



REPORT TO: THE MORAY COUNCIL ON 26 MARCH 2008

SUBJECT: FORMATION OF AN ADULT PROTECTION COMMITTEE IN MORAY

BY: DIRECTOR OF COMMUNITY SERVICES

1. REASON FOR REPORT

- 1.1 To seek approval of the Council to establish an Adult Protection Committee in Moray, in line with new obligations placed on Councils in terms of the Adult Support & Protection (Scotland) Act 2007.
- 1.2 This report is submitted to Council in terms of Section D (23) of the Council's Administrative Scheme relating to the exercising of the function of the Council as a Social Work Authority under Social Work Scotland Act 1968.

2. RECOMMENDATION

It is recommended that Council approves:-

- (i) The formation of an Adult Protection Committee in Moray as required by legislation to ensure the protection of adults who may be vulnerable to harm;**
- (ii) The proposed governance, membership and remit as set out in sections 4, 5 and 6 of this report;**
- (iii) The appointment of Superintendent Alan Smailes as convener of Moray's Shadow Adult Protection Committee;**
- (iv) Instructs the Chief Legal Officer to ensure that appointments are made to the Adult Protection Committee in accordance with the legislation and this report and ensures appropriate administration of the Adult Protection Committee is established and monitored.**

3. BACKGROUND

- 3.1 The need to protect children from abuse has been well recognised for many years with legislation forming the basis on which this is done. The introduction of legislation for adults follows the discovery in 2000 of years of abuse of adults with learning disabilities in both private and Local Authority care in the Borders.

- 3.2 In order to provide similar legislative protection to adults who are more vulnerable to harm, the then Scottish Executive introduced the Adult Support & Protection (Scotland) Bill which received Royal Assent in March 2007 and will become fully operational this autumn following the development and publication of guidance.
- 3.3 Part 1 of the Adult Support & Protection Act 2007 was introduced to complete a suite of legislation relating to adult protection and creates new measures to protect adults who are believed to be at risk of harm. These include rights of entry to residences or other property where adults are thought to be at risk of harm, a range of protection orders including assessment, removal and banning orders and the creation of multi-disciplinary adult protection committees.
- 3.4 This legislative framework is welcomed in Grampian for the support it lends to the Grampian Supporting and Protection Adults from Harm Policy, which was agreed and implemented across all care groups in Grampian in July 2006. Since the implementation of the Grampian Policy, work has progressed in Moray to ensure the roll out of training to all care staff (local authority, NHS and external providers), the development of a computerised system for recording concerns and providing performance information, and a case recording policy.
- 3.5 Moray Council's Community Services Committee approved the development of a Shadow Adult Protection Committee in April 2007. As the passage of the Act through the Scottish Parliament was still at an early stage and guidance still evolving, a targeted group of senior officers in the Council, Grampian Police, NHS Grampian and the Care Commission have met regularly as a steering group primarily to:-
- Oversee and ensure the implementation of the Grampian Supporting and Protecting Adults from Abuse Policy, including the provision of training;
 - Provide advice and guidance to operational staff in the detection, investigation and management of abuse cases; and
 - Monitor the instance of abuse
 - Develop an implementation plan with a timeline leading to the creation of a full Adult Protection Committee in October 2008.
- 3.6 There is now a need to progress this development into a fully recognised Adult Protection Committee, in anticipation of the legislation being implemented in Autumn 2008.

4. GOVERNANCE OF THE PROPOSED COMMITTEE

- 4.1 Moray Adult Protection Committee will be integrated into the local Community Planning Structure. As the Committee will be required to report bi-annually on the exercise of its functions, it is proposed that these reports are formally considered by the "Achieving a Healthy and Caring Community" theme group, as well as the Chief Executive of

Moray Council, the Chief Executive of NHS Grampian and the Chief Constable of Grampian Police.

