

DUNDEE CITY COUNCIL

REPORT TO: Social Work Committee - 18 August 2003
Personnel and Management Services Committee - 18 August 2003

REPORT ON: Social Work Department - Strategy and Performance Service -
Establishment of Posts

REPORT BY: Director of Social Work and Assistant Chief Executive
(Management)

REPORT NO: 470-2003

1 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to seek authorisation to establish two posts to enable effective strategic and procedural planning for the introduction of the Mental Health (Care and Treatment) (Scotland) Act 2003.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Social Work Committee notes and approves this report and agrees that Dundee City Council take lead responsibility for the delivery of the Tayforth Partnership Mental Health Officer Training programme for three years.
- 2.2 It is recommended that the Personnel and Management Services Committee approves the establishment of the following posts:-
- 1 post of Senior Planning Officer (Mental Health), graded PO7-10, £29,313 - £31,316;
 - 1 post of part time (18.5 hours) Clerical Assistant, graded GS1/2, £10,068 - £13,416, fixed term until 31 August 2006.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of establishing the above posts will be £47,516 in a full financial year at 2003/4 prices, attached as Appendix 1.
- 3.2 This will be funded by new monies received from the Scottish Executive for the introduction of the Mental Health (Care and Treatment) Act 2003 and by contributions from partners in the Tayforth Partnership.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 The appointment of a Senior Planning Officer, with responsibility for undertaking the relevant training, will ensure that the Social Work Department provides an equitable service which protects and improves the lives of local citizens with mental health problems.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 This post will ensure that all staff have an opportunity to access relevant training and support and to provide an appropriate response to the needs of people who are incapacitated and who have an enduring mental health problem.

6 BACKGROUND AND PROPOSALS

6.1 Legislative Changes

- 6.1.1 Dundee City Council Social Work Department currently provides services to adults with enduring mental health problems, and to adults and older people who experience reduced capacity to take and make decisions on their own behalf. Prior to 2002, decisions in relation to mental health assessment and service delivery were made under the Mental Health (Scotland) Act 1984, which was restrictive in its ability to meet the needs of individuals who required ongoing support arising from incapacity.
- 6.1.2 This legislative basis has changed during the last 3 years, with the implementation of the Adults with Incapacity Act 2000 and the proposed new Mental Health (Care and Treatment) (Scotland) Act 2003, which is due to be implemented in October 2004. Both acts have placed new duties on Local Authorities and are accompanied by new regulations.

6.2 Adults with Incapacity Act 2000

- 6.2.1 To ensure that the Local Authority is in a position to meet the duties required under the Adults with Incapacity Act 2000, a temporary Senior Planning Officer (Mental Health) was appointed to the Strategy and Performance Service. Comprehensive operating procedures, setting out the Local Authority's duties in respect of Part VI of the Act, were developed and all relevant Social Work staff were trained in the use of this process. Funding for the post was drawn from Scottish Executive allocated funding for the implementation of this Act.
- 6.2.2 The development of procedures for the new duties under the Act has been complex, in that it built on untested legislation and processes. There have been a number of delays in implementing the full Act. The Scottish Executive guidance for the management of monies of individuals residing in a care home is now delayed by over a year. Procedures, which relate to Parts 2, 3, 4 and 5 of the Act, will require to be developed.
- 6.2.3 Social Work staff will require ongoing support, guidance and development to manage the new changes and to meet the Council's statutory duties.

6.3 New Mental Health (Care and Treatment) (Scotland) Act 2003

- 6.3.1 This Act is expected to come into force in October 2004. The Act has experienced a difficult journey through the Scottish Parliament with considerable changes required after the first reading of the Act.

