
Report To: Health & Social Care Committee **Date:** 7 January 2010

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Subject: Adult Support and Protection (Scotland) Act 2007

1.0 PURPOSE

- 1.1 To apprise the Committee of the constitution Inverclyde's Adult Protection Committee will adopt.
- 1.2 To seek the Committee's agreement for the process of appointing members to Inverclyde's Adult Protection Committee.

2.0 SUMMARY

- 2.1 This report highlights the Council's statutory responsibility in relation to establishing an Adult Protection Committee and appointing its members. Section 42 of the Adult Support and Protection (Scotland) Act 2007, contains these responsibilities. The report proposes a process for the Council to appoint core membership from relevant public bodies and office holders and delegating appointment of developing membership to the Chief Social Worker.
- 2.2 The functions of the Adult Protection Committee are contained with the report. The Adult Protection Committee's Constitution which is to be formally adopted is attached for information.

3.0 RECOMMENDATION

- 3.1 The Committee are asked to note the constitution for Inverclyde's Adult Protection Committee.
- 3.2 The Committee are asked to approve the process for appointment of representatives to Inverclyde's Adult Protection Committee.

4.0 BACKGROUND

4.1 The Adult Support and Protection (Scotland) Act 2007, made it a requirement for each Council to establish an Adult Protection Committee to:-

- Keep under review the procedures and practices of the public bodies and office holders referred to under Section 42 of the Act 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 cooperation between the Council and other public bodies or office holders to which Section 42 applies.
- Give information or advice, or make proposals, to any of the public bodies and office holders on the exercise of functions which relate to the safeguarding of adults at risk present in the Council's area.
- Make, or assist in or encourage the making of, arrangements for improving the skills and knowledge of offices or employees of the public bodies and office holders who have responsibilities relating to the safeguarding of adults at risk present in the Council's area.
- Undertake any other function relating to the safeguarding of adults at risk as the Scottish Minister's may by order specify. (Section 42 (1) Adult Support and Protection (Scotland) Act 2007).

4.2 The public bodies and office holders specified within Section 42 of the Act are:-

- The Council
- The Care Commission
- The Relevant Health Board
- The Chief Constable of the police force maintained in the Council's area
- Any other public body or officer holder as the Scottish Ministers may by order specify

4.3 Section 43 of the Act requires that each public body and office holder other than the Council and the Care Commission nominate a representative considered to have skills and knowledge relevant to the functions of the Adult Protection Committee. Section 43 (4) and (5) requires that the Council appoint the representatives nominated as Adult Protection Committee members and that it may also appoint as members other people who appear to have skills and knowledge relevant to the functions of the Adult Protection Committee.

Committee members will be aware that all public enquiries concerning the deaths of children or vulnerable adults who have been subject of serious harm have highlighted communication with and between agencies as a cause for concern. To lessen the risk of this within Inverclyde it is considered important that membership of the Adult Protection Committee must include local knowledge and expertise.

4.4 The Adult Protection Committee is required to be chaired by a Committee convenor who must not be a member or officer of the Council. Mr Hugh Clark was appointed the Independent Convenor of Inverclyde's Adult Protection Committee in September 2009.

4.5 An Inverclyde Adult Protection Committee Steering Group has been meeting monthly over the last eighteen months. The work of this group has included:-

- Preparation for and implementation of the Act which was fully enacted in October 2008.
- Developing and implementing training to equip staff to undertake their new duties and responsibilities arising from the Act.
- Undertake significant case reviews.
- Developing a local multi agency approach to adult support and protection work.
- Monitoring and analysing data.
- Drafting the Adult Protection Committee's constitution.

4.6 Sections 9 and 10 of Inverclyde's Adult Protection Committee constitution concerns the role of the Chief Executive Officers Group and membership of the Committee. Public bodies are required within this to nominate members of the Adult Protection Committee with sufficient seniority and delegated powers to enable the Committee carry out its functions.

