

GENERAL DELEGATIONS TO CHIEF OFFICERS

The following General Delegations may be exercised by any Chief Officer - but only in relation to a function or matter which falls within their remit or area of responsibility. This is subject to any express restriction of the exercise of the power to certain Chief Officers only.

- 1) To exercise any powers conferred on Council officers by any Management Rules or Byelaws made under the Civic Government (Scotland) Act 1982 or Local Government (Scotland) Act 1973 respectively.
- 2) To authorise officers within their function or service to exercise all or any of the statutory powers which have been allocated by the Council to their function or service, with any such authorisations being documented.
- 3) To sign, give, issue and serve:
 - (a) statutory notices, statutory orders and other statutory documents, and
 - (b) other notices, orders and documents of a legal nature (except deeds and contracts),and to exercise any powers pursuant to any such notices, orders and documents.
- 4) To offer services of staff to other local authorities or public or statutory bodies:
 - (a) in emergencies where the protection of the public is at risk or where such services are otherwise essential in the circumstances, or
 - (b) subject to the ACC Procurement Regulations, where the Chief Officer identifies an opportunity for income generation for the Council.
- 5) To provide consultancy services to other persons or organisations and make charges for same, subject always to the provisions of the ACC Procurement Regulations and ACC Financial Regulations.
- 6) To make visits and attend events, meetings, conferences, courses and seminars (and to authorise members of staff to so visit and attend) within the United Kingdom, where s/he considers this to be in the interests of the Council and sufficient budgetary provision exists to cover the cost.
- 7) To authorise settlement or repudiation of any claim made against the Council (whether by litigation or otherwise), following consultation with the Chief Officer - Governance, and provided that sufficient budgetary provision exists to cover any payment to be made in settlement.
- 8) To instruct the raising by the Council of any court or tribunal proceedings, or the taking by the Council of any other legal action, and to instruct the enforcement of any orders or decrees obtained thereby.
- 9) To instruct the defence by the Council of any court or tribunal proceedings, or other legal action, raised or taken against the Council.

- 10) To approve expenditure under the Council's Relocation Policy provided that sufficient budgetary provision exists to cover such expenditure.
- 11) To accept gifts on behalf of the Council and to record such gifts in accordance with the Council's policy on gifts and hospitality.
- 12) To incur expenditure not exceeding £500 on any one occasion on the provision of appropriate hospitality to members and officers of national government, local authorities or public authorities visiting the city, or to consultants or others assisting or co-operating with officers of the Council in carrying out any of the Council's functions provided that the expenditure can be met from existing budgets.
- 13) To exercise all powers delegated to him/her as a Chief Officer in terms of the ACC Procurement Regulations.
- 14) To approve changes in hours for existing authorised posts, provided that sufficient budgetary provision exists.
- 15) To approve termination of service on medical or capability grounds where such a course of action is supported by a recommendation by the Council's occupational health provider; and to approve termination of service on grounds of trust or confidence or on any other lawful grounds.
- 16) To take all decisions regarding employment, retirement, dismissal and training of staff in terms of the Council's Conditions of Service and the Council's employment policies.
- 17) To submit Business Cases to the Establishment Control Board in respect of proposed restructuring, including establishing new posts, converting or making changes to posts, changing grades and changing job titles, following consultation with the Chief Officer - People and Organisation and the Chief Officer - Finance and the relevant trades unions.
- 18) To make appointments to all posts below the level of Chief Officer including Chief Officer posts which are below second tier level.
- 19) To agree to acquire second hand goods up to a value of £50,000 without a competitive quotation being obtained, provided that he/she obtains in writing (including e-mail) the prior agreement of the Head of Commercial and Procurement Services before effecting the purchase and that the ACC Procurement Regulations are otherwise complied with.
- 20) To create and amend procedures, protocols and guidance.
- 21) To implement Council decisions and policies.
- 22) To authorise, following consultation with the Chief Officer - Governance, the entering into, variation, extension or termination of any:

