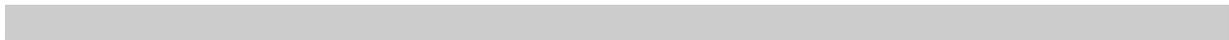


Part 2

ARTICLES OF THE CONSTITUTION



ARTICLE 9 – OFFICERS

9.01 Engagement of Staff

(a) **General**

The Council through its Head of Paid Service may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

The recruitment selection and dismissal of employees will comply with the Officer Employment Procedure Rules, Officer Employment Protocol and Councillor Role in Part 4 of this Constitution.

The Council will from time to time determine and publicise a description of the overall departmental structure of the Council showing the management structure. This is set out at Part 7 of this Constitution.

(b) **Chief Officers.**

All Chief Officers will:

- contribute to the corporate management of the County Council;
- represent and promote the County Council as a Local Authority concerned to secure high quality services in line with the Council's Business Plan for the people of Lincolnshire;
- develop partnership working.

The persons engaged to fill the following posts will be designated Chief Officers:

Post	Functions and areas of responsibility
<p>Head of Paid Service <u>Chief Executive</u></p>	<ul style="list-style-type: none"> • Overall corporate management • Overall operational responsibility (including overall management responsibility for all Officers) • Strategic development and performance of the organisation • Provision of professional advice to all parties in the decision making process • Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions • Representing the Council on partnership and external bodies (as required by statute or the Council) • Corporate communications • Community engagement
<p>Executive Director - Children's Services</p>	<ul style="list-style-type: none"> • Education • Children's Safeguarding • Early years • Children with Disabilities • Families • Support for Children with SEN • School Support Services • Regulated Services (Children Looked After, secure unit, residential homes, respite homes. adoption and fostering) • Youth Offending Services

Executive Director - Place	<ul style="list-style-type: none"> • Economy • Lead Local Flood Authority • Environmental Protection and Wellbeing • Transport, Highways & Traffic Management • Waste Management • Spatial Planning • Community Development • Libraries and Heritage
Executive Director - Resources	<ul style="list-style-type: none"> • Business Support • Corporate Audit & Risk Assurance • Strategic Finance • Pensions and Treasury • Human Resources • Legal and Democratic Services • Information Governance • Senior Information Risk Owner
Executive Director - Adult Care and Community Wellbeing	<ul style="list-style-type: none"> • Support to Hospitals • Independent Living • Learning Disabilities • Mental Health • Carers • Adults Safeguarding • Older People/Physical Disability • Health and Wellbeing
Executive Director - Commercial	<ul style="list-style-type: none"> • Commercial services • Information Management and Technology • Corporate systems • Performance monitoring and reporting • Property • Procurement and contract management

(c) **Statutory Officers** - Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council will designate the following posts as Statutory Officers:

Post	Designation
Chief Executive	Head of Paid Service under section 4 of the Local Government and Housing Act 1989 Director of Children's Services under section 18 of the Children Act 2004
Chief Legal Officer	Monitoring Officer under section 5 of the Local Government and Housing Act 1989
Executive Director - Resources	Chief Finance Officer with responsibility for the administration of the financial affairs of the Council under section 151 of the Local Government Act 1972
Executive Director - Children's Services	Director of Children's Services under section 18 of the Children Act 2004 Head of Paid Service under section 4 of the Local Government and Housing Act 1989
Executive Director - Adult Care and Community Wellbeing	Director of Adult Social Services under Section 6 of the Local Authorities and Social Services Act 1970
Executive Director - Place	Traffic Manager under section 17 of the Traffic Management Act 2004
Head of Democratic Services	Scrutiny Officer under section 9FB of the Local Government Act 2000

The statutory post of Director of Public Health under Section 73A of the National Health Service Act 2006 shall be fulfilled by the Director of Public Health, being a post line managed by the Executive Director - Adult Care and Community Wellbeing with direct responsibility to the Head of Paid Service in relation to fulfilment of the statutory role of Director of Public Health.

The Head of Paid Service, Monitoring Officer and Chief Finance Officer have functions set out in 9.02 – 9.04 below.

(d) **Structure**

The Council will publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

9.02 Functions of the Head of Paid Service

(a) Discharge of functions by the Council

The Head of Paid Service will report to 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 s151 Officer, if a qualified accountant.

9.03 Functions of the 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 widely available for consultation by Councillors, Officers and the public.

(b) Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any 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) Standards

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee. The Monitoring Officer will process complaints about breaches of the code of conduct in accordance with the local arrangements. The Monitoring Officer will consider applications in relating to the granting of dispensations in relation to disclosable pecuniary interests

(d) Proper Officer for access to information

The Monitoring Officer 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**

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 Policy Framework issues to all Councillors.

(g) **Restrictions on posts**

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

9.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and the 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 and ensure maintenance of an efficient and effective internal audit function.

(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 Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

9.05 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with the provisions of the Local Government and Housing Act 1989 and the Local Government Finance Act 1988.

9.06 Other Statutory Posts

The Council is also required to appoint a Statutory Scrutiny Officer. This enables the Council to comply with its obligation under Section 9FB of the Local Government Act 2000 as inserted by Section 21 of the Localism Act 2011.

The Council is also required under Section 17 of the Traffic Management Act 2004 to appoint a Traffic Manager.

