

DUNDEE CITY COUNCIL

Report to: Policy and Resources Committee - 16 April 2007

Report on: Dundee Adult Protection Committee

Report by: Director of Social Work

Report No: 208-2007

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Policy and Resources Committee of the progress achieved in relation to the protection of vulnerable adults in Dundee and to make recommendations for establishing a Tayside Adult Protection Steering Group and setting up an Adult Protection Committee in Dundee.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Policy and Resources Committee:

- a) notes the progress made to date to protect vulnerable adults in Dundee;
- b) approves the recommendation that Dundee City Council participates in a Tayside Adult Protection Steering Group, as described in paragraph 6.2.4;
- c) approves the recommendation that the representative for Dundee City Council is the Director of Social Work, as proposed in paragraph 6.2.6; and
- d) approves the recommended remit of the Tayside Adult Protection Steering Group, as outlined in paragraphs 6.2.7 & 6.2.8.

- 2.2 It is further recommended that the Policy and Resources Committee:

- a) approves the setting up of a Dundee Adult Protection Committee, as outlined in Appendix 1;
- b) agrees the proposed membership and remit of the Dundee Adult Protection Committee as outlined in Appendix 1; and
- c) instructs the Director of Social Work to take lead responsibility for this development.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report.

4.0 SUSTAINABILITY POLICY IMPLICATIONS

- 4.1 None.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 The recommendations in this report provide information about progress that is being made towards protecting the safety and well being of vulnerable people in Dundee.

6.0 MAIN TEXT

6.1 Background

- 6.1.1. In 2004 the Social Work Services Inspectorate and the Mental Welfare Commission published reports on the inspection and investigation of services for people with a learning disability in Scottish Borders Council. These reports were in response to events in March 2002 when a woman with a learning disability was found to have been subject to physical and sexual assaults over a period of many years.
- 6.1.2 In response to these reports, the Scottish Executive established the Adult Support and Protection Unit and published the Adult Support and Protection (Scotland) Bill. The Bill was enacted in Parliament on 15th February 2007 and is expected to be enforced later this year.
- 6.1.3 The new legislation provides safeguards for people who are not protected under the Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care & Treatment) (Scotland) Act 2003.
- 6.1.4 The new legislation will require each local authority area to establish an Adult Protection Committee, with functions relating to the safeguarding of adults who are at risk of harm.

6.2 The Local Context

- 6.2.1 Following the Borders reports, Dundee City Council Social Work Department carried out an internal audit of learning disability services in 2004. This was followed by an external audit, which was commissioned in partnership with NHS Tayside and Tayside Police. The report of the external audit was presented in January 2005.
- 6.2.2 In 2005 'Protecting Vulnerable Adults in Tayside - A Multi-Agency Protocol' was published. Dundee City Council Social Work Department also produced an Adult Support and Protection Operating Procedure for staff.
- 6.2.3 Following the launch of the Tayside Protocol, the three Local Authorities in Tayside (Angus, Dundee and Perth and Kinross) Tayside Police and NHS Tayside agreed to participate in an Adult Protection Learning Initiative facilitated by the Joint Improvement Team of the Scottish Executive. This initiative involved multi-agency workshops working together to identify and develop good practice guidelines to feed into the production of national guidance.
- 6.2.4 In order to benefit from the work undertaken with the Joint Improvement Team and to ensure continued co-ordination of activity across the three areas in Tayside, the partners involved in the Adult Protection Learning Initiative recommend that a Tayside Adult Protection Steering Group be established. It is recommended that Dundee City Council participates in the Tayside wide steering group.

6.2.5 The proposed membership of the Tayside Adult Protection Steering Group will include the following members:

- Senior Manager Adult Care (Angus);
- Head of Services Community Care & Criminal Justice (Perth & Kinross);
- Chief Constable Tayside Police; and
- NHS Tayside

6.2.6 It is proposed that the representative for Dundee City Council is the Director of Social Work.

6.2.7 The proposed remit of the Steering Group is:

- to promote a co-ordinated approach to the adult protection agenda;
- to oversee the development of Tayside-wide protocols;
- to promote the sharing and development of good practice; and
- to promote inter-agency training.

6.2.8 It is proposed that The Tayside Adult Protection Steering Group will meet every six months, or more frequently as required, to respond to local or national agendas and agree where appropriate a co-ordinated Tayside wide response.

6.3 Dundee Adult Protection Committee

6.3.1 The Adult Support and Protection (Scotland) Act was enacted in parliament on 15th February 2007 and is expected to come into force during 2007.

6.3.2 One of the main requirements of the legislation will be the establishment of an Adult Protection Committee within each council area. Proposed functions and membership of such a committee is described in Appendix 1.