- (a) non-disclosure agreements in relation to commercial matters;
 - (b) confidentiality agreements in relation to commercial matters; or
 - (c) agreement, protocol, memorandum of understanding or other document relating wholly or mainly to the sharing or processing of information.
- 23) Following consultation with the Convener of the City Growth and Resources Committee, to approve applications for, and to accept, grant funding, provided that the terms and conditions of such funding have been approved by the Chief Officer - Finance and the Head of Commercial and Procurement Services before acceptance.
- 24) To approve the making of small grants of up to £10,000 for organisations and £2,000 for individuals, following consultation with the Chief Officer - Finance, and provided that sufficient budgetary provision exists and the grant is made subject to terms and conditions approved by the Head of Commercial and Procurement Services. Where the Chief Officer proposes to refuse an application for such a grant, the application must be referred to the appropriate committee for determination.
- 25) To approve purchase orders and authorise payments; and to approve officer signatory lists and officer authorisation levels in relation to the raising and approval of purchase orders and the authorisation of payments.
- 26) Following consultation with the Chief Officer - Governance or the Head of Commercial and Procurement Services as appropriate, to approve the entering into of any contractual, legal or other documentation which may be necessary or expedient in connection with the proper exercise of any power, or the proper taking of any decision, by the Chief Officer in question which has been hereby delegated, and in compliance with the ACC Procurement Regulations.
- 27) To purchase equipment, goods and services where the expenditure has been approved by the Council, in compliance with the ACC Procurement Regulations and ACC Financial Regulations.
- 28) To approve responses to requests for information made under the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 and to take any other action in connection with such requests; and to authorise other officers to approve such responses or take such action.
- 29) To approve responses to complaints made to the Council and to take any other reasonable and proportionate action in relation to such complaints and to authorise other officers to approve such responses or take such action, all in terms of the Complaints Handling Procedure.
- 30) To appoint persons (i) as interim Chief Officers; or (ii) to act up as Chief Officers.

- 31) To produce and issue reports required of the Council by legislation, the UK or Scottish governments, regulatory bodies or other external bodies.
- 32) Following consultation with the Chief Officer - Governance, to make:
- amendments to Council policy in order to reflect the law, government guidance, regulators' guidance and other Council policies; and
 - minor or consequential amendments to Council policies including, but not limited to, the correction of obvious, technical or clerical errors and taking account of changes to any names or titles.
- 33) When acting as Duty Emergency Response Coordinator (DERC):
- to take, or arrange for the taking of, any action on behalf of the Council which s/he considers necessary in the event of:
 - an emergency (as "emergency" is defined in the Civil Contingencies Act 2004); or
 - any incident that requires the implementation of special arrangements in order to:
 - maintain statutory services at an appropriate level;
 - support the emergency services and other organisations involved in the immediate response;
 - provide support services for the community and others affected by the incident;
 - enable the community to recover and return to normality as quickly as possible; and
 - provide aid to other local authorities,
- with any such action being reported to a future meeting of the Council or relevant committee or sub committee as an item on the agenda; and
- to implement, or arrange for the implementation of, the provisions of the Civil Contingencies Act 2004 and the Civil Contingencies Act 2004 (Contingency Planning) (Scotland) Regulations 2005.
- 34) Following consultation with the Business Manager and, where relevant, ward members, to determine Participation Requests and the outcome improvement process to apply, and to report back to committee where necessary.
- 35) To order the cessation of any work which is in breach of health and safety legislation or which otherwise poses an unacceptable risk of harm or loss.
- 36) To operate the Scheme of Virement as set out within the ACC Financial Regulations.

- 37) **Directors, Chief Officer - Governance, Chief Officer - Strategic Place Planning and Chief Officer - City Growth only:** Following consultation with the Leader of the Council, to submit a Council response to an external consultation on an operational matter, thereafter to inform the relevant Convener and Vice Convener and notify all Group Leaders that the response has been submitted.
- 38) **Chief Executive and Directors only:** To transfer or reallocate staff, activities, responsibilities and functions within the Council's Functional Structure, whether on an interim or permanent basis. For the avoidance of any doubt, this delegated power does not cover such transfers to outside organisations.

