

Table 4 - Delegations to the Corporate Director of Adult and Health Services

Executive Functions

Subject to the requirement set out below and in compliance with the provisions of Table 1 above, the Corporate Director of Adult and Health Services, is authorised to discharge any function of the Executive in relation to:

1. The exercise of the Council's powers and duties in relation to the provision of social services so far as those functions relate to:
 - (a) Adults;
 - (b) Carers;
 - (c) Prisoners and/or people in approved premises within County Durham who have social care needs.
 - (d) Functions exercisable on behalf of an NHS body so far as it relates to adults.
2. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of mental health services including applications to displace nearest relatives and appointment as nearest relative and the acceptance and exercise of guardianships under the Mental Health Act 1983.
3. To formally approve and authorise Mental Health Professionals who are eligible and qualified to be considered as Approved Mental Health Practitioners.
4. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the provision of services provided under the Mental Capacity Act 2005 including appointment as Deputy and applications to the Court of Protection and undertaking Deprivation of Liberty Safeguard authorisations (DoLS).
5. Implementing or determining, subject to any right of review or appeal which may apply, all matters concerning the statutory and AHS corporate complaints procedure.
6. Establishing and amending a charging policy for Adults Social Care.
7. Setting and varying rates for providers of all forms of social care and housing support in consultation with the Corporate Director of Resources.
8. Setting and varying fees and charges for delivery of services.
9. ~~Undertaking joint collaborative action as appropriate with the National Health Service and other partner organisations for the planning, commissioning, and~~

~~cooperating with the police, the probation service and the prison service to assess the risk posed by violent or sexual offenders. Ensure our duty to cooperate is undertaken alongside our health partners and other agencies in the planning, commissioning, and assessing risk posed by violent or sexual offenders led by the probation service, the prison service, and police.~~

10. Protection and promotion of the welfare and wellbeing of adults who have social care needs, including young people who have social care needs and who are moving into adulthood.
11. To meet the requirements as set down by regulatory bodies in relation to the operation of services within Adult and Health Services.
12. The provision, operation, commissioning, and variation of payments to external providers in respect of services arranged by the Corporate Director of Adult and Health Services.
13. Under the Care Act 2014 to discharge any functions in relation to the social care duties of the Council including:
 - (a) To provide information and advice about care and support services for adults and carers.
 - (b) To provide or arrange access to preventative services promoting wellbeing and independence.
 - (c) Ensuring that the needs of people continue to be met if their care provider becomes unable to carry on providing care because of business failure.
 - (d) Carrying out an assessment and applying national eligibility criteria for anyone who appears to require care and support, including carers who may need support.
 - (e) Work together with the NHS to ensure the safe hospital discharge of people with care and support needs.
 - (f) To provide a personal budget to anyone with 'eligible needs'.
 - (g) To provide access to advocacy for anyone who would have 'substantial difficulty' in being involved in making decisions about their care and support and have no appropriate individual (carer, family, or friend) to advocate for them.
 - (h) To have in place a Safeguarding Adults Board with a duty to assure itself that partners are working together to safeguard adults from abuse and neglect or the risk of abuse and neglect, and to support communities to prevent abuse and neglect.
 - (i) To make enquiries into specific concerns of abuse and neglect requiring the cooperation of partner agencies and led multi agency safeguarding investigations.

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

Specific Delegations

1. To coordinate the Council's response to Section 17 of the Crime and Disorder Act 1998 and ensure the crime and disorder implications of the Council's decisions are properly considered.
2. To meet the requirements as set down by regulatory bodies in relation to the employment, registration, and training of all registrable staff.
3. To advise and contribute to the preparation of the Integrated Needs Assessment and Joint Health & Wellbeing Strategy in conjunction with the Director of Public Health and [the North East and North Cumbria Integrated Care Board](#).
4. To be the lead Director on the local Safeguarding Adults Board in accordance with legislation and guidance.
5. To work in collaboration with partners in the development of the Safe Durham Partnership Strategic Assessment on behalf of the Safe Durham Partnership.
6. In conjunction with the Corporate Director of Resources sign off the Better Care Fund.
7. [To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.](#)
8. [To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.](#)

In carrying out these delegated functions, the Corporate Director will agree arrangements for consultation with the relevant Cabinet Portfolio Member(s) and will refer to the Executive for consideration and decision those matters directed by the said Member(s).

