



**PERTH AND KINROSS HEALTH AND SOCIAL CARE PARTNERSHIP**

**Integration Joint Board**

**4 November 2016**

**ADULT SUPPORT AND PROTECTION**

**Report by Bill Atkinson (Director of Housing and Social Work)**

**PURPOSE OF REPORT**

This report provides information on the Adult Support and Protection (Scotland) Act 2007, the governance structure and role of the Integration Joint Board in respect of Adult Support and Protection in Perth and Kinross. It seeks the agreement of the Board with regard to the proposals outlined in Section 2.

**1. BACKGROUND / MAIN ISSUES**

- 1.1 The Adult Support and Protection (Scotland) Act 2007 seeks to protect and benefit adults at risk of being harmed who are unable to protect themselves. Public bodies are required to work together to take steps to decide whether an adult is at risk of harm, balancing the need to intervene with an adult's right to live as independently as possible
- 1.2 The Act defines 'adults at risk' as those who:
  - Are unable to safeguard their own well-being, property, rights or other interests;
  - Are at risk of harm; and
  - Because they are affected by disability, mental disorder, illness or physical or mental infirmity are more vulnerable to being harmed than adults who are not so affected. Harm means all harm including self-harm and neglect. The definition of an adult at risk includes people aged 16 and over.
- 1.3 Any intervention must provide benefit to the adult. This benefit could not be reasonably achieved without intervention and any intervention is the least restrictive option with regard to the adult's freedom.
- 1.4 The Act places a duty on Councils to make inquiries about an individual's well-being, property or financial affairs. Where the Council knows or believes that the person is an adult at risk it may need to intervene to protect him or her from being harmed. The Council has a duty to consider providing appropriate services, including independent advocacy, to support adults where an intervention under the Act is considered to be necessary.

- 1.5 In order to make inquiries, the Act authorises Council Officers to carry out visits, conduct interviews or require health, financial or other records to be produced in respect of an adult at risk. The Act also allows a health professional (e.g. doctor or nurse) to conduct a medical examination. However, a person is not obliged to answer any questions put to them in an interview, and must be informed of their right to refuse to be examined before such an examination is carried out.
- 1.6 The Act requires the following public bodies to co-operate with local Councils and with each other where harm is known or suspected:
- The Mental Welfare Commission for Scotland;
  - The Care Commission;
  - The Public Guardian;
  - All Councils;
  - Chief Constable of Police Scotland;
  - The relevant Health Board; and
  - Any other public body or office holder that Scottish Ministers specify.

The public bodies or officers must advise the relevant Council if they know or believe that a person is an adult at risk and that action needs to be taken in order to protect that person from harm.

- 1.7 The Act creates an obligation on Councils to establish multiagency Adult Protection Committees. These Committees are responsible for overseeing local adult protection polices in their area and will produce a Biennial report on the exercise of the Committee's functions. They will also provide advice and information to those involved in adult protection work. Councils are responsible for appointing the Convener and Committee members. They may also appoint members to the Committee based on their relevant knowledge and skills. Each Committee must include nominated representatives from the relevant Health Board and Police Scotland.
- 1.8 Given its lead statutory role in undertaking inquiries and investigations, the Act requires the Convener of the Adult Protection Committee to be independent of the Council. The individual must be seen to be independent in thought and action as well as someone who has the necessary skills and knowledge. It is good practice to appoint a Convener who is independent of all representative bodies.

The Perth and Kinross Adult Protection Committee (APC) is chaired by an Independent Convenor. It has a range of statutory, private and voluntary organisations and carer representatives. Representation on the APC has been widened to encompass a more diverse range of agencies such as financial institutions, a General Practitioner, Independent advocacy, the Scottish Ambulance Service and the Scottish Fire and Rescue Service.