HEALTH AND SOCIAL CARE PARTNERSHIP

CHIEF OFFICER OF THE ABERDEEN CITY INTEGRATION JOINT BOARD

(also referred to and known as the Chief Officer of the Aberdeen Health and Social Care Partnership)

- 1) To facilitate and implement Directions issued to Aberdeen City Council from the Integration Joint Board, on the instruction of the Chief Executive of Aberdeen City Council and in accordance with the requirements of the ACC Procurement Regulations.
- 2) To take necessary steps to discharge the Council's duties under the following legislation: *Social Work (Scotland) Act 1968, the Children (Scotland) Act 1995, the Social Care (Self-directed Support) (Scotland) Act 2013, the Children and Young People (Scotland) Act 2014, The Mental Health (Care and Treatment) (Scotland) Act 2003, the Adult Support and Protection (Scotland) Act 2007 and the Adults with Incapacity (Scotland) Act 2000.*
- 3) To comply with the 'Duty of local authority to assess needs'. Legislative Reference: *section 12(A) Social Work (Scotland) Act 1968, and amended under the National Health Service and Community Care Act 1990.*
- 4) To arrange for the protection of property of people who have gone into hospital or care. Legislative reference: *section 48 of National Assistance Act 1948.*
- 5) To provide domiciliary services where assessed as required. Legislative Reference: *section 14 of the Social Work (Scotland) Act 1968 [NB term domiciliary services replaced 'home help' within NHS & Community Care Act 1990].*
- 6) To bury or cremate any person over the age of 18 who was in the care of or receiving help from the Council immediately before their death. Legislative Reference: *section 28 of the Social Work (Scotland) Act 1968.*
- 7) To recover expenses from the estate of the deceased person or from any person who was liable to maintain the deceased person immediately before their death expenses incurred. Legislative Reference: *section 28 of the Social Work (Scotland) Act 1968.*
- 8) To make expenses payments to parents, relatives or other connected persons in respect of visiting a person, in the care of the authority or receiving assistance from the authority, and in the same financial circumstances to assist persons to attend the funeral of a person in the care of the authority. Legislative Reference: *section 29 of the Social Work (Scotland) Act 1968 as amended by paragraph 15(13) of Schedule 4 of the Children (Scotland) Act 1995.*

- 9) To recover or impose any charges for services provided. Legislative Reference: *section 87 and section 78A of the Social Work (Scotland) Act 1968, or under and by virtue of section 16, section 18 of the Social Care (Self-directed Support) (Scotland) Act 2013, or under and by virtue of section 28 of the Mental Health (Care and Treatment) (Scotland) Act 2003.*
- 10) 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. Legislative Reference: *section 13A of the Social Work (Scotland) Act 1968 as inserted by section 56 of the National Health Service and Community Care Act 1990.*
- 11) To provide information on Adult Social Care services and any relevant services of other authorities or organisations. Legislative Reference: *section 1 of the Chronically Sick and Disabled Persons Act 1970.*
- 12) To provide services to chronically sick and disabled persons. Legislative Reference: *section 2 of the Chronically Sick and Disabled Persons Act 1970.*
- 13) To assess the ability of carers to provide care. Legislative Reference: *section 12A of the Social Work (Scotland) Act 1968. [Will be amended by the Carers (Scotland) Act]*
- 14) To have the power to enact the 'Options for Self-Directed Support', including make Direct Payments. Legislative Reference: *Social Care (Self-directed Support) (Scotland) Act 2013.*
- 15) To oversee the general functions under the *Adults with Incapacity (Scotland) Act 2000*:
- (a) to supervise a guardian appointed with functions relating to the personal welfare of an adult in the exercise of those functions;
 - (b) to consult the Public Guardian and the Mental Welfare Commission on cases or matters relating to the exercise of functions under this Act in which there is, or appears to be, a common interest;
 - (c) to receive and investigate any complaints relating to the exercise of functions relating to the personal welfare of an adult made -
 - i. in relation to welfare attorneys;
 - ii. in relation to guardians or persons authorised under intervention orders;
 - (d) to investigate any circumstances made known to them in which the personal welfare of an adult seems to them to be at risk;
 - (e) to provide a guardian, welfare attorney or person authorised under an intervention order, when requested to do so, with information and advice in connection with the performance of his functions in relation to personal welfare under this Act.
- 16) 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. Legislative Reference: *section 25 of the Mental Health (Care and Treatment) (Scotland) Act 2003.*

