

REPORT TO: THE MORAY COUNCIL ON 17 MARCH 2010

SUBJECT: ESTABLISHMENT OF ADULT PROTECTION COMMITTEE IN MORAY

BY: THE CHIEF LEGAL OFFICER

1. REASON FOR REPORT

- 1.1** To advise the Council of the establishment of the Adult Protection Committee in Moray, in line with the obligations placed upon the Council in terms of the Adult Support and Protection (Scotland) Act 2007 and to seek approval for further arrangements.
- 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 functions of the Council as a Social Work Authority under the Social Work (Scotland) Act 1968.

2. RECOMMENDATION

- 2.1** It is recommended that the Council:-
- 2.1.1 Notes the formal establishment of the Adult Protection Committee in Moray as required by legislation to ensure the protection of adults who may be at risk of harm;
- 2.1.2 Notes the current membership, remit, reporting arrangements and administration arrangements as set out in Section 4 and the Appendix of this Report;
- 2.1.3 Notes the appointment of Maureen Ramsay as Independent Convenor of the Moray Adult Protection Committee.
- 2.1.4 Approves the further arrangements as set out in Section 4.8 of this Report; and
- 2.1.5 Considers further appointments as set out in Section 4.9 of this Report

3. BACKGROUND

- 3.1** Part 1 of the Adult Support and Protection (Scotland) Act 2007 came into force on 29 October 2008. The Act placed the lead role on local authorities for adult protection and created a number of responsibilities including the establishment of an Adult Protection Committee in each Council area. A Report has already been submitted to Council by the Director of Community Services on 26 March, 2008 (para ref 30) regarding the establishment of an Adult Protection Committee in Moray. The Council approved the formation of

the Committee and instructed the Chief Legal Officer to ensure that appointments were made in accordance with the legislation and that Report.

- 3.2 On 26 March, 2008, the Council also approved the proposed governance and remit as well as instructing the Chief Legal Officer to ensure appropriate administration of the Committee be established and monitored.

4. ADULT PROTECTION COMMITTEE

- 4.1 Core appointments to Moray's Adult Protection Committee have been made as detailed in Appendix 1, Part 1(a).

- 4.2 The Council previously noted that 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.

- 4.3 The Council previously noted that the Committee may also co-opt Members based on their knowledge and skills. Various Members have been co-opted as detailed in Appendix 1, Part 1(b).

- 4.4 On 26 March 2008, Superintendent Smailes was appointed as Convenor of the Shadow Adult Protection Committee in the short term. In the medium to longer term, it was proposed that there be some other independent convenor for the formal Committee. An agreement was entered into with Aberdeen City Council and Aberdeenshire Council regarding the appointment of an independent convenor for the Committees for all 3 Council areas with responsibility for commissioning and supporting the Convenor rotating between the 3 parties at regular 4 yearly intervals and costs being shared between the 3 authorities. An independent Convenor, Maureen Ramsay, has now been appointed.

- 4.5 The remit of the Adult Protection Committee is set out in the legislation and is reproduced in Appendix 1, Part 2.

- 4.6 The Moray Adult Protection Committee is timetabled to meet throughout the rest of 2010 as detailed in Appendix 1, Part 3.

- 4.7 On 26 March, 2008, the Council agreed that the Moray Adult Protection Committee report biannually to "Achieving a Healthy and Caring Community" theme group and the Chief Executives of the Council, NHS Grampian and the Chief Constable of Grampian Police.

- 4.8 In terms of appropriate governance and administration it is now proposed that the Adult Protection Committee Membership also comprise 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 any constitution adopted by the Committee. It is also proposed that the Committee be provided with administrative and clerical support by the

Secretary of the Council's AP Unit and that biannual reports be submitted as soon as practicable after the 1st of April each year in which a report is due.

- 4.9** Although the 2007 Act prohibits Councils Members from undertaking the role of Convenor it is open to the Council to appoint such other members of the committee as appear to it to have skills and knowledge relevant to the functions of the Committee. The Council is asked to consider whether or not it wishes to make any such additional appointments from within its own membership.

5. SUMMARY OF IMPLICATIONS

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

The implementation of the Adult Support and Protection (Scotland) Act 2007 meets the priorities agreed in Corporate Policy with regard to safeguarding vulnerable adults in the community and reducing inequalities as prioritised within the Community Plan.

(b) Policy and Legal

The Council has a legal duty to implement the Adult Support and Protection Act 2007.

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

None.

(d) Consultations

Consultation has taken place with the Integrated Learning Disability Service Manager / Lead Officer for Adult Protection.

6. CONCLUSION

- 6.1** It is recommended that the Council notes the formal establishment of the Adult Protection Committee in Moray, the current membership, remit, reporting arrangements and administration as well as the appointment of an independent convenor.
- 6.2** It is recommended that the Council agrees that further arrangements as set out in paragraph 4.8 of this report.

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6.3 It is recommended that the Council considers further appointments as set out in paragraph 4.9 of this report.

Author of Report: Roddy Burns, Chief Legal Officer.

Background Papers:

Ref: RDB/MAF