meeting of the Forum will take place on **18 December from 1.00 p.m. until 3.00 p.m.** in Conference Room 3, Scottish Government, Victoria Quay, Edinburgh. A sandwich lunch will be available from 12.30 with the meeting starting sharp at 1.00 p.m.

DRAFT

**Addendum to National Social Work Services Forum held on 14 June 2007****Inputs from Changing Lives Chairs**

25. Sandy Cameron, Chair of the Performance Improvement Group reported on the work of this group, stating that they saw their key role as helping to embed a culture of continuous improvement, with an emphasis on outcomes. The group had been exploring models of improvement, considering the earlier work done by the Forum on National Priorities and working with the Scottish Leadership Foundation to undertake some 'organisational raids' to learn from best practice elsewhere.

26. Bryan Williams, Executive Director of the Scottish Institute for Excellence in Social Work Education (SIESWE) reported that the new degree for social work was now broader and more collaborative with strong links to users and carers. Bryan stated that leadership and development is needed at all levels, especially the area of professional leadership. The development of an R&D strategy being taken forward in his sub-group would strengthen the evidence base for practice; support more integrated delivery; and support continuous learning and improvement.

27. David Crawford, Chair of Changing Lives Leadership & Management Group reported that it was this group's main task to create a framework to support and develop strong leadership and management and prepare organisations for leadership and management for the future. The Leadership & Management framework needs to be consistent with the other Change Programmes, sit within the Public Service Reform agenda and support joint working and integration.

28. Andrew Lowe, Chair of the Changing Lives Practice Governance Group described how the group had looked at the balance between autonomy and accountability for staff, including for other sectors. Andrew reported on the presentation at the Group's March meeting delivered by a representative from the Air Traffic Control sector and spoke about the ideas that had emerged from that with regard to the issue of Risk. The group had also taken receipt of a literature review on the different approaches to risk assessment across the 3 main areas of social work – criminal justice, community care and child protection and at different approaches in other mainly English-speaking countries. It explored variations in practice, in legislation, in language and in information-sharing between these three themes. The review was published on 8 August.

29. The Group is also looking at the future role of the Chief Social Work Officer and the work done on Citizen Leadership carried out by the User and Carer Forum, facilitated by the Scottish Consortium for Learning Disability. Andrew also reinforced Bryan Williams comments in respect of Research & Development (which is a sub-group of Practice Governance) about the importance of developing a learning culture in social work.

## SERVICE DEVELOPMENT GROUP: PERSONALISATION PAPER

### FEEDBACK FROM DISCUSSION AT THE NATIONAL SOCIAL WORK SERVICES FORUM, 12 SEPTEMBER 2007

#### Introduction

Nigel introduced the paper explaining this was an attempt to develop a shared understanding of the concept and the elements within that, teasing out some of the issues and constraints that need to be addressed.

While there is no deadline for comment it would be expected that this Group would have substantive discussion on a revised paper at its meeting in November.

#### Discussion

Overall the paper was welcomed. A number of people remarked on its easy to read and easy to understand style. Also that it made clear that this was not necessarily about rocket science, but could be achieved in some very simple things that can be done. Most people agreed this was about achieving an important culture shift and the paper provided a useful starting point to raise awareness and encourage thinking about how that might be done.

Specific points included:

- Like the idea of citizens rather than users – helps to widen out the consideration, including the impact on society/wider family of decisions;
- Useful to make explicit reference to carers;
- Highlights the need to also build the capacity of individuals to actually engage constructively – otherwise they could be more vulnerable;
- Engagement in design of services important – useful to commission some research to test that assumption;
- Paper reads as though professionals controls the personalisation agenda, rather than the individual – recognise this links to the cultural shift required;
- Clear we're not talking about how this is achieved or advocating specific mechanisms i.e. Direct Payments or In Control;
- Often people aren't offered simple choices – even though these could make a great difference to their lives. For example, providing a meal could be someone comes into cook, meal delivered, attend day centre, go to pub across the road – but no choice offered;
- This could usefully provide a framework, not just for social care but for health;
- In consulting can more weight be given to the views of LAs – as they have responsibility for delivery. Agreed this is about principles and possible approaches – LAs would not be told how to do;
- Liked emphasis on prevention and people being able to lead their own lives;
- Can be risky – will need strong leadership, both professional and political;
- Important not to lose sight of where we currently are and the challenge of moving along this road – but must be done;
- Integrated working reinforces the need to ensure there is no disjunct with what other service providers understand and do;

- Implications for Performance Improvement Change Programme – where users are important contributors to design etc;
- Mandatory and statutory service areas need to be further developed – recognising these functions in relation to public protection etc and to ensure a fit across all SWS;
- Personalisation is an unstoppable phenomenon evident in all walks of life, changes to meet people’s demands;
- Part of this means being better at plugging into mainstream services.

