

SOLACE and ADSS

Statement on the Accountabilities of Chief Executives and Directors of Social Services in England

The starting point for this review is our shared determination to ensure commitment to the safeguarding of children. This includes the acceptance of personal responsibility and accountability for what happens within the local delivery of services to safeguard children. The need for such an approach is given added emphasis by the conclusions of the Victoria Climbié Inquiry chaired by Lord Laming, particularly in respect of the roles and responsibilities of Chief Executives and Directors of Social Services.¹ The paper also takes into account the recent SSI audit of services to children in need.²

Issues of governance and accountability in relation to chief officers and elected members received greater attention in the Laming Report than in previous inquiry reports following child deaths. We welcome this emphasis and we have produced this statement in order to address these issues.

We believe that accountability has both corporate and individual dimensions and that everyone involved in the safeguarding of children is accountable for what they do, from top to bottom. Local governance and management arrangements must support and enable this. We also believe that there is the leadership role for Councils to promote the well-being of all children in a more general sense.

This statement seeks to clarify the roles and responsibilities of Chief Executives and Directors of Social Services for safeguarding children within this wider context. The paper takes into account recent legislative changes with regard to the roles of elected Members, which are crucial in both executive and scrutiny. It is also important that the principles put forward in the paper are considered in each authority and customised locally. The process of involving all the relevant people in the implementation is essential to achieving the outcomes.

¹ Throughout this paper the title “Director of Social Services” refers to the senior employee who is designated as the statutory Director of Social Services, whatever other responsibilities he/she may also hold. Further details are found in Appendix A.

² An analysis of responsibilities as laid out in the Laming Report and the Audit are contained in Appendix B.

Our approach also takes into account the conclusions in the *Safeguarding Children* report. This was jointly produced by eight Chief Inspectors on arrangements to safeguard children published in October 2002. This reaffirmed that the level of protection offered to a child depends not only on the services received from the local authority but on a whole range of agencies, all of which may have a crucial contribution to make. This defined the term safeguarding as follows:

“All agencies working with children, young people and their families take all reasonable measures to ensure that the risks of harm to children’s welfare are minimised; and, where there are concerns about children and young people’s welfare all agencies take all appropriate actions to address those concerns, working to agreed local policies and procedures in full partnership with other local agencies.”

The critical role of senior managers in safeguarding children is to provide leadership and to demonstrate that they:

- Commit to protecting children
- Communicate that commitment within and across organisation
- Create the means and a culture of open and effective communication between agencies at all levels
- Generate the climate of mutual confidence and trust at all levels to address concerns coming to their attention
- Demonstrate there are the right people, resources, systems and training in place
- Know what is going on, test evidence, track changes and act on what needs to be improved.

The Chief Executive in Context

The role of Chief Executive is situated within the political and organisational context that surrounds it and it is essential to understand that context in reaching an understanding of their proper roles and responsibilities. And though it is not possible to prescribe what every Chief Executive in every time and place should be and do there are central elements to the role. One core element is to provide leadership within a framework for safeguarding children.³

The main challenges in the policy context that surrounds Chief Executives and their changing role include increased emphasis on

³ More details on the development of the role of Chief Executive are in Appendix C.

performance management, organisational change and development, changes in political management arrangements, the increased role of partnerships in service delivery and the need to work with others to transform deprived communities.

The common thread running through these issues is the need for Chief Executives to show leadership through complex change. SOLACE has argued in a recently produced a report on leadership, *Flying High*, that this requires new leadership qualities. Chief Executives with these qualities are adept at managing organisations more as organic systems, inhabited and experienced by *people*. High performance is driven by staff rather than more old fashioned approaches through vertical structures of command and control.