Part 3

RESPONSIBILITY FOR FUNCTIONS

**C SPECIFIC POWERS OF THE ~~HEAD OF PAID SERVICE~~CHIEF EXECUTIVE,
CHIEF OFFICERS AND OTHER OFFICERS**

~~HEAD OF PAID SERVICE~~CHIEF EXECUTIVE

General

1. To act as the Head of Paid Service in pursuance of the Local Government and Housing Act 1989. To have overall Corporate Management and operational responsibility (including overall management responsibility for all staff).
2. To grant or refuse permission for the display of the Coat of Arms and/or badge of the County.
3. To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and Freedom of Information Act 2000.
4. To exercise the functions of the Council under charities legislation.
5. To appoint Councillors to Committees and Panels and Sub-Committees and Sub-Panels in accordance with the wishes of Group Leaders, Deputy Group Leaders and Group Whips in accordance with Rule 5 of the Council Procedure Rules in Part 4 of this Constitution and the duty arising under Section 16 of the Local Government and Housing Act 1989.
6. To progress the strategic development of the Council.
7. On appointment, to undertake all the functions of the Returning Officer.
8. To undertake appropriate and necessary action when vacancy in office occurs.

[9 To fulfil the role of Director of Children’s Services under Section 18 Children Act 2004](#)

Communications

1. To provide corporate communications functions.

Community Engagement

1. To promote community engagement and development.

EXECUTIVE DIRECTOR - CHILDREN'S SERVICES

~~To act as Director of Children's Services in accordance with Section 18 Children Act 2004 and in particular in relation to the following functions:-~~

Education

1. To make grants within a framework approved by the Council including:
 - (a) for the establishment, maintenance, staffing or equipment of youth clubs and groups;
 - (b) to support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire;
2. To make, suspend and reinstate grants and pay tuition or ancillary fees and/or grants to, or in respect of:
 - (a) students attending establishments of higher or further education or taking other approved courses of education and/or training and to authorise transfer between courses;
 - (b) pupils attending boarding schools and independent or direct grant schools and schools not maintained or assisted by the County Council;
 - (c) maintenance, uniform or free school meals;
 - (d) other young people of particular merit.
3. To authorise the attendance of pupils and teachers on courses or activities outside of school.
4. To discharge the statutory duties of the County Council as schools admission authority and to arrange for the admission and allocation of pupils to schools and in the case of grant-maintained schools to direct the admission of a pupil to such schools.
5. To exercise the functions of the Council in relation to home to school and college transport, school attendance, the employment of children and young persons, cleanliness of pupils and the ascertainment of need and provision for special educational treatment.
6. To appoint lay Members and Local Authority Members to School Admission Appeal Committees, under Section 43 and Schedule 33 of the Education Act 1996.
7. To approve, in circumstances which the Executive Director considers to be exceptional, any change to the admission policy of County and Controlled schools, excluding any change which would constitute a change in character of the school.
8. To make all necessary arrangements to implement the approved Scheme for the Local Management of Schools.
9. To make minor alterations to the "designated areas" associated with County primary and secondary schools.
10. To make all appropriate arrangements to secure the assessment of any pupil's special educational needs as may be required under the terms of the Education Acts.

11. In relation to schools identified as “needing special measures” consequent upon OFSTED inspections to submit to the Secretary of State and HM Chief Inspector, the comments of the County Council as the local education authority on governors’ action plans together with a statement of action which the County Council intends to take.
12. Following consultation with the relevant Committee, to issue warning notices under the School Standards and Framework Act 1998, and to appoint such additional governors as seen fit following a governing body’s failure to comply with the terms of the notice issued by the Authority.
13. To set the yearly indicative targets for permanent exclusions and unauthorised absence from schools for Lincolnshire, to be included in the Education Development Plan.
14. To take and implement decisions and to exercise statutory powers relating to the health and welfare or school attendance of individual children, and to take all steps in any related statutory process.
Services for Children in Need
1. To exercise the functions of the Council in relation to:
(a) adoption and fostering
(b) admission to all forms of accommodation including secure accommodation;
(c) promotion of the welfare, protection, supervision, care and after care of children and young persons;
(d) Children in need.
2. To act as guarantor in the matter of hire purchase agreements on behalf of children in care.
3. To make grants or incur expenditure:
(a) to prevent or diminish the need to bring children into care or to keep them in care;
(b) in respect of rent and damage guarantees;
(c) to provide any child or young person in care with such equipment considered necessary for their well-being;
(d) in respect of any child or young person in care participating in a holiday either through a school or with foster parents;
(e) in respect of special clothing grants to children in care;
(f) in respect of extra grants to children for special purposes;
(g) in respect of payments to children formerly in care;
(h) in respect of adoption allowances;
(i) in respect of playgroups (Capital and Revenue);
(j) in respect of children in need.
4. To pay enhanced boarding out allowances in exceptional circumstances.
5. To take decisions in respect of the Council’s functions acting as Accountable Body in connection with Sure Start.
6. To take decisions in the exercise of the power to licence the employment of children.

7. To approve variations of fees so far as they have been agreed by the “Examining Authority” and for which the Council have accepted responsibility for children, young persons or adults attending or residing in establishments not maintained or assisted by the Council and to approve alterations in charges for the maintenance of such residents.
8. To authorise payment for maintenance of people for whom the Council is financially responsible in homes provided by other local authorities and bodies.
9. To approve, following consultation with the appropriate Executive Councillor, the appointment of replacement visiting members of Social Services establishments.
10. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Children’s Social Services and the services for which the Director is responsible.
Youth Offending
1. To exercise the functions of the County Council in relation to the Youth Offending Service.

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