RESPONSE FROM ANGUS COUNCIL ON DRAFT GUIDANCE FOR ADULT PROTECTION COMMITTEES

REPORT BY THE DIRECTOR OF SOCIAL WORK AND HEALTH

ABSTRACT

The Scottish Government is currently consulting on Draft Guidance for Adult Protection Committees. This report details a proposed response to the consultation. A copy of the draft guidance and the proposed response is appended to this report.

1  RECOMMENDATIONS

It is recommended that Social Work and Health Committee:-

i) notes the contents of this report;

ii) instructs the Director of Social Work and Health to forward the response to the consultation on the Draft Guidance for Adult Protection Committees to the Scottish Government.

2  INTRODUCTION

The Adult Support and Protection (Scotland) Act 2007 introduces new powers and duties to protect adults who are at risk of abuse or neglect because they are affected by disability, mental disorder, illness or physical or mental infirmity. It is anticipated that implementation of the main provisions contained in the Act is likely to take place from October 2008. However this has not yet been confirmed by the Scottish Government.

A key element of the new legislation is the establishment of Statutory Adult Protection Committees, operating on a multi-agency basis, to further develop strategic inter-agency working and collaboration. An Adult Protection Committee was established in Angus in July 2006 in advance of the new legislation. Members are referred to Committee Report 690/08 regarding the Angus Adult Protection Committee Annual Report for 2007/2008.

Draft Guidance for Adult Protection Committees has been issued by the Scottish Government for consultation with responses requested by 19th August.

3  DRAFT GUIDANCE FOR ADULT PROTECTION COMMITTEES

The guidance is issued under section 47 of the Adult Support and Protection (Scotland) Act 2007 and relates to local authorities responsibilities to set up Adult Protection Committees as outlined in Sections 42 to 46 of the Act. The guidance gives information on the following areas:

- The duties to establish Adult Protection Committees
- The role of Adult Protection Committees in the development of procedures and practice
• The role of Adult Protection Committees in the provision of information and advice
• The role of Adult Protection Committees in improving skills and knowledge
• Linkages with other protection processes such as Child Protection and Multi-agency Public Protection Arrangements
• Membership and the duty to appoint an independent chair

4 RESPONSE FROM ANGUS COUNCIL

A copy of Angus Council’s proposed response to the draft guidance is appended to this report. This response makes a number of general comments as well as specific comments on the content and accuracy of the guidance.

The response notes that generally the guidance is welcomed by Angus Council and partner agencies involved in the Angus Adult Protection Committee and notes that the Angus Committee has been in place since July 2006. Much of the development undertaken in Angus to date is consistent with the expectations laid out in the guidance.

Specifically the support in the guidance for information sharing protocols and agreements and the need to harmonise policy within the council area and between neighbouring APCs is welcomed. Similarly the requirement to ensure the consistency of policy around Multi-Agency Public Protection Arrangements (MAPPA), child protection arrangements and between care groups is also helpful.

However it is suggested that the guidance could be strengthened with a greater focus in relation to community engagement and user/carer involvement. It is noted that the APC is in an ideal position to promote public awareness and encourage community participation in safeguarding people at risk of harm living in our communities.

It is also noted that at times the guidance reads like a progress report. It must be recognised that the guidance will have a long ‘shelf life’ and should therefore avoid commenting on pending policy issues. but the guidance should refer to broad principles and areas where regulations may be made rather than reflecting the current debate.

The proposed response suggests to the Scottish Government that further work and amendment is required on the guidance for it to be a helpful document to the Council in the course of exercising its duties under the Adult Support and Protection (Scotland) Act 2007.

5 FINANCIAL IMPLICATIONS

While there are no direct financial implications arising from this report it should be noted that, in response to a request from COSLA, it was estimated that the cost of implementing the requirements of the Adult Support and Protection (Scotland) Act 2007 in Angus could reach £295,000 per annum. There has been an indication from COSLA that the Scottish Government is to make available an additional £7.8m for 2008/09 and £15.6m for 2009/10 to local authorities across Scotland. These additional resources are to be made available to cover:
• The recruitment of an independent chair and other costs associated with operating an Adult Protection Committee;
• The establishment of an Adult Protection Unit; and
• Additional frontline staffing.
A further report will be brought to committee if and when this funding is made available to Angus Council

6 HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising as a result of the recommendations contained in this report.

7 EQUALITIES IMPLICATIONS

The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

8 CONSULTATION

The Chief Executive, the Director of Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

9 CONCLUSION

This report advises the Social Work and Health Committee of the draft response to consultation on the draft guidance for Adult Protection Committees. When final guidance is issued by the Scottish Government this will be reviewed to ensure that Angus Adult Protection Committee exercises its functions within the framework set out in the guidance.

R Peat
Director of Social Work and Health

NOTE: The undernoted background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

Adult Support and Protection (Scotland) Act 2007
Draft Guidance on Adult Protection Committees (APCs)