We believe leadership requires Chief Executives to:

- set an example through personal conduct – integrity and openness
- champion and display values of public service and excellence in service delivery
- set the right cultural tone through relationships with those they lead and influence
- show emotional commitment to all staff and services
- support, inform and listen to elected members
- provide clear guidance on levels of quality that citizens and customers must expect – not just quality of services and processes but also having a clear vision of the desirable outcomes for citizens and communities
- advise members on the correct level of resourcing for services
- ensure that the conditions exist to support effective interdepartmental and interagency working that minimises risk for vulnerable service users and partner organisations
- ensure effective community engagement.

While Chief Executives are required to perform traditional policy, administrative and managerial functions involving high levels of analytical skills their role entails qualities required to achieve the trust and confidence of those they lead. These qualities include the ability to think creatively and the ability to empathise, they include an awareness of self and one's impact on others, the ability to inspire and to be inspired. They include the ability to lead from the front and the ability to work well within teams. These are quite different to the qualities traditionally ascribed to Chief Executives.

This difference is important because we do not hold a model of leadership where Chief Executives do everything themselves. However,

we do believe that Chief Executives are leaders of the whole of the staff in the council and they have a responsibility for creating the conditions for others to perform, for others to innovate and for others to provide leadership within their service.

They must lead organisations that are capable of successful delivery and it is for that Chief Executives are responsible and held accountable.

The corporate and strategic role of chief executives has become an accepted part of the orthodoxy of managing Councils. However, it is seldom made explicit that this role involves more than simply high order service co-ordination and top level policy advice to Members. The role demands a thorough and comprehensive managerial approach to the design and delivery of all services and a grounded appreciation of their relative efficacy, efficiency and equity. In relation to safeguarding children, Chief Executives must be satisfied that they have appropriate relationships with the independent auditors and inspectors to ensure they have the right information and that services are being delivered successfully.

Local government is multi-functional in nature with a variety of professional domains which codify knowledge and best practice in respective service areas. The challenge is to create a unifying and corporate managerial approach for the whole organisation. Corporate management approaches that connect service strategies to resources (including those of partners and stakeholders), that align plans to service objectives and outcomes and rigorously monitor performance are all crucial. They remain, however, a necessary but not sufficient condition for success. For failure can occur when resources are adequate, systems sound, plans are directive and performance is monitored. Success requires the right systematic/rational as well as the right cultural conditions which allow people to use their time, talent, judgement and emotion on the right problem at the right time.

Chief Executives, Leadership and Accountability

Chief Executives are accountable for the performance of their organisations. While Chief Executives do not appoint statutory officers they must not be merely a spectator in this process. Chief Executives are responsible for the management and the leadership of all Chief Officers and for their delivery to the Council and to the community. We believe the accountability for providing this leadership of statutory officers is central to a Chief Executive's role. However, for Chief Executives to fulfil this role fully the formality of their authority within

the appointments process must be addressed so that they have clearer powers in the recruitment and in the management of officers.

In the case of Directors of Social Services, we believe that the first line of accountability is to the Chief Executive and through that postholder there is a line of accountability to the Council. This relationship is structured through the management team, through the budgetary process and through performance monitoring and management. This is the same for all Directors. We believe that Directors' powers are exercised corporately through the Council not on a unilateral basis to governmental departments or agencies.

Recent legislative change has created the position where Councils, for most of their functions, must constitutionally separate members into a small political executive and a larger group focussed on political oversight and scrutiny. In the main this has been implemented well with Councils adopting governance arrangements appropriate to their range of functions and activities and commensurate with their corporate responsibilities. However, there remains potential for confusion and poor accountabilities in those cases where individual councillors act as 'lead cabinet members' on certain service areas. In a corporate organisation it is crucial that leading politicians and managers work together productively. This means that they must have a corporate approach to issues and recognise the clear dividing line between political authority and managerial authority. Councils that do not establish the necessarily distinct roles (between lead cabinet members and service chief officers) will not produce corporate responses to local needs and demands and furthermore are far more likely to produce failure and poor practice.