### **Conclusion**

Nigel thanked people for these helpful points, encouraged people to take to their various networks to further discuss and comment and asked that people let us have examples of how personalisation can be seen in operation at a practical level – such as the providing a meal example.

## PRACTICE GOVERNANCE: THE ROLE OF CSWO

### PRINCIPLES & REQUIREMENTS

#### Context

The requirement that every local authority should have a Chief Social Work Officer with qualifications is set down in regulations. This is one of a number of officers, roles or duties which local authorities have to comply with and a brief note of each of these is provided at Annex 1.

Currently there is no legal requirement or guidance requiring someone holding the position of CSWO to be registered with the Scottish Social Services Council. However, given the title of social work officer there would be an expectation that they would be registered.

One of the findings of the 21<sup>st</sup> Century Review of social work services was that: *Social work services must develop a new organisational approach to managing risk, which ensures the delivery of safe, effective and innovative practice (Recommendation 6)*. One of the elements identified by the review as being required to help deliver this was a strengthening of the governance and leadership roles of the chief social work officer.

In developing this new strengthened role there are a number of key issues that need to be clarified and addressed:

- Role and function
- Scope, rights and responsibilities
- Accountability and reporting arrangements.

This paper seeks to identify the key determinants of a strengthened role and how these can be achieved. The expectation being that, following consultation, robust guidance is produced based on these aspects which will ultimately form part of the performance improvement and inspection process.

#### Strengthening the governance and leadership roles of the CSWO

The review confirmed that legislation is not necessary to implement any of its recommendations. The role of CSWO is already required in statute. Section 3 of the Social Work (Scotland) Act 1968 required regional and islands authorities to appoint Directors of Social Work and also lay down certain requirements with regard to their qualifications and appointment. Section 45 of the Local Government etc (Scotland) Act 1994 abolished this requirement and substituted a new section requiring the new unitary authorities, which came into operation on 1 April 1996, to appoint Chief Social Work Officers holding qualifications prescribed by the Secretary of State. However, there is less clarity or consistency as to what this should aim to achieve or what is needed for this to operate effectively.

#### Role and Function:

The CSWO is essential but for the role to gain acceptance and be effective in the varying circumstances of Scottish local authorities, it is important to focus on role and function rather than position or structures.

The CSWO is a 'proper officer' in relation to the social work function, an officer given a responsibility that the law requires to be done by a specified post holder.

Working to this principle it is suggested that the revised guidance:

- Recognises the importance of local authorities being appropriately advised as to their social work responsibilities
- recognises that authorities operate with very different types of management structure and that structures are not answers in themselves to improving service delivery;
- confirms local authorities are able to determine what structure would work best for them;
- 'future-proofs' against change so that the role of CSWO is defined in such a way as to be accommodated in any future organisational structures.

**Scope, powers and responsibilities of the CSWO:** Building on the principle of role and function as proper officer being key, clarification in terms of access, levels, and relationships is required.

It is suggested that the role and function requires:

- The scope of the role should include **all social work settings** including services delivered in partnership and those commissioned by the local authority
- Responsibility for **setting values**, standards and understanding of professional decision making;
- **access** to people and information,
- Duty to report to Council;
- Duty to be accessible to all registered social workers
- Responsibility to maintain and develop standards of practice, workforce planning and quality assurance;
- Duty to **promote** good practice
- Responsibility to ensure that appropriate systems are in place to identify and **address weak practice** and monitor their effectiveness;
- To provide a **clear link** between professional leadership and front line staff.
- The **power to intervene** where appropriate anywhere in the organisation that has a bearing on social work professional standards or values;
- **agency decision maker** – final decision maker in *adoption, guardianship and other* statutory decisions required from time to time
- Responsibility to develop professional **leadership and accountability**
- The responsibility to **manage risk** – discharged by the governance role – and provide professional opinion to the local authority;
- Being able to **advise/inform elected members** in order to help them make strategic decisions.
- **Acting on reports** - The CSWO will act on reports by SWIA, Care Commission, HMIe and other competent bodies and will ensure compliance with them
- CSWO should **prepare an annual report** for Council

