

Article 12

Officers

Introduction

This Article describes the management structure of the Authority and the responsibilities of the statutory officers

'Officers' means all employees and staff engaged by the council to carry out its functions. Those engaged under short term, agency or other non-employed situations as well as those employed on a permanent basis are covered.

12.01 Management Structure

(a) General

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) Chief Officers

The Council will engage persons for the following posts, who will be designated chief officers:

Post	Functions and areas of responsibility
Head of Paid Service	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Representing the Council on partnership and external bodies (as requested by statute or the Council).</p> <p>Promote the importance of the ethical agenda and to sustain the highest standards of ethical behaviour on the part of the Council's officers in the performance of their duties in accordance with the requirements of the Code of Conduct for Council Employees set out in Section 5B of the Constitution.</p>

Post	Functions and areas of responsibility
Corporate Director Community Health and Wellbeing	Community Care, Mental Health, Health Partnerships, Adults and Elderly People, Promoting Independence, Commissioning & Partnership and Housing, Housing Strategies, Asset Management and Investment,
Corporate Director Children and Families	Safeguarding & Family Support, LCSB, CYPSP, Independent Review & Partnership, CAMHS Strategy, Young People's Services, Special Needs and Education Support, Early Years, Childcare, Parenting & Extended Services.
Corporate Director Environment and Enterprise	Community & Cultural Services, Environment Services, Planning & Enterprise
Corporate Director of Resources	Shared Services, Finance & Procurement, Audit & Risk, ICT & eGovernment Customer Services, Strategy & Service Improvement, Human Resources, Legal & Governance Services.

(c) Statutory Officers

The Council will designate the following posts as shown:

Post	Designation
Head of Paid Service	Head of Paid Service
Director of Finance and Assurance	Chief Financial Officer (Section 151 Officer)
Corporate Director of Children's Services	Director of Children's Services
Director of Adult Social Services	Director of Adult Social Services

Director of Legal and Governance Services	Monitoring Officer
Head of Policy	Scrutiny Officer

Such posts will have the functions described in Articles 12.02 – 12.06 below.

(d) Departmental Structure

The Head of Paid Service will determine and publish a description of the overall departmental structure for the Council. This will outline the management structure and the deployment of officers.

(e) Delegations

Some decisions are made by officers under approved delegated powers. A list of all the functions delegated to chief officers is included in Part 3B of this Constitution.

12.02 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The Head of Paid Service will report to the full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

(b) Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of Monitoring Officer

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is available to Members, staff and the public.

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, or to the Executive in relation to an executive function, if he/she considers that any proposal,

decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) Supporting the Governance, Audit, Risk Management and Standards Committee in respect of standards and advising on the Code of Conduct

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Governance, Audit, Risk Management and Standards Committee. He or she will also provide advice to Members of the Council and act as the proper officer to receive complaints of failure to comply with the Code of Conduct. He or she will also make decisions about complaints as set out in the delegations under Part 3B.

(d) Proper officer for access to information

The Monitoring Officer is the 'proper officer' for this purpose, and will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

(e) Advising whether Executive decisions are within the budget and policy framework

Where necessary, the Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.

(f) Providing advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and framework issues to all Councillors.

(g) Register of Member's financial and other interests

The Monitoring Officer will establish and maintain a register of Members' interests and gifts and hospitality. These registers will be open to public inspection at all reasonable times.

(h) Restrictions on posts

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

12.04 Functions of the Chief Finance Officer

(a) Ensuring lawfulness and financial prudence in decision making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to:

- the full Council; or
- to the Executive in relation to an Executive function; and
- to Council's external auditor

if he or she considers that any proposal, decision or course of action will:

- involve incurring unlawful expenditure; or
- is unlawful and is likely to cause a loss or deficiency; or
- if the Council is about to enter an item of account unlawfully.

(b) Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

(c) Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

12.05 Functions of the Director of Children's Services

(a) Local education authority

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority in their capacity as a local education authority

(b) Social Services (relating to children)

The Director of Children's Services will have responsibility for functions conferred on or exercisable by the authority, which are social services functions so far as those functions relate to children.

(c) Looked after children

The Director of Children's Services will have responsibility for functions in relation to children looked after by the authority under section 23C to 24D of the Children Act 1989.

(d) Improving well-being

The Director of Children's Services will have responsibility for making arrangements with a view to improving the well-being of children in the authority's area.

(e) Safeguarding and Welfare

The Director of Children's Services will have responsibility for safeguarding and promoting the welfare of children.

(f) Establishing Information Databases

The Director of Children's Services will establish and maintain information databases in relation to the well-being and safeguarding of children.

(g) Preparation and Publication Children's and young people's plan

The Director of Children's Services will prepare and publish a Children's and young people's plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

(h) Functions on behalf of an NHS Body

The Director of Children's Services will have responsibility for function under section 31 of the Health Act 1988 on behalf of an NHS body so far as those relate to children.

(i) Any other function

The Director of Children's Services will have responsibility any additional functions, as the authority considers appropriate.

12.06 Functions of the Director of Adult Social Services

Discharge of Functions by the Council

The Director of Adult Social Services will have responsibility for all functions social services functions (other than those for which the Director of Children's Services is responsible) in accordance with Section 6 of the Local Authority Social Services Act 1970 (as amended) by the Children Act 2004.

12.07 Functions of the Scrutiny Officer

Promotion of Overview and Scrutiny

- (a) The Scrutiny Officer will promote the role of the Overview and Scrutiny Committee and its sub-committees.

Support to the Overview and Scrutiny Committee

- (b) The Scrutiny Officer will provide support to the Overview and Scrutiny committee and sub-committees and their members.

Support and guidance to Members and officers

- (c) The Scrutiny Officer will provide support and guidance to Members and officers in relation to the functions of the Overview and Scrutiny Committee and its sub-committees.

12.08 Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and resources that, in their opinion, are sufficient to allow their duties to be performed.

12.09 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Councillor - Officer Relations set out in Part 5 of this Constitution.

12.10 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.