We believe the regularity and quality of meeting time between Chief Executives and the Director of Social Services is a crucial element in the relationship of accountability. In order to ensure the different components of social services gain the corporate profile they require, it is essential that Chief Executives are fully and regularly briefed by their Director of Social Services and vice versa. It is also essential that Chief Executives take time to share information and their thinking about new developments with Directors. This briefing should be carried out on a two-way basis, sharing knowledge and information and should comprise:

- immediate "hot" issues
- operational, performance and financial information
- horizon scanning and strategic planning.

We recommend these formal meetings take place at least monthly in addition to what may be far more frequent informal checks-ups and dialogue.

We believe that regular policy briefing of lead Councillors is also crucial to the organisation's accountability. Full briefing is essential between the Chief Executive, the Leader of the Council, the Director of Social Services and the Executive Member for Social services. We would recommend as a model that this takes place on at least a quarterly basis. We would also recommend that other directors and Executive Members with responsibility for safeguarding children are involved as necessary.

In summary this means that:

- Chief Executives are responsible for the management and leadership of all Directors and Chief Officers
- Chief Executives are accountable for the leadership they give in all areas of the Council, not just leadership on strategic issues
- Chief Executives are accountable to the Council and to the public for the execution of all Council services
- Chief Executives are accountable for ensuring (often through the Director of Social Services) that systems of management and monitoring are in place which means they and the political leadership are fully informed of all aspects of Council performance.
- Chief Executives as Head of the Paid Service are accountable for the advice to members about the allocation of resources.

The Director of Social Services in context

The Director of Social Services is a statutory appointment and an equal member of the top team under the leadership of the Chief Executive.

In recent years the role has developed into a far more complex and wide ranging one in the context of new legislation, changing structures in local government and more stringent and visible performance expectations. A key role is the development and implementation of the partnership agenda with health. Leadership, managerial and budgetary roles are now more important reflecting the points about leadership made for Chief Executives. This aspect is at the heart of the Safeguarding Children and Laming reviews.

The development of arrangements across local authorities, particularly where modernisation has occurred, means that there is now less uniformity of functional role. Directors sometimes hold a joint appointment as Chief Executives of PCTs/Care Trusts or may hold with

their brief other responsibilities like housing, social inclusion or education. In some cases operational responsibility for child protection lies with another chief officer, but responsibility for quality and leadership remain with the Director of Social Services.

New political arrangements provide a changed backdrop. There should always be in our view a single, identifiable and accountable point of political management responsibility for childcare functions of councils with social services responsibilities. It is essential also in our view that at least one person at senior level has responsibility for ensuring an overview of how local child protection systems are working and has the authority and standing to ensure their assessment is considered and acted upon. This should be a matter of formal record, be published and be open to scrutiny.

The Director of Social Services is also responsible for the quality of staffing and appropriateness of the training provided to staff. Consistent with the requirements of section 6 of the Local Authority Social Services Act 1970, the Director must ensure that the appointing body is aware of the staff required to enable the proper discharge of its functions. This will include the Director taking action to address:

- workforce planning and audit
- fair reward
- recruitment and retention
- standards and competencies
- skill mix and support requirements
- training and staff development programmes
- individual training needs linked to appraisal

There is also a corporate role in recruitment, retention, reward and in setting any local conditions of service. Where supply of appropriate staff does not meet demand and produces shortcomings in service delivery this must be identified and the Director must advise the Council and the Chief Executive on corporate action required. Where staffing issues inhibit a Council's capacity to discharge its statutory responsibilities, it has duty to communicate this to members and to government.

Corporate and Service Issues

Considerable national guidance exists on the interrelationship between the Director of Social Services and the Chief Executive. In July 2002 the Chief Inspector of Social Services issued an advisory letter [CI (2002) 9] which stipulated that Directors of Social Services "should be

responsible within the council's senior officer structure for the quality of social work and social care services commissioned or provided directly by the council, and the quality of any social care services delegated to Primary Care Trusts/Care Trusts."⁴

In terms of overall corporate management of the Council, the Chief Inspector's letter provides guidance on the relationship between Chief Executives and Directors of Social Services.