**Accountability and reporting arrangements:** To deliver the role and functions as outlined above it is suggested that:

- **CSWO should be enabled to contribute to corporate issues such as managing risk, setting budget priorities and public service reform;**
- **CSWO should have direct access to the Chief Executive and councillors;**

- **there needs to be a regular reporting relationship to the CE - though this need not be through direct line management;**
- **CE should depend upon the CSWO and hold them accountable for their advice**
- **Independent professional social work advice should inform in the appointment of CSWO**

Clearly developing this work also requires close alignment with other developments being taken forward within the *Changing Lives* programme. In particular work on a Governance Framework, leadership and Management as well as developments in relation to the Workforce. This paper provides a starter as to the approach and key elements of a CSWO post being proposed by the Governance change programme.

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## STATUTORY RESPONSIBILITIES OF SENIOR OFFICERS IN LOCAL GOVERNMENT

1. The following definitions on administrative roles were taken from a paper prepared by the Scottish Executive's solicitors (OSSE) providing advice on statutory responsibilities of local authority senior officers.

### 2. What are the general administrative roles required of local authorities?

The general administrative roles required of local authorities include the provision of services, strategic planning, regulation and community leadership. The Local Government (Scotland) Act 1973 and the Local Government etc (Scotland) Act 1994 prescribe the basic composition, powers, duties and functions of local government<sup>1</sup>. The Local Government in Scotland Act 2003 imposes further duties to secure best value and facilitate community planning. It also empowers local authorities to advance well-being.

The enormous range of functions is found not only in these Local Government Acts but in voluminous legislation, both primary and delegated, relating sometimes to specific or single functions. The following give local authorities important additional functions:

- Fire (Scotland) Act 2005
- Police (Scotland) Act 1967
- Social Work (Scotland) Act 1968
- Licensing (Scotland) Act 1976
- Education (Scotland) Act 1980
- Water (Scotland) Act 1980
- Roads (Scotland) Act 1984
- Housing (Scotland) Act 1987
- Environmental Protection Act 1990
- Town and Country Planning (Scotland) Act 1997
- Planning etc (Scotland) Act 2006

A local authority is required to appoint such officers as it thinks necessary for the proper discharge by the authority of its functions and obligations<sup>2</sup>. An officer to whom a function is to be delegated should be duly designated and empowered either in the minutes of the authority or in a separate scheme of delegation. An officer appointed under this power holds office on such reasonable terms and conditions, including conditions as to remuneration, as the authority appointing him or her thinks fit<sup>3</sup>. Every appointment of a person to a paid office or employment under a local authority must be made on merit<sup>4</sup>.

### 2a. What duties are placed on Chief Executives?

*Head of paid service*

<sup>1</sup> It is the duty of each local authority to make proper arrangements for securing economy, efficiency and effectiveness in their use of resources, Local Government (Scotland) Act 1973 s122A.

<sup>2</sup> Local Government (Scotland) Act 1973 s64(1)

<sup>3</sup> Local Government (Scotland) Act 1973 s64(2)

<sup>4</sup> Local Government and Housing Act 1989 s7(1)(b), subject to the Fire Services Act 1947 s18

Each local authority must designate one of its officers as the head of its paid service and provide that officer with such staff, accommodation and other resources as are, in his or her opinion, sufficient to allow his or her duties to be performed<sup>5</sup>. He or she has a duty to prepare a report where he or she considers it appropriate setting out his or her proposals on the following matters:

- (1) the manner in which the discharge by the authority of its functions is co-ordinated;
- (2) the number/grades of staff required by the authority for the discharge of its functions;
- (3) the organisation of the authority's staff; and
- (4) the appointment and proper management of the authority's staff<sup>6</sup>.

A report on any of these matters is to be sent to each member of the authority and any such report must be *considered* by the authority within three months of the report being sent to the members<sup>7</sup>. Consideration of the report cannot be delegated to a committee or sub-committee of the authority.

