

ROLE DESCRIPTIONS FOR STATUTORY OFFICERS AND CHIEF OFFICERS

Statutory Posts

Head of Paid Service

Chief Finance Officer

Chief Social Work Officer

Monitoring Officer

Date	Author	Version	Status	Reason for Change
17/08/2019	ACF	1.0		Version following Audit commentary – for consultation
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HEAD OF PAID SERVICE

Role Description

Statutory Context

The Head of Paid Service is a statutory appointment by virtue of Section 4 of the Local Government and Housing Act 1989 [the 1989 Act], as shown in the Appendix. The Council has resolved that the Head of Paid Service is the Chief Executive.

Although a statutory appointment, the law does not require the Head of Paid Service to hold any specific qualifications. However, the post holder is expected to have appropriate leadership, communication and interpersonal skills and qualities of integrity and impartiality in order to deliver the statutory objectives of the post.

By virtue of section 2(1)(a) of the 1989 Act, the post of Head of Paid Service is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Overall Objectives of the Post

The overall objectives of the Council's Head of Paid Service are:

- (a) to ensure the effective co-ordination of the discharge by the authority of its different functions;
- (b) to assess the number and grades of staff required by the authority for the discharge of its functions;
- (c) to ensure the effective organisation of the authority's staff;
- (d) to ensure that proper arrangements are in place for the appointment and proper management of the authority's staff; and
- (e) to make a statutory report to the full Council where considered appropriate to do so in respect of the matters in (a) to (d) above.

Corporate Responsibilities

In delivering the objectives of the post, the Head of Paid Service has the following corporate responsibilities:-

- to report to the Council annually on the council's compliance with its Code of Corporate Governance;
- to submit, in conjunction with the Leader of the Council, an Annual Governance Statement as part of the audit of the Council's annual accounts;
- to report to the Council, from time to time, on the corporate approach of the Council in the delivery of its services and any necessary or desirable changes following consultation, in particular with the proper officer for the Council's financial arrangements (Chief Finance Officer) and Monitoring Officer;
- to report to the Council as necessary on the staff, accommodation and resources required to discharge the Council's statutory functions;
- to ensure elected members receive good quality information and support to inform them in their decision-making and scrutiny roles;
- to remain impartial and accessible to all Councillors in carrying out his/her role as the most senior officer of the Council;
- to develop an effective working relationship with elected members, including the Leader(s) of the Council, Senior Councillors and Conveners of Committees of the Council with a view to ensuring the effective and efficient discharge of Council business;
- to develop an effective working relationship with the Council's community planning and other partners as appropriate;
- to develop an effective working relationship with the Council's external auditor;
- to ensure the Chief Finance Officer and the Monitoring Officer are kept up-to-date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- to meet regularly with the Chief Finance Officer, Monitoring Officer and Chief Social Work Officer to promote and enforce good governance, to facilitate the Council's compliance with legislation and to consider and recommend to the Council improvements in the corporate governance of the Council where necessary; and

to ensure that the Chief Finance Officer, Monitoring Officer and Chief Social Work Officer have appropriate access to elected members and senior and other officers to enable them to carry out their statutory roles effectively.

APPENDIX

Local Government and Housing Act 1989, section 4

4. Designation and reports of head of paid service -

- (1) It shall be the duty of every relevant authority-
 - (a) to designate one of their officers as the head of their paid service;
and
 - (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

- (2) It shall be the duty of the head of a relevant authority's paid service, where he considers it appropriate to do so in respect of any proposals of his with respect to any of the matters specified in subsection (3) below, to prepare a report to the authority setting out his proposals

- (3) Those matters are-
 - (a) the manner in which the discharge by the authority of their different functions is co-ordinated;
 - (b) the number and grades of staff required by the authority for the discharge of their functions;
 - (c) the organisation of the authority's staff; and
 - (d) the appointment and proper management of the authority's staff.

- (4) It shall be the duty of the head of a relevant authority's paid service, as soon as practicable after he has prepared a report under this section, to arrange for a copy of it to be sent to each member of the authority.

- (5) It shall be the duty of a relevant authority to consider any report under this section by the head of their paid service at a meeting held not more than three months after copies of the report are first sent to members of the authority; and nothing... .. in section 56 of, or Schedule 10 or 20 to, the Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of this subsection.

- (6) In this section "relevant authority" -
 - (b) in relation to Scotland, means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994

CHIEF FINANCE OFFICER Role Description

Statutory Context

The Proper Officer for Finance Arrangements is a statutory appointment by virtue of section 95 of the Local Government (Scotland) Act 1973 which requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Chief Finance Officer (CFO) to have responsibility for those arrangements. The Council has resolved that the proper officer is the Executive Director, Finance and Corporate Services.