The key points are:

- The Director retains final and indivisible responsibility for the quality and delivery of social care services whether these are directly provided or commissioned. However, they bear an obligation to keep their chief executive informed and involved including reporting of Inspectorate and Audit reports
- At the same time, as Laming recommends, Chief Executives have a responsibility to inform and involve themselves as part of the overall leadership and management of the Council.
- In addition there is a responsibility, with others in the corporate management team, for the policy, strategy and finance across the whole range of council services.

While these roles cohere for the most part, there can be inherent tensions, perhaps exemplified in the annual budget setting deliberations. As a member of the corporate team there may be a requirement to find a significant level of savings to contribute to an overall sum and at the same time a responsibility to ensure sufficient resources to meet statutory responsibilities. The Chief Executive and the Corporate Management Team has a joint responsibility to ensure that members have clear advice on the level of resources required to meet those responsibilities. Where it is not possible for this to be resolved within the Corporate Management Team, it is important that the advice of the Director of Social Services is made explicitly available to members, together with the view of the Chief Executive. In these circumstances the Director of Social Services has the responsibility to ensure that the advice given is based on evidence of the relationship between performance and resources.

It is the responsibility of the Chief Executive to lead that team and to ensure it works together to safeguard children together with other

⁴ Further details are contained in Appendix A.

agencies consistent with responsibilities of councils under the Local Government Act 2000 on community well being.

Accountability and Responsibility

There are areas where Chief Executive and Director of Social Services roles are rightly separate, and there are others with shared and distinct responsibilities. What is essential is that they are transparent and understood. Three specific areas where both will have an interest are the volume of resources, the quality of services and the effectiveness of inter-agency relationships.

To take one of these as an example, the Director of Social Services will be responsible for ensuring the quality of services that are in place for supporting and protecting children. The Chief Executive will also be responsible more generally for ensuring that the services provided to local people meet their needs. While the Chief Executive would not be personally accountable for any specific service in an operational sense, they would be responsible for ensuring that sound arrangements are in place and that all services are being delivered effectively.

The Chief Executive must be able to detect and ensure correction of any systematic and ongoing breakdown in the standards and quality of the services delivered. This will be based upon advice/information from the Director of Social Services, performance information, the SSI and other agencies and inspectors involved in the safeguarding of children. On this basis, the Chief Executive with elected Members must ensure an appropriate level of priority and resources is afforded to these services.

Both Chief Executives and Directors have a risk management function as part of their role. Chief Executives and elected Members need to be advised of, alert to and respond to appropriately presented and assessed risk management information from Directors of Social Services. This must be taken into account in setting budgets.

To achieve the outcomes expected we propose four principles to form part of Council schemes of delegation. These principles should be given careful consideration in each locality and tailored to local circumstances:

- The ultimate responsibility of Members for what their council does, the informed allocation of resources consistent with legislation and with advice of officers
- The final corporate responsibility of the Chief Executive to ensure

leadership of the whole Council, to ensure the management of the whole council, to ensure that quality systems are in place, to ensure appropriate advice on resources and to ensure corporate action

- The final service responsibility of the Director of social services for the quality of social services commissioned by the Council and the delivery of those services
- The joint responsibility of all those involved, including Members and partner organisations, to protect and promote the welfare of vulnerable children consistent with their duties and responsibilities under the Children Act 1989, Crime and Disorder Act 1998, the Health Act 1999 and the Local Government Act 2000.

Appendix A: The post of Director of Social Services

The post of Director of Social Services was established in 1970 following the recommendations of the Seebohm Report and the setting up of generic Social Services Departments. In recent years the role has developed into a far more complex and wide ranging one in the context of new legislation, changing structures in local government and more stringent and visible performance expectations. New political arrangements provide a changed backdrop and Directors are increasingly responsible for other functions in a varied array of permutations.