- 1.9 The Act places a statutory duty on the Convenor of the Adult Protection Committee to submit a Bi-ennial report to the Scottish Government. In the interim year the Council produces an annual report to ensure effective monitoring of performance.
- 1.10 The Perth and Kinross Community Health Partnership (CHP) appointed an adult support and protection lead in October 2013 to undertake a scoping exercise measuring NHS staff compliance with adult support and protection legislation. This was completed in July 2014 and a report was submitted and an action plan developed. The full report can be seen in Appendix 1. The appointment of an NHS lead enabled more effective multi-agency working. It identified the need to significantly increase NHS staff training and engagement in raising awareness of ASP needs. The report recommended a permanent post to fully embed ASP within the NHS as it did for child protection and to progress the work already undertaken. Unfortunately the post ceased after this report was produced.
- 1.11 The Adult Support and Protection Committee is accountable to the Perth and Kinross Executive Officer Group, the Community Safety and Environment Outcome Delivery Group and the Community Planning Partnership. In this regard it is required to contribute and report on outcomes through the Single Outcome Agreement. In future it will report on outcomes identified in the Local Outcome Improvement Plan (LOIP).
- 1.12 Under the **The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Regulations 2014** and the Perth and Kinross Integration Scheme the following provisions of the ASP Act have been delegated to the Integration Joint Board. The Board in turn has directed that the Council should deliver these functions on its behalf; which specifically are as follows:

The Adult Support and Protection (Scotland) Act 2007

*Section 4 - council's duty to make inquiries*

*Section 5 - duty of cooperation*

*Section 6 - duty to consider importance of providing advocacy and other services*

*Section 11 - assessment orders*

*Section 14 - removal orders*

*Section 18 - protection of moved persons property*

*Section 22 - right to apply for a banning order*

*Section 40 - urgent cases*

*Section 42 - Adult Protection Committees*

*Section 42 - membership*

Link: <http://www.legislation.gov.uk/ssi/2014/345/schedule/made>

## 2. PROPOSALS

1. The Integration Joint Board should appoint a representative to the Adult Protection Committee.
2. The Integration Joint Board should ensure joint quality assurance processes in relation to Adult Support and Protection are consistent with national standards and are reflected within the IJB performance.

The Adult Protection Committee has continued to review, evaluate and consolidate its work by effective partnership working to deliver the best possible outcomes for adults at risk of harm in Perth and Kinross.

## 3. CONCLUSION AND RECOMMENDATION(S)

This report provides an overview of Adult Support and Protection process and governance arrangements in Perth and Kinross and identified areas that need to be developed. It is recommended that members endorse the content of the report and agree the proposals outlined above.

### Author(s)

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### Approved

| Name          | Designation |                 |
|---------------|-------------|-----------------|
| Bill Atkinson | Director    | 28 October 2016 |

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## 1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

| <b>Strategic Implications</b>                       | <b>Yes / None</b> |
|---|-------------------|
| Community Plan / Single Outcome Agreement           | Y                 |
| Corporate Plan                                      | Y                 |
| <b>Resource Implications</b>                        |                   |
| Financial   | N                 |
| Workforce   | N                 |
| Asset Management (land, property, IST)              | N                 |
| <b>Assessments</b>                                  |                   |
| Equality Impact Assessment                          | N                 |
| Strategic Environmental Assessment                  | N                 |
| Sustainability (community, economic, environmental) | N                 |
| Legal and Governance                                | N                 |
| Risk  | N                 |
| <b>Consultation</b>                                 |                   |
| Internal  | N                 |
| External  | N                 |
| <b>Communication</b>                                |                   |
| Communications Plan                                 | N                 |

### 1. Strategic Implications

#### Community Plan / Single Outcome Agreement

#### 1.1 People in Vulnerable circumstances are protected.

Creating safer communities is a key element in protecting people. The wide range of themes in Community Safety allows a broad approach to community safety issues.

#### Strategic Plan

#### 1.2 Key theme 5 – making the best use of available facilities, people and resources.

Our priority is to Ensure that vulnerable people remain safe and are protected from harm from others, themselves and the community through the monitoring and implementation of clinical and care governance standards and adult protection measures

### 2. Resource Implications

#### Financial

#### 2.1 This report contains no proposals which would have a financial impact on the Integrated Joint Board.

### **3. Assessments**

#### **3.1 Equality Impact Assessment**

Not relevant

#### **Strategic Environmental Assessment**

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals. However, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

#### **Sustainability**

- 3.3 There are no issues in respect of sustainability from the proposals in this report.

#### **Legal and Governance**

- 3.4 This report contains no proposals which would have a legal or governance impact on the Integrated Joint Board.

#### **Risk**

There are no issues in respect of risk from the proposals in this report.

### **4. Consultation**

Internal - statistics provided

External - multi-agency partners involved in information and statistics

### **5. Communication**

- 5.1 There are no communication issues in respect of the proposals in this report.

### **2. BACKGROUND PAPERS**

None

### **3. APPENDICES**

None