

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK COMMITTEE - 21 JUNE 2004

**REPORT ON: REPORT OF THE INSPECTION OF SCOTTISH BORDERS COUNCIL
SOCIAL WORK SERVICES FOR PEOPLE AFFECTED BY LEARNING
DISABILITIES (APRIL 2004)**

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 503-2004

1.0 PURPOSE OF REPORT

The purpose of this report is to advise members of the Social Work Committee of actions it is proposed be taken by the Council in response to the contents of the Report of the Inspection of Scottish Borders Council Social Work Services for People Affected by Learning Disabilities, Social Work Services Inspectorate April 2004 (The Borders Report).

2.0 RECOMMENDATIONS

It is recommended that the Social Work Committee agree:-

- 2.1 To the course of action in response to the Borders Report outlined in Appendix 1 to this report.
- 2.2 That the Director of Social Work proceeds with the internal audit outline in paragraph 7.2 in this report.
- 2.3 That the Director of Social Work commissions the external audit outlined in paragraph 7.3 of this report.
- 2.4 That the Director of Social Work report back to Committee on the outcome of the report.

3.0 FINANCIAL IMPLICATIONS

The cost of the external audit will be met from within the Social Work Departments revenue budget.

4.0 LOCAL AGENDA 21 IMPLICATIONS

None

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

The proposals in this report are concerned with the protection of vulnerable adults

6.0 BACKGROUND

- 6.1 The Borders Report was published in April 2004. It reports on the shocking circumstances surrounding events that led to a woman with a learning disability being admitted to hospital having suffered "extreme levels of physical and sexual abuse within her household over an extended period". Three men were imprisoned for the abuse.

Although it is this one case that has come to the attention of the media there were several other individuals receiving services from the Council and Health Board who were found to have suffered extreme neglect over a period of thirty years.

- 6.2 During the period of the neglect the individuals concerned had contact with Social Workers, General Practitioners, District Nurses, the Local Learning Disability Specialist Team, General Hospital Services, Dieticians and the Police.
- 6.3 In response to the circumstances the Minister for Education and Young People asked the Social Work Services Inspectorate (the Inspectorate) to carry out an inspection into the social work services provided to people with learning disabilities by Scottish Borders Council's Social Work Department of Lifelong Care. There was also a Mental Welfare Commission (the Commission) enquiry into the involvement of health services carried out in the same timescale. The Commission enquiry paid particular attention to joint working between health and social work services.
- 6.4 The Inspectorate and the Commission liaised closely during their investigations and the findings and recommendations contained within the report reflect that liaison.
- 6.5 An initial review of the findings and recommendations has been undertaken by the Social Work Department. Based on this review a proposal follows below.

7.0 PROPOSAL

- 7.1 The initial review which was conducted by the Social Work Department's Strategy & Performance Section consisted of an application of the findings of the Borders Report to the situation in Dundee. An adapted version of the recommendations was produced (Appendix 1 to this report). It is proposed that this adaptation should form the basis of the response by the Council to the content of the Borders Report.
- 7.2 To ensure that the actions are informed by a thorough and up to date knowledge of the current situation the Social Work Department has begun a systematic internal case audit using a checklist of questions.
- 7.3 An external audit of local practice would be conducted to build on the internal review. This would ensure that there is external scrutiny of current and proposed practice. The precise terms of the external audit will be set by an interagency group and will be informed by the initial findings of the internal audit. It will be conducted during July 2004.

8.0 CONCLUSION

It is anticipated that at the conclusion of the internal and external audit process the Social Work Department will have a revised framework for the protection of vulnerable adults in Dundee, a framework that ensures that we can manage "the fragile balance between individuals right to self-determination and their rights to protection".

9.0 CONSULTATION

The Chief Executive, the Depute Chief Executive (Support Services) and the Depute Chief Executive (Finance) have been consulted in the preparation of this report.

10.0 BACKGROUND PAPERS

The following report was relied on in preparing this report; Investigations into Scottish Borders Council and NHS Borders Services for People with Learning Disabilities, Social Work Services Inspectorate, April 2004.

Alan G Baird
Director of Social Work

Date 9 June 2004

Adapted from -
Report of the Inspection of Scottish Borders Council Social Work Services for People Affected by Learning Disabilities (April 2004)

The following recommendations have been adapted for use by Dundee City Council, to provide the Senior Social Work Management Team with a framework to review relevant services within Dundee.

Recommendation 1:

Dundee City Council has a clear statutory duty to take action to protect the finances of people with a mental disorder who are unable to do so themselves. These responsibilities will be included in departmental guidelines on Mental Health and Vulnerable Adults legislation. These responsibilities have been emphasised in the Scottish Executive Circular CCD2/1999: Protection of the Finances and Other Property of People Incapable of Managing their Own Affairs, which states: *“where there is doubt about an individual’s capacity to manage their affairs, and appropriate formal arrangements have not already been made, professional psychiatric and legal advice should be sought”*.

Recommendation 2:

The Social Work Department should ensure that all policies are updated, as this is an important element of service delivery. Furthermore, it should ensure that frontline and senior staff have a sound knowledge and understanding of the social work task and its statutory framework. Quality management and leadership should be viewed as a critical factor within the organisation.

