



**ABERDEEN**

**CITY COUNCIL**

**DELEGATED POWERS**

**SOCIAL CARE AND WELLBEING**

## DIRECTOR OF SOCIAL CARE AND WELLBEING

### HEAD OF CHILDREN'S SERVICES

### HEAD OF ADULT SERVICES

### HEAD OF OLDER PEOPLE AND REHABILITATION SERVICES

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## Introduction

- A) Social Work in Scotland is practised mainly in the context of Local Authorities. Social Work practise is defined in Statute and Statutory Instruments. There is a legal dimension to all of the work undertaken by Social Workers employed by the Local Authority.
- B) Social Workers employed by Aberdeen City Council are obliged to perform some functions and permitted to perform others by these Statutes and Statutory Instruments.
- C) They also have specified powers and duties which are defined by the law and derive much of their authority from the law.
- D) Currently there are 62 Statutes and 121 Statutory Instruments which together provide the legal background for all Social Work practice in Scotland.
- E) These laws cover all aspects of Social Work practise and numerically are divided as follows:

Area	Statutes	Statutory Instruments
Adoption & Fostering	3	6
Children & Child Care	7	12
Chronic Sickness & Disability	9	5
Community Care	8	20
Education	8	20
Housing	4	2
Mental Health	3	35
Adults with Incapacity	1	17
Offenders	12	3
Miscellaneous	7	1
	62	121

- F) The undernoted powers, duties and responsibilities are delegated to the Director of Social Care and Wellbeing and the Heads of Service within Social

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Care and Wellbeing both in their own right and when acting for the Director of Social Care and Wellbeing. They may also be delegated where appropriate to suitably qualified and registered staff in order to provide the day to day functions of a Social Work Service on behalf of Aberdeen City Council.

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## Delegation

The following powers, duties and responsibilities are delegated as described in F) above.

- 1) To promote social welfare including giving help in kind or cash in terms of Sections 12 and 13 of the Social Work (Scotland) Act 1968 as amended.
- 2) To assess needs in terms of Section 12A of the Social Work (Scotland) Act 1968 as inserted by Section 55 of the National Health Service and Community Care Act 1990.
- 3) To provide home help facilities in terms of Section 14 of the Social Work (Scotland) Act 1968.
- 4) To bury or cremate any person who was in the care of or receiving help from the Council immediately before their death or was a child being looked after by the local authority and recover expenses in terms of Section 28 of the Social Work (Scotland) Act 1968.
- 5) To defray expenses of parents, relatives or other connected persons in respect of visiting a person, other than a child, in the care of the authority or receiving assistance from the authority or a child who is being looked after by the authority, or attending the funeral of such a person in terms of Section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.
- 6) To provide and maintain in terms of Section 59 of the Social Work (Scotland) Act 1968 such residential and other establishments as are required for the Council's functions under that Act or under Part II of the Children (Scotland) Act 1995.
- 7) To remove persons from establishments in terms of the Social Work (Scotland) Act 1968.

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- 8) To inspect establishments registerable under **the Social Work (Scotland) Act 1968**.
- 9) To ensure that persons in establishments in the Council's area are visited from time to time in terms of the Social Work (Scotland) Act 1968.
- 10) To ensure that children looked after by the Council and people provided with assistance by the Council who are accommodated in establishments outwith the Council's area are visited in accordance with the requirements of **the Social Work (Scotland) Act 1968**.
- 11) To recover any charges for services provided in terms of the Social Work (Scotland) Act 1968 and the Mental Health (Scotland) Act 1984 or under or by virtue of Part II of the Children (Scotland) Act 1995 all in terms of Section 87 and **Section 78A** of the Social Work (Scotland) Act 1968.
- 12) To prepare a plan for the provision of community care services in the Council's area in terms of Section 5A of the Social Work (Scotland) Act 1968 as inserted by Section 52 of the National Health Service and Community Care Act 1990.
- 13) To operate a procedure as approved by the Council for the receipt and investigation of complaints in terms of Section 5B of the Social Work (Scotland) Act 1968.
- 14) To make arrangements with voluntary or other organisations or persons for residential accommodation where nursing is provided for people who appear to need such accommodation in terms of Section 13A of the Social Work (Scotland) Act 1968 as inserted by Section 56 of the National Health Service and Community Care Act 1990.
- 15) To provide services to chronically sick and disabled persons in terms of Section 2 of the Chronically Sick and Disabled Persons Act 1970.
- 16) To assess needs when requested to do so by a disabled person or their carer in terms of Section 4 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 17) To assess the ability of carers to provide care in terms of Section 12A of the Social Work (Scotland) Act 1968.

