

THE MORAY ADULT PROTECTION COMMITTEE CONSTITUTION

Article 1 - Remit & Membership

General

- [Act – s42(1)]
- 1.1 Moray's Adult Protection Committee (MAPC) is constituted in terms of and operates in line with the Adult Support and Protection (Scotland) Act 2007, sections 42-47 and the corresponding Scottish Government Guidance for Adult Protection Committees (2008).
 - 1.2 Responsibility for establishing and maintaining the MAPC is delegated by Moray Council to the Moray Integration Joint Board (IJB) in terms of the Public Bodies (Joint Working) (Scotland) Act 2014.
 - 1.3 Notwithstanding the role of the IJB to agree the functions of the MAPC, the committee will continue to discharge its statutory obligations and regulate its own procedures in accordance with Part 1, section 44, of the 2007 Act.
 - 1.4 In addition to role of the IJB, the MAPC will report to the Chief Officer Group to ensure that their statutory obligations as Accountable Officers for their respective agency, is discharged.

Remit

- [Act – s42(2)]
- 1.2 The remit of the Committee is:

- To keep under review procedures and practices of those bodies/office holders listed in 1.5 relating to the safeguarding of adults at risk within the Moray area, including procedures and practices involving co-operation between the bodies/office holders listed in 1.5.
- To give information or advice, or make proposals to those bodies/office holders listed in 1.5 on the exercise of functions relating to the safeguarding of adults at risk in the Moray area.
- To make, or assist in or encourage the making of, arrangements for improving the skills and knowledge of officers or employees of those bodies/officer holders listed in 1.5 who have responsibilities relating to the safeguarding of adults at risk in the Moray area.
- Any other functions relating to the safeguarding of adults at risk as the Scottish Ministers may by order specify.

- [Act – s47]
- [Act – s42(3)]
- 1.3 In carrying out its remit the Committee is to have regard to the desirability of improving co-operation between the bodies/office holders listed in 1.5 in order to assist them with performing their functions in order to safeguard adults at risk in the Moray area.

1.4 In carrying out its remit the Committee must have regard to any guidance issued by the Scottish Ministers about its functions.

1.5 Bodies / Office holders referred to in 1.2 above:

- Moray Council
- Care Inspectorate
- Grampian Health Board
- Chief Constable of Grampian Police (Police Scotland)
- Other bodies / office holders as the Scottish Ministers may by order specify.

Membership

1.6 The Membership of the Committee is as follows:

- 7 core members - individuals nominated by the Moray Council (4), Care Inspectorate (1), Grampian Health Board (1) and the Chief Constable of Grampian Police (Police Scotland) (1) as each body's respective representative(s) on the Committee.
- Unlimited co-opted members – individuals who appear to core members to have knowledge and skills relevant to the remit of the Committee.
- Independent Convenor - an individual, but not a member or officer of the Moray Council, appointed by the Moray Council, who may join with other Local Authorities in a recruitment exercise.
- Legal adviser - a solicitor provided by the Moray Council who will advise on any legal issues that arise and on the operation of the Committee in line with its remit and this constitution.

Appointments

1.7 Letters of appointment will be issued to members by the Moray Council through its Head of Legal and Democratic services in the case of core members, following receipt of nominations from each organisation and, in the case of co-opted members, following receipt of details from core members of individuals that they wish to see appointed to the Committee.

1.8 The Convenor will be appointed in terms of the procedure set out in the agreement between the Moray Council, Aberdeen City Council and Aberdeenshire Council dated 5, 18 and 25 August 2009.

1.9 **Appendix 1** lists current Committee members.

[Act – s43(1)-
(5) & TMC Rep
26/03/08]

[Act – s43(5) &
TMC Rep
26/03/08]

[Act –
s43(1)&(6) &
TMC Rep
17/03/10]

[Act – s43(5) &
TMC Rep
17/03/10]

[Act – s43(1)]

[TMC Rep
17/03/10]

Tenure

- 1.10 A Member of the Committee retains membership indefinitely unless s/he intimates his or her resignation in writing to the Moray Council's Head of Legal and Democratic Services or s/he is removed from the Committee in the case of a Core Member by his/her nominating organisation and in the case of a Co-opted Member by the Core Members of the Committee.
- 1.11 The list of Co-opted Members shall be reviewed annually by the Committee and any proposed additions or deletions shall be conveyed to the Council's Head of Legal and Democratic Services who will arrange for any necessary paperwork. The list shall also be reviewed when any Co-opted Member resigns.
- 1.13 The Convenor's tenure shall be as determined by the said agreement between the Moray Council, Aberdeen City Council and Aberdeenshire Council.

