

DUNDEE CITY COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE - 10TH JANUARY 2011
REPORT ON: ADULT SUPPORT AND PROTECTION COMMITTEE - GOVERNANCE ARRANGEMENTS
REPORT BY: CHIEF EXECUTIVE
REPORT NO: 708-2010

1.0 PURPOSE OF REPORT

To consider governance arrangements for Dundee Adult Support and Protection Committee.

2.0 RECOMMENDATIONS

The committee is asked to consider and approve the Dundee Adult Support and Protection Committee Governance Arrangements.

3.0 FINANCIAL IMPLICATIONS

None.

4.0 MAIN TEXT

The Policy and Resources Committee is asked to approve the Dundee Adult Support and Protection Committee Governance Arrangements as attached in Appendix 1. These arrangements have been considered by the interagency Chief Officer Group Protection and update and codify information contained in Appendix 1 of Committee Report No 208-2007 Dundee Adult Protection Committee.

5.0 POLICY IMPLICATIONS

This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

The Depute Chief Executive (Support Services), the Director of Finance, the Director of Social Work, the Director Education, the Director of Housing and the Director of Leisure and Communities have been consulted in preparation of this report.

7.0 BACKGROUND PAPERS

None.

David K Dorward
Chief Executive

21st December 2010

Dundee Adult Support & Protection Committee Governance Arrangements

1. Background

In response to serious shortcomings in the protection and safeguarding of adults at-risk of harm in Scotland, the Scottish Government enacted the *Adult Support and Protection (Scotland) Act 2007* ('the Act'), implemented in October 2008. In April 2007 the Director of Social Work recommended to the Dundee City Council (DCC) Policy and Resources Committee that in response to the legislation, an Adult Protection Committee be established. The recommendation was accepted (16.04.07) and the process of establishing the Committee begun in July 2008. At the first meeting of the Committee (October 2008) it was agreed that in the light of the legislation the Committee would be designated the "*Adult Support and Protection Committee*".

The governance arrangements for the DCC ASP Committee are based on the provisions of the Act (Section 42) and the subsequent Scottish Government *Guidance for Adult Protection Committees, 2008*, the above mentioned Director of Social Work's 2007 report to the DCC Policy & Resources Committee, as well as objectives, policies and procedures developed through the Committee's operation in furtherance of implementing these requirements.

It should also be noted that the work of the Committee also has to take into account other relevant legislation, including the *Adults with Incapacity (Scotland) Act 2000* and the *Mental Health Care and Treatment (Scotland) Act 2003*.

The following sets out to ensure that the governance of the DCC ASP Committee follows relevant legislation and guidance as well as agreed local procedures and is:

- 1.1 in compliance with national legislation and guidance;
- 1.2 complies with local agreed policies and procedures;
- 1.3 accountable;
- 1.4 effective and efficient;
- 1.5 transparent;
- 1.6 equitable, inclusive and participatory;

2. Functions of the Adult Support and Protection Committee

In the light of the *Adult Support and Protection (Scotland) Act 2007* (Section 44), and the 2008 Scottish Government *Guidance for Adult Protection Committees*, the Committee will establish and regulate its own procedures. The functions of the Dundee Adult Support & Protection Committee as specified under the *Adult Support & Protection (Scotland) Act 2007* (Section 42) are:

- (a) to keep under review the procedures and practices of the Council, the Care Commission, NHS Tayside, the Chief Constable of Tayside Police which relate to the safeguarding of adults at-risk present in the Council's area (including, in particular, any such procedures and practices which involve co-operation between them),
- (b) to give information or advice, or make proposals, to the Council, the Care Commission, NHS Tayside, the Chief Constable of Tayside Police on the exercise of functions which relate to the safeguarding of adults at-risk present in the Council's area,
- (c) to make, or assist in or encourage the making of, arrangements for improving the skills and knowledge of officers or employees of the Council, the Care Commission, NHS Tayside, and the Chief Constable of Tayside Police who have responsibilities relating to the safeguarding of adults at-risk present in the Council's area,
- (d) any other function relating to the safeguarding of adults at-risk as the Scottish Ministers may by order specify.

In furtherance of these functions the Committee undertakes:

- 2.1 development and introduction of arrangements and protocols for inter-agency working and the auditing and evaluation of the effectiveness of these arrangements;
- 2.2 publication of a strategic and business plan and the monitoring of its implementation;
- 2.3 improvement of co-operation between each of the relevant public bodies and office holders, i.e:
 - 2.3.1 Dundee City Council
 - 2.3.2 the Care Commission
 - 2.3.3 NHS Tayside
 - 2.3.4 Tayside Police
 - 2.3.5 and any other public body or office holder as the Scottish Ministers may by order specify
- 2.4 development of procedures, policies and strategies for protecting adults at-risk and their review;
- 2.5 ascertainment of the risk of harm to adults at both a city-wide level and with respect to individuals covered by the Act;