By virtue of section 2(1)(b) and (6)(d) of the Local Government and Housing Act 1989, the post of CFO is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council. In Scotland, there is no statutory requirement for the CFO to be a member of a specified accountancy body.

Overall Objectives of the Post

The overall objectives of the CFO post are:

- to lead the promotion and delivery by the whole authority of good financial management so that public money is safeguarded at all times and used appropriately, economically, efficiently and effectively,
- to lead and direct a finance function that is resourced and fit for purpose.
- to manage the Council's financial resources to ensure the delivery of strategic objectives,
- to be actively involved in, and able to bring influence to bear on, all material business decisions to ensure immediate and longer term implications, opportunities and risks are fully considered, so that there is alignment with the authority's overall financial strategy.

Corporate Responsibilities

The CFO has the following corporate responsibilities which require direct access to the Council's Chief Executive and elected members, and the provision of forthright and independent advice to them:-

- Corporate Accounting Arrangements - ensuring adequate systems of accounting control are maintained throughout the Council and that services conform with Council policy, legislation & codes of practice
- Financial Regulations - maintaining a continuous review and submitting any changes, other than of a minor nature, to the Council's Cabinet for approval
- General Service Capital Budget & General Fund Revenue Budget - preparing and monitoring in accordance with Financial Regulations
- Administration of the Sundry Debtors System
- Internal Audit - examination of the accounting, financial and other operations

of the Council

- Banking & Insurance Arrangements
- Signing Operating & Finance Leases
- Treasury Management - ensure that the Council's annual Treasury Management Plan complies with the Treasury Management Code, The CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code) and the Local Government Investments (Scotland) Regulations 2010
- Payment Processing & Supplier Invoice Administration - In accordance with the Late Payments of Commercial Debts (Interest) Act 1998

**CHIEF SOCIAL WORK
OFFICER
Role Description**

Statutory context

The requirement for every local authority to appoint a professionally qualified Chief Social Work Officer (CSWO) is contained within section 3 of the Social Work (Scotland) Act 1968. The particular qualifications are set down in regulations, this is one of a number of statutory requirements in relation to posts, roles or duties with which local authorities must comply. Fife Council has resolved that the Head of Education and Children's Services (Enhancing Opportunities for the Vulnerable) is the Chief Social Work Officer.

The Chief Social Work Officer appointed for the purposes of the Council's functions under the 1968 Act and those other enactments listed in section 5 (1B) of that Act. In broad terms, these functions cover all social work and social care services whether providing directly by the council in partnership with other agencies or procured by the council and provided by others on its behalf. Those functions are referred to in this document "social work services".

Competencies, Scope and Responsibilities of the Chief Social Work Officer

Competencies

The qualifications of the CSWO are set down in regulations (1996 No 515) (S.49) the Qualifications of Chief Social Work Officers (Scotland) Regulations 1996/515). The post holder must be a qualified social worker registered with the Scottish Social Services Council. Fife Council will ensure that the CSWO can demonstrate extensive experience at a senior level of both operational and strategic management of social work and social care services. The post holder should in general seek to comply with 'The Standard for Chief Social Work Officers,' SSSC 2015.

Role and Function

The CSWO is required to ensure the provision of appropriate professional advice in the discharge of local authority statutory social work duties. The CSWO is a "proper officer" in relation to the social work function i.e. an officer given particular responsibility on behalf of Fife Council where the law requires the function to be discharged by specific post holder.

Overall Objectives of the Post

The CSWO should:

- a) promote values and standards of professional practice, including relevant National Standards, and provide a clear statement of expectation of social services workers and employers (consistent with the SSSC Codes of Practice)

- to be agreed with the Chief Executive and elected members;
- (b) ensure that these values and standards are communicated on a regular basis, adhered to and reviewed periodically;
- (c) work with Human Resources (or equivalent support function) to ensure that all social service workers meet the requirements of the SSSC's Code of Practice and that all registered workers meet the requirements of their regulatory body;
- (d) support and advise managers in maintaining and developing high standards of practice and supervision;
- (e) ensure that only registered social workers undertake those functions reserved in legislation or are accountable for those functions described in guidance;
- (f) ensure that there are effective governance arrangements for the management of the complex balance of need, risk and civil liberties, in accordance with professional standards. Where the council's corporate policy on risk does not reflect this balance, the CSWO is required to bring this to the attention of the Chief Executive and to contribute to the development of appropriate governance arrangements;
- (g) ensure appropriate advice is provided on corporate workforce planning and quality assurance, including safe recruitment practice, probation/mentoring arrangements, managing poor performance and promoting continuous learning and development for staff;
- (h) actively promote continuous improvement, raising standards and evidence-informed good practice, including the development of person-centred services that are focussed on the needs of the service user;
- (i) oversee the quality of practice learning experiences for social work students and effective workplace assessment arrangements, in accordance with the SSSC Code of Practice for Employers of Social Service Workers;
- (j) ensure that appropriate systems are in place both to promote good practice and to identify and address weak and poor practice. The CSWO should work with managers to ensure these systems are effective and, where this is not the case, the CSWO has the responsibility for bringing this to the attention of the Chief Executive and contributing to the development or improvement of such systems;
- (k) ensure that significant case reviews are undertaken into all critical incidents either resulting in - or which may have resulted in - death or serious harm;
- (l) take final decisions on behalf of the local authority in relation to a range of social work matters, including adoption, secure accommodation, guardianship and other statutory decisions required from time to time
- (m) contribute to reports to the Chief Executive and elected members - providing independent comment where necessary - on the findings of