**2b. What officers, roles or duties are named and what specific duties are placed on them (both with regard to councillors and any wider responsibilities under employment law)?**

*Monitoring officer*

Every local authority must designate one of their officers as “the monitoring officer” responsible for performing the duties imposed by sections 5 and 5A of the **Local Government and Housing Act 1989** and provide that officer with such staff, accommodation and other resources as are, in his or her opinion, sufficient to allow those duties to be performed. The officer so designated may be the head of the local authority’s paid service but cannot be that authority’s chief finance officer.

It is the duty of the monitoring officer (or depute) personally to prepare a report<sup>8</sup> to the local authority of any contravention by that authority of any enactment or rule of law [or code of practice made or approved by or under any enactment](#), or any maladministration or injustice as is mentioned in Part II of the Local Government (Scotland) Act 1975. It is the duty of the local authority to consider such a report within twenty-one days of the report being sent to members, and to ensure that no step is taken for giving effect to any proposal or decision to which such a report relates until the end of the first business day after the day on which consideration of that report is concluded.

*Chief finance officer*

Every local authority must make arrangements for the proper administration of their financial affairs and must secure that the proper officer of the authority has responsibility for the administration of those affairs<sup>9</sup>. So long as a proper officer is appointed<sup>6</sup> to do so, the

<sup>5</sup> Local Government and Housing Act 1989 s4(1) and (6)

<sup>6</sup> Local Government and Housing Act 1989 s4(2) and (3)

<sup>7</sup> Local Government and Housing Act 1989 s4(4) and (5)

<sup>8</sup> Having consulted the [head of the authority’s paid service](#) and its chief finance officer.

<sup>9</sup> Local Government (Scotland) Act 1973 s95

authority may give him or her whatever title it deems appropriate. In practice, most authorities appoint a 'Director of finance' or 'Chief finance officer' as the proper officer.

In Scotland, there are no statutory duties laid on the chief finance officer personally. However, the local authorities system of accounting control and the form of accounts and supporting records are generally decided by that officer, and he/she is normally given responsibility for ensuring that the system of accounting control is observed and that the accounts and supporting records are kept up to date<sup>10</sup>.

Unless exempted by the Scottish Ministers on the ground that the authority has already supplied sufficient information<sup>11</sup>, every local authority must make a return<sup>12</sup> of its revenue and expenses<sup>13</sup> to the Scottish Ministers in respect of each financial year. Every local authority must also keep accounts of all transactions relating to the funds of the authority<sup>14</sup>. The accounts must comply with regulations made by the Scottish Ministers.

#### *Electoral registration officer*<sup>15</sup>

The local authority must appoint an officer of the council for its area, or any adjoining area, or an officer appointed by a combination of local authorities, to be registration officer for any parliamentary constituency or part of a constituency situated within that area<sup>16</sup>. His or her duties include the preparation and publication annually of a register of local government electors for the local government areas included in the area for which he or she acts.

#### *Returning officer*<sup>17</sup>

Every local authority must appoint an officer of the authority to be the returning officer for each election of councillors for the authority<sup>18</sup>. A returning officer, albeit that he or she is an officer of the authority, does not act as an employee or agent of the authority but as a public functionary and principal carrying out a statutory function<sup>19</sup>.

#### *Chief social work officer*<sup>20</sup>

Local authorities must appoint a chief social work officer for the purposes of their functions under the Social Work (Scotland) Act 1968 and other enactments mentioned therein<sup>21</sup>. Local authorities must perform their functions under the Social Work (Scotland) Act 1968 and Part II of the Children (Scotland) Act 1995 under the general guidance of the Scottish Ministers<sup>22</sup>. The Scottish Ministers may also direct local authorities, either individually or collectively, as to the manner in which they are to exercise any of their functions under the 1968 Act or any

<sup>10</sup> Local Authority Accounts (Scotland) Regulations 1985, SI 1985/267, reg 3.