The Social Work Department has a responsibility to ensure that individual professional responsibility is held and acted upon; that sound management arrangements are in place; and that leadership is promoted to identify difficulties and develop solutions.

The *Scottish Social Services Council Codes of Practice* articulate clearly the expectations on both social service workers and their employers, and provide the framework for the required organisational changes. The Code of Practice for social service workers describes the standards of professional conduct required of staff who must:

- protect the rights and promote the interests of service users and carers
- strive to establish and maintain the trust and confidence of service users and carers
- promote the independence of service users while protecting them as far as possible from danger or harm
- respect the rights of service users whilst seeking to ensure that their behaviour does not harm themselves or other people
- uphold public trust and confidence in social services, and

- be accountable for the quality of their work and take responsibility for maintaining and improving their knowledge and skills

The Code of Practice for employers sets out the responsibilities of employers in regulating social service workers, in order to protect and promote the interests of service users and their carers. Employers must:

- make sure people are suitable to enter the workforce and understand their roles and responsibilities (this includes seeking and providing reliable references)
- have written policies and procedures in place to enable social service workers to meet the Scottish Social Services Council (SSSC) Code of Practice for Social Service Workers
- provide training and development opportunities to enable social service workers to strengthen and develop their skills and knowledge
- put in place and implement written policies and procedures to deal with dangerous, discriminatory or exploitative behaviour and practice, and
- promote the SSSC's codes of practice to social service workers, service users and carers and co-operate with the SSSC's proceedings

Dundee City Council must demonstrate a link changes in organisational behaviour with those that the Code seeks to promote.

Recommendation 3:

The Social Work Department should review the implementation of its action plan, relating to its compliance as an employer with the *Scottish Social Services Code of Practice* to ensure that it has covered all the requirements of the *Code* and necessary changes in organisational behaviour have been implemented.

The Social Work Department will not rely on assumptions about the expertise of its staff in certain areas, notably services for people with learning disabilities and guardianship. Staff competence will be supported by evidence of their known performance and training records. Local guidance and procedures available to staff in respect of mental health legislation included will be available for staff; and evidence that these documents are having an impact on practice, particularly where there are complex legal, ethical and professional practice decisions that need to be made, will be collated.

Effective discharge of the statutory responsibilities conveyed by the Mental Health (Scotland) Act 1984, the Adults with Incapacity (Scotland) Act 2000 and, when implemented, the Mental Health (Care & Treatment) (Scotland) Act 2003 will require the development of up-to-date procedures and awareness raising sessions. Staff, including Mental Health Officers, will also require a reliable understanding of their role in relation to statutory intervention and in protecting vulnerable individuals. They will need to understand how to balance the demands of protection and risk management with issues of inclusion and self-determination; and, the appropriate use of guardianship.

Recommendation 4:

The Social Work Department will review the expertise of Mental Health Officers operating in management positions and in all service areas, ensuring that they have up-to-date knowledge of relevant legislation, particularly as it relates to learning disability, issues of capacity and the protection of individuals and property.

Recommendation 5:

Staff development programmes will include a focus on the complexities of adult protection; the role, purpose and thresholds for statutory intervention; and the duties that are extended and reinforced in the Adults with Incapacity and the Mental Health (Care & Treatment) Acts.

Recommendation 6:

The Social Work Department will develop a system of regular refresher training for Mental Health Officers and will ensure that staff are aware of how to access specialist advice and guidance, including legal advice.

Recommendation 7:

The Social Work Department is carrying out a review of all cases of adults with learning disabilities to assess the level of risk and determine the quality of service. The Social Work Department has considered the level of seniority of staff conducting this review and will commission a review from an independent source. The Social Work Department has designed an audit tool for this review to ensure a consistent approach across all cases.

The audit tool includes the following critical questions:

- Is there an allocated Care Manager with the necessary skills and experience to work with the complexities of this case?
- Has all the relevant information been gathered from Social Work Departmental files, other Social Work Departments, police, health and other involved sources?
- Is there a chronology of significant events and are the implications of these events understood?
- Is there a comprehensive assessment of risk and need?
- Is there evidence that the experiences of family members have been taken into account when assessing risk?
- Is there an appropriate care or protection plan that is being effectively implemented and that is demonstrably reducing the assessed risk?
- Has statutory intervention been considered and are the decisions in respect of this correct?
- Are copies of all minutes and records of decisions in the case file; have these been circulated to relevant individuals; and are the case records up-to-date?

- Is there evidence that the individual is being seen and spoken to on their own on a regular basis by the allocated social worker (where necessary using an interpreter or appropriate communication device); and have their living arrangements been seen?
- Is there evidence of good communication and collaboration between social work services, e.g. community care, criminal justice and children's services, and between social work and other key agencies, e.g. health, police, housing, education?
- Has the case been reviewed in accordance with procedure and has the individual been supported in contributing effectively to the review?
- Is there evidence that the Care Manager's handling of the case is subject to oversight by his/her line manager?

The results of the review, together with any proposals for remedial action, will be reported to elected members of Dundee City Council by the Director of Social Work.