~~The matters set out below are, in addition, delegated to the Director of Public Health:~~

- ~~i. Under Section 73A(1) of the National Health Service Act 2006 Act inserted by section 30 of the Health and Social Care Act 2012 Act;~~
 - ~~i. To contribute to and influence the work of the NHS Commissioners, ensuring a whole system approach across the public sector and ensuring NHS commissioners receive the public health advice they need;~~
 - ~~ii. To undertake duties to take steps to improve public health;~~

- ~~iii.—To undertake such other public health protection or health improvement functions that the Secretary of State delegates to Local Authorities either by arrangement or under regulations—these include services mandated by regulations under Section 6C of the 2006 Act Inserted by section 18 of the 2012 Act;~~
 - ~~iv.—To respond as a responsible authority under the Licensing Act 2003, such as making representations about licensing applications;~~
 - ~~v.—To promote Healthy Start Vitamins (under the Healthy Start and Welfare Food Regulations 2005) for maternity or child health clinics;~~
 - ~~vi.—To consult and make decisions on Fluoridation Schemes;~~
 - ~~vii.—The commissioning of services in relation to 0-5 children’s public health.~~
- ~~viii.—To take responsibility for the management of the Council’s Public Health Services and function, with professional responsibility and accountability for their effectiveness, availability, and value for money.~~
- ~~ix.—To provide leadership, expertise and advice to Senior Officers and Elected Members on a range of issues from outbreaks of disease and emergency preparedness through to improving local people’s health concerns and around access to health services.~~
- ~~x.—To provide the public with expert, objective advice on health matters.~~
- ~~xi.—To promote action across the life course, working together with council colleagues such as the Corporate Director of Adults and Health Services and with NHS colleagues.~~
- ~~xii.—To work with local Criminal Justice Partners and Police and Crime Commissioners to promote safer communities, including cooperating with the police, the probation service, and the prison service to assess the risk posed by violent or sexual offenders.~~
- ~~xiii.—Under the National Health Service Act 2006 and the Health and Social Care Act 2012, to discharge any functions in relation to the corporate public health duties of the Council including responsibility for writing the annual report on the health of the local population. (The Council has a duty to Publish this report under section 73B (5) & (6) of the 2006 Act and Section 31 of the 2012 Act).~~
- ~~xiv.—Under section 6C of the National Health Service Act 2006;~~
- ~~i.—To ensure appropriate access to sexual health services;~~
 - ~~ii.—To take responsibility for the National Child Measurement Programme;~~
 - ~~iii.—To take responsibility for the NHS Health Check Assessment;~~
 - ~~iv.—Support to NHS Commissioners.~~

- ~~v. To act as either as lead or supporting Director of Public Health chairing or co-chairing input into the Local Health Resilience Partnership (LHRP) for County Durham, Darlington, and Tees Valley.~~
- ~~vi. To seek assurance of the NHS screening programmes, both cancer and non-cancer, ante-natal and children's screening programmes, ensuring the health of the population is adequately protected and raising issues and concerns appropriately.~~
- ~~vii. To seek assurance of the NHS immunisation programmes including children 0-5 years, HPV and seasonal flu and any other that the Secretary of State instructs, including catch up programmes, raising issues and concerns appropriately.~~
- ~~To discharge the Council's responsibilities in relation to communicable and infectious diseases, including healthcare acquired infections.~~
- ~~viii. Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.~~
- ~~ix. Setting, varying, and recovering charges in respect of certain steps taken in the exercise of health improvement duties.~~
- ~~x. To advise and contribute to the preparation of the Pharmaceutical Needs Assessment.~~

~~The matters set out below are delegated to **the Director of Integrated Community Services:**~~

- ~~To take responsibility for the management of Adult Social Care functions in the context of the Integrated Community Services model.~~
- ~~To protect and promote the welfare of vulnerable adults.~~

~~The matters set out below are delegated to **the Head of Integrated Strategic Commissioning:**~~

- ~~To exercise the Council's duties and responsibilities in respect of market shaping and commissioning adult care and support as outlined in the Care Act 2014.~~