The role of Director of Social Services is enshrined in section 6 of the Local Authority and Social Services Act 1970. It is statutory requirement for each local authority with social services responsibilities to designate an individual who holds this role. There are a significant number of other statutes and guidance defining social care responsibilities for which the Director will be accountable for ensuring the implementation. These are numerous and are constantly being added to. Particularly in relation to children, the Director will need to ensure that the Department has management and accountability structures that deliver safe and effective services, with reference to the Children Act 1989, The Framework for the Assessment of Children in Need and their Families and Working Together to Safeguard Children 1999.

The expanding partnership agenda means that Directors have additional leadership roles in cross-cutting initiatives often with Chief Executives and other agencies like Crime and Disorder Partnerships, Drug Action Teams, Youth Crime Steering Groups and Local Strategic Partnerships as well as Children and Young Peoples' Partnerships. Some may also chair the Area Child Protection Committee. Directors need to ensure that there is an effective Area Child Protection Committee that co-ordinates services and enables children to be protected in all settings including hospitals. This will include ensuring the effective management and use of the Child Protection Register by relevant agencies.

In July 2002 the Chief Inspector of Social Services issued a circular reiterating the requirement for councils with social services responsibilities to retain the appointment of a Director of Social Services. Included in it was some definition of the scope of the role as follows:

“Directors of Social Services are responsible within the council’s senior officer structure for the quality of social work and social care services commissioned or provided directly by the council, and the quality of any social care services delegated to Primary Care Trusts/Care Trusts.

They ensure that arrangements are in place to assure quality through the effective management, supervision, commissioning, and monitoring of social services that are the responsibility of the local council through whatever organisational structures they are provided

Directors act as the principal point of contact, below the chief executive officer, for the conduct of business with the Department of Health the GSCC, NCSC and SCIE in relation to the performance of the council’s social services functions

They provide information required by the Secretary of State for Health, the Chief Inspector of Social Services Inspectorate and relevant local overview and scrutiny committees.

Directors are ultimately responsible for the quality of services provided.”

The Chief Inspector has made explicit the expectation of the role in the following way:

“Directors of Social Services should account directly to the chief executive officer of the council and have direct access to lead councillors and all other relevant councillors and committees (both executive and non-executive councillors).

The responsibility of Directors of Social Services for quality of the services includes assuring the chief executive officer of the council, and relevant executive councillors and non-executive overview and scrutiny committees that:

- the needs of all sections of the community have been properly assessed, and that resources in the community (which support service delivery, or reduce the need for formal services) have been identified and supported fully
- the services provided, delegated or commissioned by the council and its strategic partners are accessible to, and used by, all sections of the community for whom they were intended
- the outcomes of services and other interventions have improved the wellbeing of the local community

- statutory functions laid on the authority have been carried out
- proper management information and accurate records are being kept
- the evidence from external inspection, audit, review and performance assessment has been used to improve the quality of services; and evidence from Best Value reviews, and the reports of Overview and Scrutiny Committees similarly
- evidence from users and providers of services (to ensure that needs of the community are properly identified and wellbeing is promoted through the services for which the Director is responsible) is used to improve quality

promoting the use of guidelines produced by SCIE on what works best in social care; and promoting the Codes of Conduct laid down by GSCC, and standards used by the NCSC.”

Appendix B: Matrix of responsibilities

The matrix below provides an analysis of responsibilities as laid out in the SSI Audit of Services to Children in Need and compares this with recommendations of the Laming Report.

CE = Chief Executive EM = Elected Member DSS = Director of Social Services LA = Local Authority