relevant performance reports, setting out:

- i. implications for the local authority, for services, for service users and carers, for individual teams/members of staff/partners as appropriate;
 - ii. implications for delivery of national and local outcomes;
 - iii. proposals for remedial action;
 - iv. means for sharing good practice and learning;
 - v. monitoring and reporting arrangements for identified improvement activity;
- (n) report to the local authority on any other social work related issues;
- (o) prepare an annual report to the local authority on all of the statutory, governance and leadership functions of the role;

12.4 Access

To discharge these responsibilities effectively, the CSWO needs:

- (a) **access** to people and information across the local authority, including the Chief Executive, elected members, managers and frontline practitioners, partner services and agencies. These arrangements will vary according to individual councils, but should be clearly articulated;
- (b) to be able to bring matters to the attention of the Chief Executive to ensure that professional standards and values are maintained;
- (c) to **be visible and available** to any social services worker and ensure the availability of professional advice and guidance;
- (d) to provide professional advice as required to senior managers across the authority in support of corporate agendas.

MONITORING OFFICER

Role Description

Statutory Context

The Monitoring Officer is a statutory appointment by the Council by virtue of section 5 of the Local Government and Housing Act 1989 [the 1989 Act]. The Monitoring Officer is appointed for the purposes set out in section 5 of the 1989 Act, as shown in the Appendix. The Council has resolved that the Monitoring Officer is the Head of Legal and Democratic Services.

By virtue of section 5(7) of the 1989 Act, the duties of the Monitoring Officer must be carried out personally by them or, where they are unable to act owing to absence or illness, personally by such member of their staff nominated by them as their deputy.

By virtue of section 2(1)(e) of the 1989 Act, the post of Monitoring Officer is designated as a politically restricted post, and accordingly is included in the list of such posts required to be maintained by the Council.

Although a statutory appointment, the law does not require the Monitoring Officer to hold any specific qualification, and in particular they do not require to be a solicitor or advocate. However, the recommendation of Audit Scotland is that the post holder should be in a position of sufficient seniority within the Council to enable them to carry out their statutory responsibilities effectively. This means that, irrespective of the substantive post which the Monitoring Officer holds in the Council, they will either be a member of the Council Management Team, or have direct access to the Council's Chief Executive, Executive Directors, Heads of Service and principal legal advisers as they see fit.

Overall Objectives of the Post

The overall objectives of the post are -

- to ensure that the Council complies with the requirements of the law and any statutory Codes of Practice relevant to the carrying out of the Council's duties and the delivery of the Council's services;
- to ensure that, where any contravention of the law, Code of Practice or corporate governance system has arisen, or is likely to, appropriate advice is given to the Chief Executive and relevant senior officers of the Council regarding the mitigation, rectification or prevention of such contraventions; and

to make a statutory report to the full Council regarding any breach or potential breach of the law or statutory code of practice by the Council where it proves impossible to rectify or prevent such breach.

Corporate Responsibilities

The Monitoring Officer has the following corporate responsibilities which are separate from the responsibilities of the substantive post which they hold in the Council. These corporate responsibilities require direct access to the Council's Chief Executive and elected members, and the provision of forthright and independent advice to them -