Article 2 – Committee Support

- 2.1 Administrative support for the Committee will be provided by the Administrator to Moray Council's Adult Protection Unit. The Administrator will undertake the administrative tasks associated with the operation of the Committee including taking Minutes and keeping records of proceedings. S/he will also maintain an up to date list of members and liaise with the Council's Head of Legal and Democratic Services regarding appointments.
- 2.2 Support for the Convenor will be in terms of the said agreement between the Moray Council, Aberdeen City Council and Aberdeenshire Council.

Article 3 - Meetings of the Committee

Timetable

- 3.1 The Committee must hold at least 6 meetings per calendar year. An annual timetable of meetings shall be agreed for the next forthcoming year no later than the last meeting held in each preceding calendar year.
- 3.2 Notice of the place and reminders of the date and time of a meeting of the Committee will be given to every member 1 week before the meeting. An agenda and associated papers will be circulated at the same time. Members can arrange to submit

items for the agenda by contacting the Convenor or the Administrator.

- 3.3 Members unable to attend any meeting should intimate their apologies to the Convenor or Administrator and, in the case of core members, provide the name of any substitute prior to that meeting. Core Members should strive wherever possible to send a substitute and to consistently send the same substitute, should a substitute be required. No substitutes shall be required for Co-opted Members.
- 3.4 Meetings may be cancelled at the discretion of the Convenor when the Convenor is of the opinion that there is unlikely to be sufficient members in attendance to enable proper consideration of agenda items. Where a decision is taken to cancel a meeting all members must be notified of this at the earliest opportunity and be provided with confirmation of the next meeting date, be that a new meeting date or the next scheduled meeting date.
- 3.5 If members are unable to attend 3 or more meetings in any year the Convenor shall discuss with them the issue of continued membership.

Chair

- 3.6 Meetings of the Committee are to be chaired by the Convenor. In the event that the Convenor is unavailable then either the representative of Grampian Police (Police Scotland) or Grampian Health Board may be appointed by the Committee to act as Convenor for that occasion.
- 3.7 The Convenor has the responsibility for making sure that all members are involved in discussions and votes.
- 3.8 Any questions regarding the remit or proceedings of the Committee are determined by the Convenor, having taken any necessary legal advice.
- 3.9 The Convenor shall have the discretion to permit the tabling of late agenda items and papers at the start of Committee Meetings.

Quorum

- 3.10 The quorum for a meeting held by the Committee will be 6 members which must include 1 Core Member from the Moray Council (or his/her substitute) and 1 Core Member from Grampian Health Board (or his/her substitute).

- 3.11 If after ten minutes from the appointed start time for a meeting a quorum is not present, the Convenor will adjourn the meeting to a time that he or she may then or afterwards fix in discussion with the Council. It should be recorded that owing to a lack of the necessary quorum no business could be transacted.

Minutes

- 3.12 The names of those present at each meeting, will be recorded by the Administrator and minutes produced of each meeting. Minutes will be circulated to each member prior to the following meeting, for their approval at the following meeting.

Observers etc.

- 3.13 Observers from the Mental Welfare Commission, the Office of the Public Guardian, the Care Inspectorate (where the Commission has not nominated a representative to be a core member) and any other body or office holder specified by the Scottish Ministers will be permitted entry to any meeting that they request to observe. Other Observers can be allowed at the discretion of the Convenor.

- 3.14 Other individuals can be invited to attend meetings by the Convenor as required to ensure information and advice is available to members to enable them to fully discuss and agree agenda items.

Voting

- 3.15 The Committee will operate under the principle of one vote per member.

- 3.16 An attendee e.g. a person invited to the Committee with regard to one specific area/piece of work will have no voting rights.

- 3.17 Observers will have no voting rights.

- 3.18 In the case of an equality of votes, the person chairing the meeting shall have a casting vote. Voting shall be made known verbally, unless the meeting so decide, in which case voting may be by ballot which shall be undertaken by the person chairing the meeting to ensure secrecy of the vote.

- 3.19 A decision to proceed by ballot shall require to be supported by a majority of those members present and voting before the ballot may be undertaken.

3.20 Members can vote only once on any issue. Decisions will be taken by a simple majority. A simple majority means that more members vote for a proposition than against, and no account is taken of members who abstain.

3.21 Members can only vote in person. The numbers voting for and against any issue will be recorded in the Minute.

Conduct at Meetings

3.22 Members of the Committee must conduct themselves in a courteous, orderly and respectful manner, and must respect the authority of the Convenor at all times.

3.23 The members must respect and act at all times in compliance with all equalities schemes published by the Council.

3.24 The Convenor has the authority to order any member of the Committee whose behaviour does not meet the standards specified to be excluded for the duration of the meeting.