- 4.2 It will liaise formally with other groups with an interest in adult and child protection. These include:-
- Mental Welfare Commission;
 - Moray's Domestic Abuse Forum
 - Moray's Multi-Agency Public Protection arrangements
 - The Community Safety Partnership
 - North East of Scotland Child Protection Committee; and
 - Northern Community Justice Authority

5. MEMBERSHIP OF COMMITTEE

- 5.1 Moray Council will be responsible for appointing a convenor and other members with relevant knowledge and skills. The convenor must not be a member or an officer of the Council.
- 5.2 It is proposed that core membership of Moray's Adult Protection Committee include:-
- The Chief Social Work Officer;
 - Representative from Grampian Police;
 - Representation from NHS Grampian;
 - Head of Community Care;
 - Representative from the Care Commission.
- 5.3 Each Adult Protection Committee must also allow any representative from the following bodies to attend meetings, if requested:-
- The Mental Welfare Commission;
 - The Public Guardian; and
 - The Care Commission (where a representative has not already been nominated to be a member).
- 5.4 The Committee may also co-opt other members to the Committee based on their relevant knowledge and skills on an "as needs" basis.
- 5.5 In the medium to longer term, it is proposed the Adult Protection Committee itself identify and propose a convenor to be appointed by the Council. In the short term, however, it is proposed that Superintendent Smailes be appointed as convenor of the Adult Protection Committee in Moray.
- 5.6 It is anticipated that the Committee may eventually structure membership along strategic and practical lines in order to most effectively fulfil its functions, once legislation has been fully implemented. As it is also possible to establish an Adult Protection

Committee that covers more than one council area, there is the potential for a Grampian Wide Committee to be established. If such a committee is to be formed, a further report will be brought back to Council. Although such a development would bring tangible strategic benefits to Moray, robust planning and service arrangements would still require to be maintained locally.

6. REMIT OF COMMITTEE

6.1 All councils must establish an Adult Protection Committee with the following functions:-

- To take a strategic overview on managing adult protection policies, systems and procedures of relevant public bodies at a local level, including any such policies, systems or procedures which involve co-operation between the Council and other public bodies or office holders. This includes the NHS, the Care Commission and the Police Force in the Council area;
- To give relevant public bodies information or advice, or make proposals on the exercise of functions which relate to the safe guarding of adults at risk in the Council's area;
- To make or be involved in making arrangements for improving the skills and knowledge of relevant officers or employees; and
- Improve the co-operation between each of the relevant public bodies and office holders, that is:-

The Moray Council;

The Care Commission;

NHS Grampian;

Grampian Police;

Any other public body or office holder as the Scottish Ministers may by order specify; and

Any other related functions specified by Ministers.

7 SUMMARY OF IMPLICATIONS

(a) **Corporate Development Plan/Community Plan/Service Improvement Plan**

The recommendations within this report will meet key strategic priorities laid out in all of the above documents ensuring that all adults at risk of harm in Moray receive a service which addresses their individual requirements, promotes health, safety, social inclusion and wellbeing.

(b) **Policy and Legal**

The recommendations within this report will assist the Council to fully comply with emerging legislation.

(c) **Resources (Financial, Risks, Staffing and Property)**

To date, no additional resources have been made available by the Scottish Government to support the implications of the new legislation, although it is anticipated that full implementation will inevitably lead to resource pressures. The new duties will therefore need to be undertaken by existing staff and within existing resources. The impact on service delivery of this will need to be evaluated with further reports to Council in the future if required.

(d) **Consultations**

Consultation has taken place with Alan Smailes, Superintendent; Sally Chisholm, Head of Community Care; Anne Slee, Integrated Learning Disability Manager; Karen Wiles, Principal Solicitor; Alastair Keddie, Chief Executive, the Moray Council; Deborah Brands, Principal Accountant; and Katrina McGillivray, Senior Personnel Adviser

8. **CONCLUSION**

8.1 **It is recommended that Council approves the formation of an Adult Protection Committee, as requested by legislation, to ensure the protection of adults who may be vulnerable to harm. It is further recommended that Council approve the proposed governance, membership and remit and the appointment of Superintendent Alan Smailes as Convenor. Council is also asked to instruct the Chief Legal Officer to ensure that appointments are made to the Adult Protection Committee in accordance with the legislation and this report, and ensures appropriate administration of the Committee is established and monitored.**

Author of Report: Sandy Riddell – Director of Community Services
Background Papers:
Ref: HB 399319 v.3

Signature: _____



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