- to submit a report to the full Council under section 5(2) of the 1989 Act where it appears to the Monitoring Officer that any proposal, decision or omission by the Council, its committees or any officer or joint committee on which the council is represented, has given rise to, or is likely to give rise to, a contravention of any legislation or rule of law or of any code of practice made or approved under any legislation;
- to consult the Chief Executive as the Council's Head of Paid Service and the Chief Finance Officer as the Council's proper officer for the Council's financial affairs before submitting any report under section 5(2) of the 1989 Act, as required by section 5(3)(a) of that Act.
- to submit to the Council, as required by the Council's Code of Corporate Governance, an annual statement as to breaches of the law by the Council which have, or will have a material or significant impact on the operations or finances of the council;
- to maintain awareness of the operation of the Council's services across all Heads of Service so as to be able to provide appropriate advice proactively to them regarding potential breaches of the law or codes of practice;
- to maintain effective channels of communication with the Chief Executive and Corporate Legal Advisers to facilitate such awareness;
- to attend, at their discretion, any meeting of the Council, its Committees, or Working Groups to give advice appropriate to the role of the Monitoring Officer;
- to appoint the appropriate deputies to act in their absence as Monitoring Officer;
- to act as the Council's point of contact by the Public Standards Commissioner for Scotland and the Standards Commission for Scotland regarding complaints concerning alleged breaches of the Councillors' Code of Conduct;
- to develop good liaison and working relations with outside bodies relevant to the role of the Monitoring Officer, including the Public Standards Commissioner for Scotland, the Standards Commission for Scotland, the Council's external auditor, the Accounts Commission and the Scottish Public Services Ombudsman.
- to carry out such investigations as the Chief Executive may determine as

relevant to the Monitoring Officer's role;

- to obtain, at their discretion, Counsel's opinion on any matter relevant to the Monitoring Officer's role;
- to provide appropriate advice to elected members and Council officers regarding the promotion of high standards of conduct, and ensure that suitable training is given regarding compliance with the codes of conduct for councillors and officers;
- to carry out such other duties compatible with the role of the Monitoring Officer as the Council may delegate, or as the Chief Executive may request, such as the investigation of a complaint to the Council alleging breach of the Councillors' Code of Conduct.

Corporate Rights

The Monitoring Officer has the following rights in respect of the carrying out of their statutory role -

- to have unqualified access to any information held by the Council and to any officer of the Council who can assist in the discharge of their statutory role; and
- to have access to all reports to the Council, its committees, joint boards, joint committees and Working Groups, as they see fit.

APPENDIX

Local Government and Housing Act, section 5

(as applying to Scotland, and, in relation to the words in italics, as read with the Scottish Public Services Ombudsman Act 2002)

Designation and Reports of Monitoring Officer

5(1) It shall be the duty of every relevant authority -

- (a) to designate one of their officers (to be known as "the monitoring officer") as the officer responsible for performing the duties imposed by this section ...; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties to be performed;

and the officer so designated may be the head of the authority's paid service but shall not be their chief finance officer.

5(2) It shall be the duty of a relevant authority's monitoring officer, if it at any time appears to him that any proposal, decision or omission by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any joint committee on which the authority are represented constitutes, has given rise to or is likely to or would give rise to -

- (a) a contravention by the authority, by any committee, or sub-committee of the authority, by any person holding any office or employment under the authority or by any such joint committee of any enactment or rule of law or of any code of practice made or approved by or under any enactment; or
- (b) any such maladministration or injustice [*or service failure*] as is mentioned in[*the Scottish Public Services Ombudsman Act 2002*]

to prepare a report to the authority with respect to that proposal, decision or omission.

5(3) It shall be the duty of a relevant authority's monitoring officer-

- (a) in preparing a report under this section to consult so far as practicable with the person who is for the time being designated as the head of the authority's paid service and with their chief finance officer; and
- (b) as soon as practicable after such a report has been prepared by him or his deputy, to arrange for a copy of it to be sent to each member of the authority.

5(5) It shall be the duty of a relevant authority

- (a) to consider any report under this section by a monitoring officer or his deputy at a meeting held not more than twenty-one days after copies of the report are first sent to members of the authority or committee; and
- (b) to ensure that no step is taken for giving effect to any proposal or decision to which such a report relates at any time while the implementation of the proposal or decision is suspended in consequence of the report;

and nothing in section 56 of the Local Government (Scotland) Act 1973 (delegation) shall apply to the duty imposed by virtue of paragraph (a) above.

5(6) For the purposes of paragraph (b) of subsection (5) above the implementation of a proposal or decision to which a report under this section relates shall be suspended in consequence of the report until the end of the first business day after the day on which consideration of that report under paragraph (a) of that subsection is concluded.

5(7) The duties of a relevant authority's monitoring officer under this section shall be performed by him personally or, where he is unable to act owing to absence or illness, personally by such member of his staff as he has for the time being nominated as his deputy for the purposes of this section.

5(8) In this section -

"business day", in relation to a relevant authority, means any day which is not a Saturday or Sunday, Christmas Day, Good Friday or any day which is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of Great Britain where the area of the authority is situated.

"chief finance officer", in relation to a relevant authority, means the officer having responsibility for the purposes of section 95 of the Local Government (Scotland) Act 1973, for the administration of the authority's financial affairs;

"relevant authority" - (b) in relation to Scotland, means a local authority.