Audit Standard	Laming Rec.	SSI Audit Criteria	CE	EM	DSS	LA	Time-scale
1) Referral	39	1.1				X	3mths
	29	1.3			X		6
	48	1.7			X		3
2) Assessment	35	2.7			X		3
	36	2.13				X	3
	56	2.15			X		3
3) Allocation, service provision + closure	58	3.1			X		3
	54	3.2			X		6
	55	3.3			X		3
	26 & 40	3.4			X		3
	52	3.5			X		6
	61	3.6			X		6
	38	3.7			X		3
	42	3.9			X		3
	51	3.10			X		3
	4) Guidance	46	4.1			X	
57		4.2			X		6
59		4.3			X		6
38		4.4			X		3
5) Training and development		20	5.1			X	
	31	5.2			X		6
	31	5.3			X		6
	43	5.5			X		6
	6) Organisation + management	60	6.1			X	
50		6.2			X		3
45		6.3			X		3
44		6.4			X		3
30		6.5			X		3
7) Governance	27	7.1	X	X			6
	27	7.2	X	X			6
	27	7.3	X	X			6
	30	7.4			X		3
	28	7.6	X				6
	41	7.7	X				6
	54	7.8			X		6

The following recommendations do not fall under the SSI Audit Framework. Recommendation 62 will be covered by the national guidance for all professional staff dealing with children that will be produced within the next three months.

Laming Recommendation	CE	DSS	LA	Timescale	Brief description
6			X	6mths	Establish Committee of Members
7	X			6	CE to Chair Mgt Board
32	X			24	Single electronic database
47	X			24	Specialist services 24/7
62		X		6	Single set of guidance for hospital SW staff

Appendix C: The post of the Chief Executive

Within local government the term Chief Executive has generally come to denote the role fulfilled by the Head of Paid Service. While there are a number of authorities which retain the older designations of Clerk or Town Clerk or have employed other nomenclature such as General Manager, most have adopted the term Chief Executive.

In the early 1970s this change in terminology signalled a significant change in the theory of local government's managerial leadership. While the practice took some time to catch up, the term Chief Executive was intended to capture the essential nature of the job as one about the execution of decisions and that the office holder had chief responsibility for decisions taken within the authority.

The origins of the modern Chief Executive lie in the recommendations of the Maud Committee in 1967 and in the Bains Report of 1972. Together these two reports established the move away from the model of a Clerk or Town Clerk. The modern role of the Chief Executive differs from that of a Clerk in many respects. Firstly, the statutory duties of a Clerk included the maintaining of records and registrations and the drafting of Council and committee minutes. While the Clerk's role was concerned with overall policy and management, few had powers of control or direction over Directors or Chief Officers. Furthermore, as all Clerks and Town Clerks were lawyers, the role was traditionally focused around what now seems a limited set of issues e.g. legal contract, defence of the authority's actions and interpretation of parliamentary legislation.

Both Maud and Bain made recommendations that would increase the corporate role and power of the Head of Paid Service, separate the role from that of any professional background and create the position of Chief Executive as someone who had responsibility for the whole of the Council including professional officers. Thus both Bain and Maud recommended: "The Chief Executive is the head of the Council's paid service and shall have authority over all other officers so far as this is necessary for the efficient management and execution of the Council's functions."

From the other recommendations of the Bains Report two are perhaps particularly worth quoting here:

"Through his [sic] leadership of the officers' management team he is responsible for the efficient and effective

implementation of the Council's programmes and policies and for securing that the resources of the authority are most effectively deployed towards those ends."

"As head of paid service it is his [sic] responsibility to ensure that effective and equitable manpower policies are developed and implemented throughout all departments of the authority in the interests both of the authority and the staff."

While neither Maud nor Bains contains a full description of the modern Chief Executive, they provide useful historical markers as to what Chief Executives are. Most importantly they show the difference between a Clerk or Town Clerk who was concerned with legal probity and the co-ordination of administrative activities and the Chief Executive who is ultimately responsible for the execution of all Council services.

As Sir John Boynton the first President of SOLACE argued, "The chief executive must assume a responsibility for the whole of the affairs and activities of the authority. His corporate role must spring from a conviction that the authority is – or can be – something more than the sum of the parts."

More recently, the role of the Chief Executive has grown further with government and its agencies increasingly looking to Chief Executives to show leadership across departments and agencies. An example of this is where Chief Executives of all top tier/unitary authorities in England have been asked by the government to take a lead in co-ordinating the development of a strategy for preventive services for children and young people at risk of social exclusion.