- 17) To make arrangements for the exercise by the Council of its functions in respect of persons subject to guardianship. Legislative Reference: *Adults with Incapacity (Scotland) Act 2000*.
- 18) To make arrangements for the provision of any ancillary or supplementary services. Legislative Reference: *Mental Health (Care and Treatment) (Scotland) Act 2003*.
- 19) 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. Legislative Reference: *Mental Health (Scotland) Act 1984*.
- 20) To appoint Mental Health Officers. Legislative Reference: *section 32 of the Mental Health (Care and Treatment) (Scotland) Act 2003*.
- 21) To receive patients who have attained the age of 16 years into guardianship. Legislative Reference: *section 57 of the Adults with Incapacity (Scotland) Act 2000*.
- 22) To provide or secure the provision of suitable training and occupation for persons suffering from mental handicap who are over school age. Legislative Reference: *Education (Scotland) Act 1980 in terms of the Mental Health (Scotland) Act 1984*.
- 23) 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 remove patients. Legislative Reference: *sections 33 and 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003*.
- 24) 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 make arrangements for the supervision and provision of services for people who are the subject of Compulsory Treatment Orders whether community or hospital based; and
 - (d) to make arrangements for provision of any ancillary or supplementary services.
- 25) To apply for orders for the purpose of removing people in need of care and attention to suitable premises. Legislative Reference: *section 35 of the Mental Health (Care and Treatment) (Scotland) Act 2003 and section 14 of the Adult Support and Protection (Scotland) Act 2007*.

- 26) To make provision for the safeguarding of vulnerable adults. Legislative Reference: *Adult Support and Protection (Scotland) Act 2007*.
- 27) To supervise persons subject to a Community Payback Order, Unpaid Work Order, or release from prison related Order and to provide the necessary social background reports and other reports to the Court. Legislative Reference: *The Management of Offenders etc. (Scotland) Act 2005*.
- 28) To provide supervision for the purpose of assisting and advising an offender in regard to payment of a fine. Legislative Reference: *section 217 of the Criminal Procedure (Scotland) Act 1995*.
- 29) To supervise people placed on a Supervised Attendance Order for default of a fine. Legislative Reference: *section 235, 236 or 237 of the Criminal Procedure (Scotland) Act 1995*.
- 30) To supervise people placed on a Drug Treatment and Testing Order. Legislative Reference: *sections 89-95 of the Crime and Disorder Act 1998*.
- 31) To jointly establish arrangements with other Responsible Authorities for the assessment and management of the risks posed by certain high risk offenders. Legislative Reference: *section 10 of the Management of Offenders etc. (Scotland) Act 2005*.
- 32) To provide a throughcare service to prisoners during their period of imprisonment and who will be subject to supervision following release. Legislative Reference: *section 71 of the Criminal Justice (Scotland) Act 2003*.
- 33) To jointly, with Scottish Ministers, establish arrangements for the assessment of management of the risks posed by custody and community prisoners. Legislative Reference: *section 9 of the Custodial Sentences and Weapons (Scotland) Act 2007*.
- 34) In conjunction with the Director of Commissioning, to monitor the performance of any contract for the provision of Health and Social Care facilities services, or both, on the Council's behalf.
- 35) To authorise the provision of aids and adaptations for the homes of people with disabilities within the approved budget available for the purpose and in accordance with approved policies.
- 36) To take, or arrange for the taking of, any action necessary to comply with health and safety legislation and to appoint officers to undertake health and safety functions.