<sup>11</sup> Local Government (Scotland) Act 1973 s118(3)

<sup>12</sup> In such form as the Scottish Ministers may direct, Local Government (Scotland) Act 1973 s118(2)

<sup>13</sup> Local Government (Scotland) Act 1973 s118(1)

<sup>14</sup> Local Government (Scotland) Act 1973 s95

<sup>15</sup> Representation of the People Act 1983 s8(3)

<sup>16</sup> Representation of the People Act 1983 s9(1)(b)

<sup>17</sup> Representation of the People Act 1983 s41

<sup>18</sup> Representation of the People Act 1983 s41(1)

<sup>19</sup> *M'Phail v Lanarkshire County Council* 1951 SC 301, 1951 SLT 167.

<sup>20</sup> Social Work (Scotland) Act 1968 s3

<sup>21</sup> Social Work (Scotland) Act 1968 s3

<sup>22</sup> Social Work (Scotland) Act 1968 s5(1)

of the enactments mentioned therein; and a local authority must comply with any such direction.

### *Assessor*<sup>23</sup>

Each such authority is required to appoint an assessor and as many depute assessors as it considers necessary<sup>24</sup>. Once appointed, an assessor may not be removed from office or required to resign except by a resolution passed by not less than two-thirds of the members present at a meeting of the valuation authority and with the consent of the Scottish Ministers. Scottish Ministers are also empowered to prescribe the qualifications or experience, or both, which the assessor must possess<sup>25</sup>. The assessor is required to make up a valuation roll in the prescribed form for each year of revaluation.

### *Chief constable and at least one assistant chief constable*<sup>26</sup>

Local authorities must appoint a chief constable and an assistant chief constable, subject to the express approval of the Scottish Ministers<sup>27</sup>. The Scottish Ministers can make regulations as to the government and administration of, and the conditions of service in, police forces<sup>28</sup>. In response to an investigation report, the Secretary of State may direct the police authority for the area for which the force is maintained to take such measures as may be specified in the direction which must be complied with<sup>29</sup>. The Scottish Ministers may require a police authority to exercise their power under section 4(4)(d) of the Police (Scotland) Act 1967 to call on a chief constable to retire in the interests of efficiency, and the police authority must comply with this<sup>30</sup>.

### *Mental health officers*<sup>31</sup>

Local authorities must appoint a sufficient number of persons for the purpose of discharging, in relation to their area, the functions of mental health officers under the Mental Health (Care and Treatment) (Scotland) Act 2003, Criminal Procedure (Scotland) Act 1995 and Adults with Incapacity (Scotland) Act 2000. A local authority shall terminate the appointment if that person does not satisfy a requirement in a direction as the Scottish Ministers may, from time to time, specify. Directions given by the Scottish Ministers under this section shall be given to local authorities collectively.

*Other named appointments include:*

### *Chief officers and members of fire brigades*<sup>32</sup>

### *Agricultural analyst*<sup>33</sup>

<sup>23</sup> Local Government etc (Scotland) Act 1994 s27

<sup>24</sup> Local Government etc (Scotland) Act 1994 s27(2)

<sup>25</sup> Local Government (Qualification of Assessors) (Scotland) Order 1995, SI 1995/1515

<sup>26</sup> Police (Scotland) Act 1967 s4 and 5

<sup>27</sup> Police (Scotland) Act 1967 s4(1), 5(1) and (5)

<sup>28</sup> Police (Scotland) Act 1967 s26

<sup>29</sup> Police (Scotland) Act 1967 s26A and C

<sup>30</sup> Police (Scotland) Act 1967 s31

<sup>31</sup> Mental Health (Care and Treatment) (Scotland) Act 2003 s32

<sup>32</sup> Fire (Scotland) Act 2005 s7

*Registrar of births, deaths and marriages*<sup>34</sup>

*Chief inspector of weights and measures*<sup>35</sup>

*Public analyst*<sup>36</sup>

*Dog catcher*<sup>37</sup>

The roles/duties ascribed to these appointments are given by the corresponding statute.

Note that there is no longer a requirement to appoint a director of education<sup>38</sup> although it is open to a local authority to make such an appointment if it so wishes.

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<sup>33</sup> Agriculture Act 1970 s67(3)(b)

<sup>34</sup> Registration of Births, Deaths and Marriages Act 1965 s7

<sup>35</sup> Weights and Measures Act 1985 s72

<sup>36</sup> Food Safety Act 1990 s27

<sup>37</sup> Environmental Protection Act 1990 s149(1)

<sup>38</sup> Education (Scotland) Act 1980 s78 repealed by Local Government etc (Scotland) Act 1994, s180(1)