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- 18) To provide information on Social Work Department services and any relevant services of other authorities or organisations in terms of Section 1 of the Chronically Sick and Disabled Persons Act 1970.
- 19) To have the power to make direct payments under Section 12B of the Social Work (Scotland) Act 1968.
- 20) To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided in terms of the Mental Health (Scotland) Act 1984.
- 21) To make arrangements for the exercise by the Council of its functions in respect of persons under guardianship in terms of the Mental Health (Scotland) Act 1984.
- 22) To make arrangements for the provision of any ancillary or supplementary services in terms of Section 7(1)(c) of the Mental Health (Scotland) Act 1984.
- 23) To make arrangements for the supervision of persons suffering from mental handicap who are neither liable to detention in a hospital nor subject to guardianship in terms of the Mental Health (Scotland) Act 1984.
- 24) To provide after care services for any persons who are or have been suffering from mental disorder in terms of the Mental Health (Scotland) Act 1984.
- 25) To appoint Mental Health Officers in terms of the Mental Health (Scotland) Act 1984.
- 26) To receive patients who have attained the age of 16 years into guardianship in terms of the Mental Health (Scotland) Act 1984.
- 27) To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age within the meaning of the Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984.
- 28) To petition for the appointment of a curator bonis and to carry out duties in respect of protection of property of patients in terms of the Mental Health (Scotland) Act 1984.
- 29) To authorise Mental Health Officers to enter and inspect premises and to provide information for the purpose of the issue of a warrant to search for and

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remove patients in terms of Section 117 of the Mental Health (Scotland) Act 1984.

- 30) To make arrangements for the exercise by the council of its functions in respect of persons under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000 including
  - a) To make arrangements for the provision, equipping and maintenance of residential accommodation and the care of the person for the time being resident in accommodation so provided
  - b) To apply for and implement welfare and financial guardianships or intervention orders and any other ancillary or supplementary services or orders under the Adults with Incapacity (Scotland) Act 2000
  - c) To appoint Mental Health Officers
  - d) To make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based.
  - e) To make arrangements for provision of any ancillary or supplementary services.
- 31) To apply for orders under Section 47 of the National Assistance Act 1948 removing people in need of care and attention to suitable premises.
- 32) To provide temporary protection under Section 48 of the National Assistance Act 1948 for the moveable property of people admitted to hospital, residential establishments and other places.
- 33) To supervise and care for persons put on probation, released from prison or subject to a Community Service Order and to provide the necessary social background reports and other reports to the Court as required in terms of Section 27 of the Social Work (Scotland) Act 1968.
- 34) To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine in terms of Section 217 of the Criminal Procedure (Scotland) Act 1995.
- 35) To supervise people placed on Supervised Attendance Order for default of a fine in terms of Section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995.

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- 36) To supervise people placed on a Drug Treatment and Testing Order in terms of Sections 89-95 of the Crime and Disorder Act 1998.
- 37) To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posed by certain high risk offenders as defined by Section 10 of the Management of Offenders etc (Scotland) Act 2005.
- 38) To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release as specified by Section 71 of the Criminal Justice (Scotland) Act 2003.
- 39) Jointly with Scottish Ministers to establish arrangements for the assessment and management of the risks posed by custody and community prisoners in accordance with Section 7 of the Custodial Sentences and Weapons ~~Act 2007~~ once in force.
- 40) To provide services to safeguard and promote the welfare of children who are in need and to promote the upbringing of such children by their families in terms of Section 22(1) of the Children (Scotland) Act 1995, including giving assistance in kind or, in exceptional circumstances, in cash.
- 41) To provide accommodation for any child in the local authority area to promote or safeguard his/her welfare in terms of Section 25(1) and (2) of Children (Scotland) Act 1995.
- 42) In conjunction with the Housing Service, to have the power to provide accommodation to persons who are over the age of 18, but not yet 21, when such provision would promote the young person's welfare in terms of Section 25(3) of the Children (Scotland) Act 1995.
- 43) To pay adoption allowances in terms of ~~The Adoption Support Services and Allowances~~ (Scotland) Regulations 2009.
- 44) To safeguard and promote the welfare of a child where the child is looked after by the local authority in terms of Section 17(1) of the Children (Scotland) Act 1995.
- 45) To provide advice and assistance to prepare the child for when he/she is no longer looked after by the local authority in terms of Section 17(2) of the Children (Scotland) Act 1995.

