

ANGUS COUNCIL

MINUTE of MEETING of the **SOCIAL WORK AND HEALTH COMMITTEE** held in the Town and County Hall, Forfar on Thursday 13 November 2008 at 4.00 pm.

Present: Councillors ALISON ANDREWS, RUTH LESLIE MELVILLE MBE, COLIN BROWN, MAIRI EVANS, DAVID FAIRWEATHER, IAN MACKINTOSH, DAVID MAY, BILL MIDDLETON, GLENNIS MIDDLETON, DONALD MORRISON, ROB MURRAY, HELEN OSWALD, MARGARET THOMSON, PAUL VALENTINE and JOHN WHYTE.

Councillor ANDREWS, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

There were no apologies intimated.

2. DECLARATIONS OF INTEREST

The Committee agreed to note that no declarations of interest were made.

3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 25 September 2008](#) was approved as a correct record and signed by the Convener.

With reference to Article 5 therein, the Convener, on behalf of the Committee expressed great sadness and concern over the abuse and death of Baby P in the London Borough of Haringey.

Gordon Mackintosh, Senior Manager, Children and Families, gave an update on the outcome of the recent HMIE Full Follow Through Inspection of Services to Protect Children in the Angus area and indicated that the Council was making "good progress" in three areas and "very good progress" in a fourth, which was reassuring. A full Report would be submitted to the Committee at an early date.

Having heard from Councillors Glennis Middleton, Bill Middleton, May and Whyte and the Director, the Committee welcomed the efficient and effective procedures the Council had in place to work with partner agencies to protect children and indicated their support for the valuable work of all social workers in Angus. The Committee, however, also urged everyone to be vigilant to avoid a repeat of a death similar to Baby P.

4. 2008/2012 FINANCIAL PLAN AND 2009/2010 CAPITAL BUDGET

With reference to Article 20 of the minute of meeting of the Corporate Services Committee of 12 June 2008, there was submitted [Report No 1129/08](#) by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the 2008/2012 Financial Plan (incorporating the 2009/2010 Capital Budget) for the Social Work and Health Department, together with the Departmental Financial Plan submission for 2008/2012 as submitted to the Head of Finance and subsequently reviewed by the Capital Budget Sub-Group.

Having heard Councillors Glennis Middleton and Oswald in relation to the budgeted allowance for Provision for Accommodation for Older People in the "Not Yet Legally Committed" section of the plan and having also heard from the Director, the Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage of the Financial Plan process; and
- (ii) to note that more detailed Reports with specific recommendations would be brought forward later in the Financial Plan cycle.
Councillors Evans, Bill Middleton, Glennis Middleton, Morrison, Murray, Oswald and Valentine indicated that they wished to reserve their position on the contents of the Report and Appendix A, which detailed the departmental Financial Plan submissions.

5. 2009/2010 REVENUE BUDGET

With reference to Article 19 of the minute of meeting of the Corporate Services Committee of 12 June 2008, there was submitted [Report No 1130/08](#) by the Director of Corporate Services advising the Committee of the latest position with regard to the preparation of the Social Work and Health Department 2009/2010 revenue budget and associated issues. Appended to the Report was a summary of the departmental provisional base budget for 2009/2010 as submitted to, and subsequently reviewed by, the Head of Finance.

The Committee agreed:-

- (i) to note the contents of the Report for its interest at this stage of the budget process; and
- (ii) to note that more detailed reports with specific recommendations would be brought forward later in the budget cycle.

6. SOCIAL WORK AND HEALTH REVENUE AND CAPITAL BUDGET OUTTURN 2008/2009

With reference to Article 5 of the minute of meeting of this Committee of 10 January 2008, there was submitted [Joint Report No 1131/08](#) by the Director of Social Work and Health and the Director of Corporate Services advising the Committee of the projected outturn position for Social Work and Health's revenue budget for 2008/2009, commenting on the major variances arising and proposing a number of budget virements. The Report also gave a brief update on the capital budget.

The Report indicated that, based on actual expenditure incurred to the end of September 2008, there was a projected underspend on the Social Work and Health revenue budget of £234,000 which equated to 0.39% of the net budget. A breakdown of the underspend was outlined in the Report and details of the major variances were given in Appendix 1. The Report concluded that this was a very small variance based on actual expenditure to date. As with any projection, it was not possible to predict with accuracy what the actual expenditure would be, especially given the demand led nature of many social work services. It was possible, therefore, that this would change by the end of the financial year.