The vulnerability of adults with learning disabilities and their right to effective protection will be given priority by the Social Work Department. These adults will be seen in their home environment and will be given an opportunity to express their views and wishes. Care Managers who make decisions and judgements about priority, criteria for intervention and levels of service delivery will be well-informed and well supervised.

Recommendation 8:

All allegations of harm or neglect of people with learning disabilities will be allocated to a Care Manager. Managers allocating cases will be clear as to what has been allocated, what action is required and how that action will be reviewed and supervised. Supervision arrangements will include formal case management, with all decisions clearly recorded by the supervisor and monitored at regular intervals.

Recommendation 9:

People with learning disabilities who are the subject of allegations of deliberate harm (regardless of the source of the allegations) will be seen and spoken to alone or with appropriate support within 24 hours of the allegations being communicated to social work. The individual's living arrangements will be seen. If this timescale is not met, the reason for the failure will be recorded on the case file and countersigned by a manager. This requirement will apply irrespective of whether the case is known to the Social Work Department.

Recommendation 10:

In cases where concerns have been expressed about the safety of a person with learning disabilities (regardless of the source), Care Managers undertaking home visits will be clear about the purpose of the visit, the information to be gathered during the course of it, and the steps to be taken if no-one is at home or if access is denied. Other than in emergencies, visits should not be undertaken without the Care Manager concerned checking the information known about the individual by other agencies.

Recommendation 11:

All allegations of harm or neglect of people with learning disabilities must be subject to a risk assessment. All risk assessments, and any protection plans drawn up as a result, must be approved in writing by the Care Manager's line manager. Before giving such approval, the manager must ensure that the individual has been seen and spoken to alone or with appropriate support. A senior manager will routinely consider a random sample of risk assessments and associated protection plans.

Recommendation 12:

The accommodation and living arrangements of any individual subject of allegations of abuse must be monitored and reviewed by the allocated Care Manager. Unsuitable arrangements will be reported to a line manager.

Recommendation 13:

All case conferences, case reviews, meetings and discussions concerning people with learning disabilities will involve the following basic steps:

- a list of action points will be drawn up, each with an agreed timescale and the identity of the person responsible for implementation a clear record of the discussion will be circulated to all those invited, whether or not they were present, and to all those with responsibility for an action point
- a mechanism for reviewing completion of the agreed actions will be specified, together with the date upon which the first such review is to take place
- any supplementary actions that may be required as a contingency in the event of a breakdown in care arrangements or other changes in circumstances

Recommendation 14:

The interview of people with learning disabilities subject to alleged abuse will be formally planned. Planning will include consideration of a safe environment; the use of interviewers with the necessary skills and understanding; the emotional support needs of the individual; and the use of necessary communication aids or an interpreter. The interview will be recorded in detail, using the individual's own words.

Recommendation 15:

The Social Work Department will ensure that where the investigation of allegations of abuse may be impeded by the threat of violence to staff, staff are effectively protected and supported in carrying out their task. This could include visits being carried out in pairs, or involvement of the police where appropriate.

There will be a sufficient management overview available of the quality of Care Manager's assessments and judgements and of service levels. Referrals from the out-of-hours service to allocated Care Managers will be followed up. There will be evidence of the degree of risk to which service users are subject to and a clear responsibility allocated to ensure the quality of services provided.

Recommendation 16:

The Social Work Department will devise and operate a system that enables managers to establish immediately how many vulnerable people have been referred to their out of hours service, what action is required for each referral, who is responsible for taking that action, and by when that action must be completed.

Recommendation 17:

The Social Work Department will ensure that senior managers inspect, at least once every three months, a random selection of case files and staff supervision notes.

Recommendation 18:

The Social Work Department will monitor the effective implementation of its procedures relating to the transfer of cases between teams or services within the Social Work Department.

Recommendation 19:

The Social Work Department will ensure that no open case that includes allegations of deliberate harm to a vulnerable adult is closed until the following steps have been taken:

- the individual has been spoken to alone
- the individual's accommodation has been visited
- the views of all relevant professionals have been sought and considered
- there is evidence that the individual's welfare will be safeguarded and promoted should the case be closed

Recommendation 20:

The Social Work Department, together with its partners in the NHS and the Police, will ensure multi-agency and multi-disciplinary co-ordination of complex cases at a sufficiently senior level to provide appropriate management oversight, effective information-sharing and accountable practice. Arrangements must include a mechanism for the articulation and resolution of disputes between staff.

Recommendation 21:

The Social Work Department will ensure that when a referral concerning the well-being of a vulnerable adult is received from a professional, the fact of that referral is confirmed in writing by the referrer within 48 hours, and a written acknowledgement issued to the referrer by social work staff.

Recommendation 22:

The Social Work Department will ensure that when a professional from another agency expresses concern to the Social Work Department about its handling of a case, a senior manager reviews the file, meets and speaks to the professional concerned, and records in the case file the outcome of the discussion.

Recommendation 23:

The Social Work Department will develop a system of regular peer/management review of practice to encourage the positive identification of difficulties within a learning environment, and so promote continuous improvement.