- 2.6 the development and introduction of arrangements to monitor, review, disseminate and report activity in relation to the protection of adults at-risk, including gathering key information relating to:
 - 2.6.1 numbers of referrals by age, client group, gender etc;
 - 2.6.2 the number of reviews, inquiries and investigations;
 - 2.6.3 processes and timescales following referral;
 - 2.6.4 use of orders under the Act;
 - 2.6.5 types of harm;
 - 2.6.6 agency involvement;
- 2.7 the review of the outcome of referrals and recommendations including views and satisfaction of at-risk individuals, family members and independent advocates
- 2.8 awareness raising and provision of information and advice to the wider community and to professionals in Dundee;
- 2.9 to ensure that information sharing is effective and transparent and that the following bodies provide the Committee with any information that the Committee may reasonably require to enable it to carry out its functions:
 - 2.9.1 the Council;
 - 2.9.2 the Care Commission;
 - 2.9.3 the relevant Health Board;
 - 2.9.4 the chief constable of the police force maintained in the Council's area;
 - 2.9.5 the Mental Welfare Commission for Scotland;
 - 2.9.6 the Public Guardian;
 - 2.9.7 any other public body or office holder specified by the Scottish Ministers.
 - 2.9.8 ensuring effective multiagency training and developmental activities;
 - 2.9.9 improving local ways of working in light of knowledge gained through local and national experience, case review and research;

2.9.10 ensuring robust self-evaluation and audit of multiagency adult protection activity;

2.9.11 undertaking any other functions relating to the safeguarding of individuals as the Scottish Ministers may specify.

3. Membership and operation

3.1 *Independent Convener*

In compliance with Section 43 of the *Adult Support & Protection (Scotland) Act 2007*, the independent convener will be appointed by the Council. The requirement for such an appointment as noted in the Act and the guidance is that the convener will be independent of the Council and seen to be independent in thought and action as well as someone who has the necessary skills and knowledge. The convener will be independent of all representative bodies. The partnership organisations together will endeavour to recruit for the convener position together.

3.2 *Membership of the Committee*

Membership of the Committee will be determined by requirements under the Act and the identification of local agencies deemed relevant to developing adult protection policies and processes. In line with the provision of the Act (Section 38) and the associated guidance, the Council will have discretion to appoint other representatives who can bring particular expertise to the Committee .

Committee members will be appointed by DCC. The following bodies must, under the legislation, nominate a representative with the skills and knowledge relevant to the functions of the Adult Protection Committee to be a Committee member:

3.2.1 the Council;

3.2.2 the relevant health board;

3.2.3 the chief constable of the police force maintained in the Council's area; and

3.2.4 any other public body or office holder specified by the Scottish Ministers (*Scottish Ministers have not specified any other bodies at the time of publication*);

3.2.5 The Care Commission may nominate a representative with the relevant skills and knowledge if it wishes to do so; and

3.2.6 The Council may appoint such other persons as appear to have skills and knowledge relevant to the Committee. For example,

this might include a member of a voluntary group, an independent care provider etc.

3.2.7 Representatives from the following organisations will also be invited to attend Committee meetings:

the Mental Welfare Commission for Scotland;

the Public Guardian.

3.3 *Frequency of meetings*

The Committee will meet every two months.

3.4 *Quorum*

For a meeting to commence, a quorum of six including the Convener and a representative of the Council shall require to be present. In any meeting, at least three different agencies will require to be represented, the departments of Dundee City Council being regarded as one agency for this purpose.

3.5 *Sub-Committees*

The Committee may appoint sub-committees or working groups from time to time for specific purposes and for specified periods which shall report back to the Committee to ensure that any issue raised by the sub-committee or working group is addressed by the Committee.

3.6 *Administration*

Administrative support will be provided to the Committee by the Council.

4. Authority and accountability

Against the background of local councils, NHS Boards and the police recognising the statutory functions which will be carried by DCC ASP Committee, and giving it the authority to carry out these functions effectively, the Committee will:

4.1 be accountable to the Dundee Chief Officer Group (COG); any disagreements between the Committee and the COG will be referred for resolution to the DCC Chief Executive in the context of the statutory duties of the Committee

4.2 The convener will report to the Scottish Government every two years as required by the Act. Following approval of the report by the Committee and by the DCC Policy and Resources Committee, it will be forwarded to:

4.2.1 the Scottish Ministers;

- 4.2.2 the Council;
 - 4.2.3 the Care Commission;
 - 4.2.4 the relevant Health Board;
 - 4.2.5 the chief constable of the police force maintained in the Council's area;
 - 4.2.6 the Mental Welfare Commission for Scotland;
 - 4.2.7 the Public Guardian; and
 - 4.2.8 any other public body or office holder specified by the Scottish Ministers.
- 4.3 The report will meet the specification in Sections 53-57 of the Scottish *Government Guidance for Adult Protection Committees* and the report template developed by a sub-committee of the national independent convener group.

5. Collaborative working

- 5.1 The Committee will be represented on the Tayside-wide Adult Protection Group and will work with the Angus and Perth & Kinross Adult Protection Committees to effect improved co-operation and efficiency across the region;
- 5.2 The Committee will liaise through the convener with relevant agencies in the city to ensure that adult support and protection is embedded in wider public protection policy, notably:
 - 5.2.1 Children and Young People Protection Committee
 - 5.2.2 Dundee Violence Against Women Partnership
 - 5.2.3 Dundee Multiagency Public Protection Arrangements
 - 5.2.4 Community Safety Partnership
 - 5.2.5 DCC Education Department
 - 5.2.6 Relevant voluntary agency and service user groups