The Report also pointed out that the capital budget had been adapted to take account of the slippage on the main projects. The department would continue to monitor the Financial Plan and take corrective action, as appropriate.

The Committee, for its interest, agreed to note the contents of the Report.

7. SOCIAL WORK AND HEALTH SERVICE PLAN 2008/2009: PROGRESS REPORT

With reference to Article 6 of the minute of meeting of this Committee of 15 November 2007, there was submitted [Report No 1132/08](#) by the Director of Social Work and Health advising the Committee of progress being made by Social Work and Health in implementing the actions set out in the department's Service Plan.

The Report indicated that scrutiny by elected members of progress made in delivering service plan actions was a vital component of the effective performance management arrangements. Accordingly, the Monitoring Group, at its meeting on 28 May 2008, had agreed that mid-term performance reports on progress against actions in department Service Plans should be submitted to the November/December Committee cycle. Attached to the Report, therefore, was the mid-term Report for the Social Work and Health department setting out the performance status as at four weeks prior to the date of the Committee which had been produced from Excelsis, the Council's performance management system.

There were 22 actions within the Social Work and Health Service Plan 2008/2009. Of these, seven had been completed within the agreed timescale, 13 were on target for completion within the agreed timescale and two were overdue. The two overdue actions were both progressing, with explanations detailed within the Report and revised timescales proposed.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the progress being made in delivering the actions in the Social Work and Health Service Plan 2008/2009.

8. THE MANAGEMENT OF FUNDS UNDER PART 3 OF THE ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000

There was submitted [Report No 1133/08](#) by the Director of Social Work and Health advising the Committee that, since 1 April 2007, Part 3 of the Adults with Incapacity (Scotland) Act 2000, as amended by the Adult Support and Protection (Scotland) Act 2007, had enabled local authorities to manage funds for adults who were incapable of doing so for themselves.

The Report indicated that this was a significant national policy shift in that Part 3 arrangements had previously only been open to private individuals. However, little guidance had been provided for local authorities as to how this power might be exercised. It had therefore been necessary to develop a policy regarding the circumstances in which Angus Council would exercise this new power.

A draft policy document regarding the use of the new powers under Part 3 of the 2000 Act was appended to the Report with the main points highlighted within the Report. Effectively, the policy meant that Angus Council would only operate Part 3 arrangements where other means were not appropriate or not possible and it was essential that the individual was offered assistance to protect their financial situation. The Report stressed that the attached draft policy document was not intended to be an "operational instruction" but a policy statement designed to clarify this issue for stakeholders.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to endorse the policy statement, which would help to clarify, for staff and external stakeholders, when it might be appropriate for Angus Council to manage funds under Part 3 of the Adults with Incapacity (Scotland) Act 2000.

9. IMPLEMENTATION OF THE ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2008

With reference to Article 7 of the minute of meeting of this Committee of 14 August 2008, there was submitted [Report No 1134/08](#) by the Director of Social Work and Health advising the Committee of the implementation of the Adult Support and Protection (Scotland) Act 2008 and of the provision of additional resources to the Council and its planning partners to implement the new provisions contained within the Act.

The Report indicated that, to assist with the implementation of the Act, the Scottish Government had made available £7.8 million to local authorities across Scotland. For 2009/2010, funding of £15.6 million had been agreed in principle. The funding being made available to Angus for the period October 2008 to March 2009 was £166,905 for the following purposes:-

- (i) to cover the recruitment and ongoing costs of appointing an independent chair for local adult protection committees;
- (ii) the set-up and running costs for local adult protection units;
- (iii) an allocation for additional front-line staffing costs; and
- (iv) to cover the costs of providing the necessary training to staff.

The proposed use of the additional funding in Angus was detailed within the Report. The implementation of the 2008 Act placed additional duties on local authorities in respect of the support and protection of adults who might be at risk of abuse or neglect. The additional funding provided by the Scottish Government allowed Angus Council to put in place the

infrastructure and additional front-line staff necessary to respond to the new requirements of the Act. The impact of the new legislation and the adequacy of the additional resources in

terms of meeting the new demands would be the subject of ongoing monitoring by the Director of Social Work and Health and the Angus Adult Protection Committee.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the proposals for the use of the additional resources provided for the implementation of the Adult Support and Protection (Scotland) Act 2008 as detailed in the Report.