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- 46) To review cases of children looked after by the local authority in terms of Section 31 of the Children (Scotland) Act 1995.
- 47) To provide accommodation and maintenance for children who are looked after by the local authority in terms of Section 26 of the Children (Scotland) Act 1995.
- 48) To remove a child from a residential establishment in terms of Section 32 of the Children (Scotland) Act 1995.
- 49) To provide advice and assistance for young persons under 19, but over school age and formerly looked after by a local authority in terms of Section 29 of the Children (Scotland) Act 1995.
- 50) To have the power to provide financial assistance towards expenses of education or training of a young person, under the age of 21, formerly looked after by the local authority, including contributions to accommodation and maintenance in terms of Section 30 of the Children (Scotland) Act 1995.
- 51) To pay allowances in terms of Section 50 of the Children Act 1975.
- 52) To cause inquiries to be made and to provide information to the Principal Reporter where compulsory measures of supervision may be necessary in respect of a child in terms of Sections 53 and 56(1) of the Children (Scotland) Act 1995.
- 53) To provide reports on children and their social background for a Children's Hearing in terms of Sections 56(2) and/or (7) of the Children (Scotland) Act 1995.
- 54) To put into effect a supervision requirement made by a Children's Hearing in terms of Section 71(1) of the Children (Scotland) Act 1995.
- 55) To recommend a review of a supervision requirement made by a Children's Hearing by referral of the case to the Principal Reporter in terms of Section 73(4) of the Children (Scotland) Act 1995.
- 56) To recover contributions in respect of children who are looked after by the authority in terms of Section 78A of the Social Work (Scotland) Act 1968.
- 57) To recover contributions that have not been paid in terms of Section 82 of the Social Work (Scotland) Act 1968.



- 58) On behalf of the Chief Executive of the Council to prepare and publish a plan for the provision of relevant services for, or in respect of, children the local authority area in terms of Section 19 of the Children (Scotland) Act 1995.
- 59) To prepare and publish information about relevant services for children in the local authority area in terms of Section 20 of the Children (Scotland) Act 1995.
- 60) To request help in the exercise of any functions that the local authority has under Part II of the Children (Scotland) Act 1995 from any of the specified persons in terms of Section 21 of the Children (Scotland) Act 1995.
- 61) To provide day care for children in need within the local authority who are aged 5 or under and who have not yet started school in terms of Section 27(1) of the Children (Scotland) Act 1995.
- 62) To provide appropriate care for school children in need within the local authority area outside school hours or during school holidays in terms of Section 27(3) of the Children (Scotland) Act 1995.
- 63) To assess the need for the provision of social work services to any young person reaching school leaving age who is regarded as disabled in terms of **the Disabled Persons (Services, Consultation and Representation) Act 1986**.
- 64) To provide a report to the Court, on request, where the Court is considering any question relating to the care and upbringing of a child in terms of Section 11(1) of the Matrimonial Proceedings (Children) Act 1958.
- 65) To ensure that services provided under Section 22 of the Children (Scotland) Act 1995 to a child with or affected by a disability are designed to minimise the effect of his/her disability, or to minimise the effect of the disability of a family member on the child and to provide the opportunity for the child to lead as normal a life as possible in terms of Section 23(1) of the Children (Scotland) Act 1995.
- 66) To carry out an assessment (if asked to do so by the child's parent or guardian) of the child or any other person in his/her family in order to ascertain the child's needs as insofar as they are attributable to his/her disability or that of the other person in terms of Section 23(3) of the Children (Scotland) Act 1995.