- 6.3.2 The Mental Health (Care and Treatment) (Scotland) Act 2003 places new duties on local authorities and on Mental Health Officers. In particular, sections 25 and 26 of the Act place a requirement on the local authority to provide, or secure the provision of, care and support services and services designed to promote well being and social development for people who are not in hospital and who have or have had a mental disorder.
- 6.3.3 "Care and support" includes residential accommodation and personal care and personal support, while "Services designed to promote well-being and social development" include:-
- social, cultural and recreational activities;
 - training for people who are over school age; and
 - assistance for people to obtain and undertake employment.
- 6.3.4 Section 27 provides that the local authority shall provide, or secure the provision of facilities for or assistance in traveling as may be necessary to enable persons to attend or participate in any of the services mentioned above.
- 6.3.5 The Act makes many changes including an entirely new compulsory community order, the replacement of the Sheriff Court by a new tribunal system as the forum for compulsory orders, and a requirement for Mental Health Officers to provide care plans to accompany all applications for compulsory powers. There are significant training implications for Mental Health Officers locally.
- 6.3.6 These new responsibilities call for a corporate response on the part of authorities but it is likely that the Social Work Department will be appropriately perceived as having the lead role. The implications of these new duties require to be evaluated, with resource and forward planning issues identified. In addition appropriate guidance, both procedural and operational will be fundamental to enabling a smooth transition between the old Act and the new Act.

6.4 Mental Health Officer Training

- 6.4.1 Mental Health Officer Training is delivered across Dundee, Angus, Fife, Stirling, Falkirk and Perth & Kinross through the auspices of the Tayforth Partnership. One local authority partner delivers this training on behalf of the Partnership over each three year period, with an average of 18 candidates undertaking the course each year. Dundee City Council seconds, on average, 4 social work staff to the training programme annually. Funding for the programme was drawn from the participating authorities with each authority contributing according to the number of candidates they proposed.
- 6.4.2 Prior to the summer of 2002, Dundee City Council agreed at short notice to lead on the delivery of the training programme for that year. The temporary Senior Planning Officer (Mental Health) undertook the role of course leader and administrator of the accredited programme. This programme was successfully completed.
- 6.4.3 Dundee City Council, Social Work Department was approved as the successor for the next three year programme (May 2003 to April 2006). The Tayforth Partnership has agreed the continuation of the course for this period, with each partner Council making a pre-set contribution for the next three years, regardless of the number of student places to be accessed.

- 6.4.4 Associated funding for the training programme is paid to the host authority which will include funding for clerical assistance and resource costs. It is recommended that a part time post of Clerical Assistant, graded GS1/2, is created for a fixed term period until 31 August 2006.
- 6.4.5 The delivery of Mental Health Officer training remains crucial to the Council's ability to meet the statutory duties in respect of current and future legislation and there will be a requirement to increase the number of Mental Health Officers in line with the demands arising from the new Mental Health Act. By delivering the training we have an ability to influence the quality of the future delivery of the training programme.
- 6.4.6 Given the specialist nature of this training programme and the changes arising from the new legislation, it is recommended that the Senior Planning Officer (Mental Health) take responsibility for the co-ordination and implementation of the training programme.

6.5 Senior Planning Officer (Mental Health)

- 6.5.1 The Senior Planning Officer (Mental Health), graded PO7-10, is required to lead on strategic, procedural and resource planning to meet the needs arising from the Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care and Treatment) (Scotland) Act 2003. The postholder will contribute to the strategic planning of local services for adults who have enduring mental health problems and for older people who are deemed to be incapacitated. As operating procedures are developed, and clear guidance is received from Central Government, protocols and practice standards will be developed in partnership with operational colleagues across both Health and the Local Authority.
- 6.5.2 For the duration of the Tayforth Mental Health Officer training programme, the postholder will lead on the co-ordination and delivery of this programme.

7 CONSULTATION

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning), Director of Housing and the trade unions have been consulted on this report.

8 BACKGROUND PAPERS

- 8.1 No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing the above report.

A. Baird
Director of Social Work

11 August 2003

J. C. Petrie
Assistant Chief Executive (Management)

11 August 2003

FINANCIAL APPENDIX

Post	FTE	Grade	SCP	FTE Cost £	£
Senior Planning Officer (Mental Health)	1.0	PO7 - 10	41 - 44	31,536	31,536
Clerical Assistant	0.5	GS1/2	3 - 12	12,788	6,394
Salary Costs	1.5				37,930
National Insurance & Superannuation					7,586
Staff Costs					45,516
Travel Costs					2,000
Full Year Costs (2003/04 Prices)					47,516