6.3.3 It is recommended to the Committee that a Dundee Adult Protection Committee be established in accordance with the governance, remit and membership as outlined in Appendix 1 to this report.

7.0 CONSULTATION

7.1 The Chief Executive, Depute Chief Executive (Support Services) and Depute Chief Executive (Finance), Assistant Chief Executive (Community Planning), Dundee Community Health Partnership, NHS Tayside and the Chief Constable, Tayside Police have been consulted in the preparation of this report.

8.0 BACKGROUND PAPERS

None.

Alan G Baird
Director of Social Work

Date: 06/04/07

DUNDEE ADULT PROTECTION COMMITTEE

1.0 Governance of the Adult Protection Committee

- 1.1 Each council area is responsible for establishing an adult protection committee. In Dundee, this committee shall be known as the Dundee Adult Protection Committee.
- 1.2 The Dundee Adult Protection Committee will be integrated into local community planning structures and will report formally to the Policy and Resources Committee of Dundee City Council. It will liaise with other groups with an interest in adult and child protection, as shown in Diagram 1 on page 4 of this appendix. These include:
- Dundee Domestic Abuse Steering Group;
 - Dundee Multi Agency Public Protection Arrangements;
 - the Community Safety Partnership; and
 - Children & Young People Protection Committee.

2.0 Membership of the Dundee Adult Protection Committee

- 2.1 Dundee City Council will be responsible for appointing a Convener and other members with relevant knowledge and skills. The Convener must not be a member or officer of the Council. Members must include:
- Officers of Dundee City Council;
 - the Care Commission;
 - NHS Tayside;
 - Chief Constable Tayside Police; and
 - any other public body or office-holder as the Scottish Ministers may by order specify.
- 2.2 Dundee City Council can also appoint other relevant individuals or organisations to attend the Committee as necessary, for example:
- the Mental Welfare Commission;
 - the Public Guardian; and
 - service users or representatives from all care groups.
- 2.3 Each of the aforementioned public bodies and office-holders must provide the Adult Protection Committee with any information, for example statistical data, which the Committee may reasonably require for the purposes of performing its functions.

3.0 Remit of the Dundee Adult Protection Committee

3.1 The Dundee Adult Protection committee will undertake the following functions:

- keep under review procedures and practices which relate to the safeguarding of adults at risk;
- provide information or advice relating to the safeguarding of adults at risk;
- assist in, or encourage, appropriate training or education programmes;
- undertake any other function relating to the safeguarding of individuals as the Scottish Ministers may by order specify;
- improve co-operation between each of the relevant public bodies and office holders, that is:
 - Dundee City Council
 - the Care Commission
 - NHS Tayside
 - the Chief Constable, Tayside Police
 - any other public body or office-holder as the Scottish Ministers may by order specify;

3.2 Dundee City Council and the Dundee Adult Protection Committee must have regard to any guidance issued by the Scottish Ministers about their functions as outlined above.

3.3 The Convener of the Committee will produce reports biennially on the exercise of the Committee's functions.

3.4 Following approval of the report by Dundee Adult Protection Committee and the Policy and Resources Committee, the Convener will send copies of the report to:

- the Care Commission;
- NHS Tayside;
- the Chief Constable, Tayside Police;
- the Mental Welfare Commission for Scotland;
- the Public Guardian; and
- any other public body or office-holder as the Scottish Ministers may by order specify.

4.0 Committee Procedures

- 4.1 The Adult Protection Committee shall establish and regulate its own procedures, providing these procedures allow for representation from the following to attend Committee meetings:
- the Mental Welfare Commission for Scotland;
 - the Public Guardian;
 - the Care Commission; and
 - any other public body or office-holder as specified by the Scottish Ministers.
- 4.2 The procedures will be developed in accordance with the Codes of Practice that are issued by the Scottish Executive.

5.0 Code of Practice

- 5.1 Scottish Minister will prepare, publish and review a code of practice containing guidance about the performance of Dundee City Council and NHS Tayside in relation of their functions in relation to the Adult Protection Committee.
- 5.2 Dundee City Council and the Dundee Adult Protection Committee will have regard to the code of practice and guidance issued by Scottish Ministers.

References

Adult Support and Protection (Scotland) Bill enacted 15th February 2007

Protecting Vulnerable Adults in Tayside - A Multi-Agency Protocol (2005)

Social Work Services Inspectorate (2004) Report of the Inspection of Scottish Borders Council Social Work Service for People affected by Learning Disabilities.

The Protection of Vulnerable Adults in Dundee Audit Report (2005)

Diagram 1