3.25 The Convenor does not have the authority to exclude a member of the Committee from subsequent meetings of the Committee.

3.26 Convenor may close the meeting, or adjourn or suspend it for a specified period to allow order to be restored. If, in these circumstances, the Convenor leaves after ordering that the disturbance stop, this will have the effect of suspending the meeting. The Convenor may reconvene the meeting as soon as he/she considers it appropriate to do so.

3.27 Members are to report back to their own organisation as appropriate regarding issues/actions that arise at Committee.

Sub-groups

3.28 The Committee can nominate members to form sub-groups for specific purposes and for a specified period of time.

3.29 Other individuals can be invited to attend sub-group meetings as required to ensure information and advice is available to members to enable them to fulfil the sub-group's remit.

Article 4 – Reports

General

- 4.1 The Committee will report as necessary to the Moray Integration Joint Board, as delegated by Moray Council [relevant Moray Council' Committee with responsibility for adult protection], the Chief Officers Public Protection Group, the Scottish Government and the Community Planning Partnership.

Biennial

[Act – s46(a) &
TMC Rep
17/03/10 &
15/09/10]

[Act – s46(b)]

[Act – s46(b) &
TMC Rep
26/03/08]

- 4.2 The Convenor must prepare biennially, as soon as practical after 1 October in each year in which a report is due, a general report on the exercise of the Committee's functions during the previous two years up to and including that date.
- 4.3 The Convenor must secure the Committee's prior approval for biennial reports.
- 4.4 The Convenor must send copies of approved biennial reports to:
- Each of the Bodies/Office holders listed in 1.5 – it has been agreed that reports be sent to the relevant Moray Council Committee with responsibility for Adult Protection and to the Chief Officers Public Protection Group;
 - The Scottish Ministers;
 - The Mental Welfare Commission;
 - The Office of the Public Guardian;
 - The Care Inspectorate (where it is not represented on the Committee); and
 - Any other public body or office holder as the Scottish Ministers may by order specify.
- 4.5 Biennial reports shall be published on the Moray Council's website at www.moray.gov.uk.

Article 5 - Information Sharing

[Act – S45]

- 5.1 Such information as the Committee may reasonably require for the purpose of fulfilling its remit must be provided by the following:
- Each of the Bodies/Office holders listed in 1.5;
 - The Mental Welfare Commission;
 - The Office of the Public Guardian;
 - The Care Inspectorate (where it is not represented on the Committee); and
 - Any other public body/ office holder as the Scottish Ministers may by order specify,
- 5.2 The terms of the Information Sharing Protocol that is attached at **Appendix 2** will apply.

Article 6 – Specific Procedures

Reviewing Adult Protection Practices including Co-operation

- 6.1 Adult Protection Practices will be audited and an action plan developed to address any issues highlighted.

Improving Skills and Knowledge

- 6.2 A Training Plan will be developed based on an analysis of learning and development needs in adult protection. This will be reviewed and updated on an annual basis in Moray to take account of new developments or identification of additional training needs.
- 6.3 All training in Moray will be evaluated at the point of delivery and a summary of these evaluations and related actions will be presented to committee annually.

Providing Information and Advice

- 6.4 The Committee should maintain a continuous flow of information, using as wide a range of opportunities as possible, to promote and publicise the work of the Committee and the issues relating to adult support and protection..
- 6.5 Links with MAPPA, (Violence Against Women Partnership) and Child Protection will be effected as follows:
- By having a core member of the Committee who also Chairs the Child Protection Committee;
 - By nominating a core member of the Committee as a link member to the MAPPA co-ordinator, with the link member seeking the views of the MAPPA co-ordinator on relevant agenda items and reporting these to the Committee when it considers these items;
 - By nominating a core member of the Committee as a link member to the VAWP, with the link member seeking the views of the VAWP on relevant agenda items and reporting these to the Committee when it considers these items;
 - By a core member from the Moray Council sitting as a member of the Public Protection Forum, which forum was established by a decision of Moray's Community Planning Partnership Board on 16th September 2010.
- 6.6 Links with the Alcohol and Drug Partnership will be maintained through the Chair of the Partnership who will also be a Core Member of this Committee.