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- 67) To assess a carer's ability to provide, or to continue to provide, care for the child when asked to do so by the carer in terms of Section 24 of the Children (Scotland) Act 1995.
- 68) Upon receipt of notification in terms of Section 36(1) of the Children (Scotland) Act 1995 to determine whether the child's welfare is adequately safeguarded and whether to exercise any functions under the Act in terms of Section 36(2).
- 69) To provide short-term refuge to children who appear to be at risk of harm and who themselves request to be provided with such refuge in terms of Section 38 of the Children (Scotland) Act 1995.
- 70) To designate residential establishments and households as short-term refuges for children for the purposes of Section 38 of the Children (Scotland) Act 1995.
- 71) To have the power to apply to a Sheriff for a child assessment order in terms of Section 55 of the Children (Scotland) Act 1995.
- 72) To have the power to apply to a Sheriff for a child protection order in terms of Section 57 of the Children (Scotland) Act 1995.
- 73) To have the power to apply to a Justice of the Peace for emergency child protection measure in terms of Section 61 of the Children (Scotland) Act 1995.
- 74) To agree, with the person in charge of the establishment, the period during which a child shall be liable to be placed and kept in secure accommodation in terms of Section 70(9)(a), 9A and (b) and 70(10) of the Children (Scotland) Act 1995.
- 75) To have the power to apply to a Sheriff for an exclusion order in terms of Section 76 of the Children (Scotland) Act 1995.
- 76) To have the power to apply for the attachment of a power of arrest at any time while an exclusion order has effect in terms of Section 78(2) of the Children (Scotland) Act 1995.
- 77) To allow reasonable contact with relevant persons for a child in respect of whom a parental responsibilities order has been made in terms of the Children (Scotland) Act 1995.

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- 78) To promote the welfare of a child throughout his life as the paramount consideration and have regard to his views and his religious persuasion, racial origin and cultural and linguistic background, so far as practicable in reaching any decision in relation to the adoption of a child in terms of Section 14 of the Adoption and Children (Scotland) Act 2007.
- 79) To consider whether adoption is in the best interests of the child or whether there is a better, practicable alternative in terms of Section 14 of the Adoption and Children (Scotland) Act 2007 and Section 96 of the Children (Scotland) Act 1995.
- 80) To investigate the circumstances and submit a report to the Court in respect of a child for whom an adoption order is being sought by a person or persons in terms of Section 19 of the Adoption and Children (Scotland) Act 2007.
- 81) To have the power to cause an inquiry to be held into the local authority's functions under the Children (Scotland) Act 1995 insofar as those functions relate to children in terms of Section 6B of the Social Work (Scotland) Act 1968 and Section 100 of the Children (Scotland) Act 1995.
- 82) To provide post adoption support services for children, adopters and any one else affected by adoption related to adoption and services for adopted adults in terms of the Adoption and Children (Scotland) Act 2007 and the Adoption Support Services and Allowances (Scotland) Regulations 2009.
- 83) To accept or not accept any person for assessment as a prospective adopter in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 84) To assess prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 85) To establish an adoption panel in terms of Regulation 3 of the Adoption Agencies (Scotland) Regulations 2009.
- 86) To approve prospective adopters in accordance with the provisions of the Adoption Agencies (Scotland) Regulations 2009.
- 87) To place or secure the placing of a child for adoption with prospective adopters in accordance with the provision of the Adoption Agencies (Scotland) Regulations 2009.
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88) To submit to the court a report on the suitability of applicants for an adoption order where a child has been placed for adoption by the Council and to assist the court in any manner the court may direct all in terms of Section 17 of the Adoption and Children (Scotland) Act 2007.

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89) To assess and approve foster carers in accordance with the provisions of the Looked After Children (Scotland) Regulations 2009.

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90) To place a child in a foster placement in accordance with the provisions of the Looked after Children (Scotland) Regulations 2009.

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91) To establish a fostering panel in terms of Regulation 17 of the Looked After Children (Scotland) Regulations 2009.

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92) To arrange for visits to be made to a child or young person in relation to when parental rights and responsibilities have been transferred to the local authority in terms of Section 10 of the Mental Health (Scotland) Act 1984.

93) In conjunction with the Education Service to review childminding, day care and education services for children under eight in terms of Section 19 of the Children Act 1989.

94) To ensure that the corporate parenting responsibilities of the Council are addressed through the Children's Services planning process, including the development of an action plan and the publication of baseline data on children in need.

95) To agree funding for care packages subject to the agreed financial guidance.

96) To consider each application for Home Care on its merits and to vary the charge at their discretion.

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