10. RESPONSE FROM ANGUS COUNCIL ON THE REVIEW OF THE MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

There was submitted [Report No 1135/08](#) by the Director of Social Work and Health advising the Committee that the Scottish Government had established an independent Mental Health Act Review Group to undertake a limited review of the Mental Health (Care and Treatment) (Scotland) Act 2003, with a view to identifying minor amendments which, it was hoped, would lead to more streamlined processes and resolve some "technical issues" in the administration of the Act.

The Report indicated that there had been a range of issues arising from practitioners since the inception of the Act and the review had identified some of the key issues, namely, named persons; advanced statements; second opinions; mental health officer availability; tribunals; and suspension of detention. These issues encompassed a range of related matters which went to the heart of the operation of the Act. The response to be sent on behalf of Angus Council Social Work and Health Department, a copy of which was attached to the Report, responded directly to questions on each of the key areas and were briefly summarised in the Report.

The scope of the review was much greater than the intended limited review and the likely changes to the legislation would need to be quite significant. Nevertheless, the response from Angus Council welcomed the review and the very comprehensive consultation process which had been undertaken.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to endorse the contents of the response, a copy of which was attached to the Report; and
- (iii) to instruct the Director of Social Work and Health to forward the proposed response to the consultation on the Mental Health Act Review to the Scottish Government.

11. SERVICE REVIEW: JOINT WORKING BETWEEN EDUCATION AND SOCIAL WORK AND HEALTH

With reference to Article 13 of the minute of meeting of the Strategic Policy Committee of 30 October 2007, there was submitted [Joint Report No 1136/08](#) by the Director of Education and the Director of Social Work and Health drawing the Committee's attention to a recent review of joint working with Education.

The Report indicated that one of the service reviews flagged up for the Strategic Policy Committee in October 2007 was, "further development of joint working between Social Work, Education and other agencies to ensure that there was real improvement to multi-agency working for the benefit of school pupils and families".

In recent years, significant efforts had been made to ensure that effective partnership working had taken place. Efforts to date had been taken forward, very much under the auspices of the Angus Community Planning Partnership, specifically the Healthy, Safe and Caring Communities Partnership, which was one of the main sub-groups which fed into the over-

arching Community Planning Partnership. The range of activities which could legitimately be subsumed under the banner of joint working was wide and varied. The Service Review on Joint Working, a copy of which was appended to the Report, might not necessarily capture

each and every one of these activities in detail but it was intended to highlight the main areas which had been the subject of review over the last 18 months or so and which would receive continuing commitment.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the contents of the recently undertaken Review on Joint Working.

12. CONTRACT FOR THE PROVISION OF SUPPORT SERVICES FOR ADULTS WITH MENTAL HEALTH PROBLEMS

There was submitted [Report No 1137/08](#) by the Director of Social Work and Health advising the Committee of the need for a contract for the provision of support services for adults with mental health problems and seeking approval for the issuing of tender documents to the providers who had returned completed pre-qualification questionnaires and had met the requirements. The issue of tender documents to these providers would provide the competition required by the Financial Regulations of the Council, the Public Contracts (Scotland) Regulations 2006 and the EU Public Procurement Rules and would ensure best value in the procurement of Level 1 services.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the issuing of tender documents to those providers who had expressed interest in tendering and who had met the requirements of the pre-qualification questionnaire; and
- (iii) to instruct the Director of Social Work and Health to report back to the Committee on tenders received.

13. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(2), that the public and press be excluded during consideration of the following item, so as to avoid the disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraph 4.

14. HOUSE EXTENSION FOR FOSTER CARERS

There was submitted [Report No 1138/08](#) by the Director of Social Work and Health seeking approval for a grant to be made to a foster carer couple, for the construction of a house extension which would enable them to provide foster care for a child currently in residential accommodation, creating significant financial savings for the Council.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the proposal to make a grant of £35,000 to the foster carers referred to in the Report; and
- (iii) to authorise the Head of Law and Administration to approve the terms and conditions in respect of the agreement to be entered into.