Moray Adult Protection Committee

Convenor

Independent Chair

Core Members

Elected Member, The Moray Council

Elected Member, The Moray Council [VACANT]

Chief Social Work Officer, The Moray Council

Consultant Practitioner, ASP Practice Lead, The Moray Council

Strategic Link Inspector, Care Inspectorate

Detective Chief Inspector, North East Police

Adult Public Protection Lead, NHS Grampian

Co-opted Members

Public Protection Partnership Lead, Moray Council

Advanced Practitioner, ASP, Moray Council

Training Facilitator, ASP, Moray Council

Head of Service for Moray Health and Social Care

Chief Nurse, Moray NHS Grampian

Scottish Ambulance Service Representative

Scottish Fire and Rescue Service Representative

Commissioned Advocacy Service Representative

Third Sector Representative

Legal Adviser

Morag Smith, Moray Council

Membership as at April 2022

ADULT PROTECTION COMMITTEE
INFORMATION SHARING PROTOCOL

INTRODUCTION	
Application	This protocol applies to all members of Moray's Adult Protection Committee and to the bodies/office holders listed in article 5.1.
PURPOSES FOR WHICH INFORMATION WILL BE SHARED	
Context for Information Sharing	Sharing necessary information is vital to support the Committee's statutory remit in terms of the Adult Support and Protection (Scotland) Act 2007.
Other Purposes	Information disclosed for the above purposes is not for the general use of members of the Committee and shall not be used for any other purposes save for what may be required by statute to be reported upon.
Confidentiality	Information that is disclosed will be treated as confidential information save for what may be required by statute to be reported upon or what may be agreed to be published.
INFORMATION THAT WILL BE SHARED	
Information Collection and Recording Systems	The documentation and systems that constitute the information collection and recording systems are set out in Part 1 of Appendix 1 .
Agreed Data Set – Anonymised Data	An agreed data set of anonymised data taken from the above documentation and systems and that will be shared with and between members of the Committee is set out in Part 2 of Appendix A .
Agreed Data Set – Management Data	An agreed data set of management data taken from the above documentation and systems and that will be shared with and between members of the Committee is set out in Part 3 of Appendix A .
Data Retention	Any information that is shared will be retained by the members in line with their own organisations policies and if there are no such policies, then in line with the Moray Council's policies.

WITH WHOM INFORMATION WILL BE SHARED	
	<ul style="list-style-type: none"> • All members of the Committee • Scottish Government • Bodies/ office holders listed in article 5.1 • Others involved in supporting the functions of the Committee.
HOW INFORMATION WILL BE SHARED	
Designated Roles and Responsibilities	Preparing and transferring data sets shall be the responsibility of the Administrator.
Publication	Information to be published will be done so on the Moray Council website at www.moray.gov.uk .
SECURITY	
General	<p>Information is only to be available to Committee members and others who have a “need to know” and a defined role regarding the Committee’s stated purpose and for no other purpose.</p> <p>No personal data within the meaning of the Data Protection Act 1998 will be shared.</p>
Physical	All confidential information will be kept in a secure location that is locked.
IT System	All electronic information will be transferred by e-mail.
WHEN INFORMATION WILL BE SHARED	
	<ul style="list-style-type: none"> • At and for Committee Meetings. • At other times as necessary and as determined by the committee.
REVIEW OF THIS PROTOCOL	
Circumstances in which there will be a Review	<p>This Protocol will be reviewed in the following circumstances:</p> <ul style="list-style-type: none"> • When changes to relevant laws occur • In the event of any changes to the purposes for which information is to be shared • In the event of any changes to the Data Sets to be shared • In the event of any changes to the method by which the data is to be shared.

ADDITIONAL REQUIREMENTS	
Protocol Management	<p>This Protocol shall be kept by the Administrator and copies distributed as necessary.</p> <p>The Administrator shall ensure that updates of this Protocol are distributed as necessary.</p>

APPENDIX A

PART 1 – INFORMATION COLLECTION AND RECORDING SYSTEMS

	Electronic	Paper
The Moray Council	Care First Register of Authorised Council Officers (Excel spreadsheet) Training Records Referral Forms Referral Statistics (Excel spreadsheet) Investigation Recording Forms OPS 12(1)	Referral Forms Investigation Recording Forms (parts 1, 2, 3) OPS 12(1)
Grampian Health Board	DATIX Incident Recording System Referral Forms	Referral Forms
Grampian Police	OPS 12(1) Vulnerable Persons Database	
Care Inspectorate		
Mental Welfare Commission		
Office of the Public Guardian		

PART 2 – AGREED DATA SET – ANONYMISED DATA

- Referral statistics about Adults at risk of harm: number of referrals, ages, gender and progression, care groups, locality, source of referral, actions resulting from referral, outcomes of inquiries/investigations, alternative actions (non adult protection), meetings/case conferences after investigations and attendance at case conferences.

PART 3 – AGREED DATA SET – MANAGEMENT DATA

- Training information: numbers, organisations, modules.
- Register of Authorised Council Officers: complete register.
- Policies/procedures: all relating to adult protection and areas that impact upon adult protection.
- Posts/structures: general job specifications and person specifications.