5.0 PROPOSALS

5.1 It is anticipated membership of the Adult Protection Committee, outwith core public body membership, will develop and require to be fluid in that members may be co-opted on for set periods for specific agenda items i.e. prosecution of perpetrators of harm; domestic violence and learning disability, etc. To accommodate this it is proposed that the Council approve core membership and that the Chief Social Work Officer agree membership outwith the core.

5.2 The recommended process should the Committee agree the above proposal would be for the Council to seek approval of Inverclyde's Adult Protection Committee constitution from the Chief Executive of Greater Glasgow and Clyde Health Board and the Chief Constable of Strathclyde Police. Formal membership nominations would then be sought from the Chief Officers Group for approval by the Committee.

6.0 IMPLICATIONS

6.1 The Council's requirements to establish an Adult Protection Committee and approve appointments to this care contained within the Adult Support and Protection (Scotland) Act 2007.

6.2 Legal:

The Council's Legal Services will provide any legal advice to the Adult Protection Committee as required by the Committee.

6.3 Finance:

None

6.4 Personnel:

No issues relating to Personnel Services.

6.5 Equalities:

Equal Opportunities processes and procedures are embedded within the operational practices of Social Work Services.

8.0 LIST OF BACKGROUND PAPERS

8.1 Inverclyde Adult Protection Committee Constitution.

**Inverclyde Adult Protection
Committee**

Protecting Adults
Inverclyde Council
NHS Greater Glasgow & Clyde
Inverclyde Community Health
Partnership
Strathclyde Police
Care Commission
Mental welfare Commission
Voluntary Sector
-a shared responsibility

CONSTITUTION

(DRAFT DOCUMENT)

INVERCLYDE ADULT PROTECTION COMMITTEE - CONSTITUTION

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Inverclyde Adult Protection Committee

CONSTITUTION

1. Name

- 1.1 This inter-agency partnership forum will be known as **Inverclyde Adult Protection Committee** (hereinafter referred to as the Committee).

2. Functions of the Committee

- 2.1 The Committee will define its function in line with the requirements of the Adult Support and Protection (Scotland) Act 2007 in association with the four principal functions identified (Part 1, Section 42(1) (a) – (d) and (2) :-

42 (1) (a) *To keep under review the procedures and practices of the public bodies and officeholders to which this section applies which relates to adults at risk present in the Council's area (including in particular, any such procedures and practices which involve co-operation between the Council and other public bodies and office holders to which this section applies).*

(b) *To give information or advice, or make proposals, to any public body and office holder to which this section applies 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 public bodies and office holders to which this section applies who have responsibilities relating to the safeguarding of adults at risk 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.*

42 *In performing its functions, an Adult Protection Committee must have regard to the desirability of improving co operation between each of the public bodies and office holders to which this section applies for the purpose of assisting those bodies and office holders to perform functions in order to safeguard adults at risk present in the Council's area.*

- 2.2 The functions outlined require the Committee to lead work and developments in the following areas

- Strategic planning
- Co operation between agencies
- Procedures and practice
- Information, advise and continuous improvement
- Improving skills and knowledge

INVERCLYDE ADULT PROTECTION COMMITTEE - CONSTITUTION

3. Strategic Planning

- 3.1 The Committee will undertake the key role for the planning of adult protection work within Inverclyde, taking account of identified need, national priorities and the Inverclyde Community Plan.
- 3.2 Strategic planning falls into three principal categories: communication and co-operation; planning and connections; and public information.
- 3.3 The Committee will maintain a responsibility for ensuring that the issue of Adult protection is adequately and appropriately represented within the context of the Inverclyde Community Plan.
- 3.4 The Committee will present to the Chief Officer Group. This report will provide an account of the years work against the previous years plan; information on level and quality of interagency work and present a strategic plan for the following years for approval. These plans will form an integral part of the planning and reporting cycles for adult's services planning, which is a three year plan.

4. Co-operation Between Agencies

- 4.1 The Committee will agree a communication strategy to raise awareness of adult protection issues; promote the work of agencies in protecting adults; and outline the link to Inverclyde's Community Plan.
 - 4.2.1 The Committee will play a significant role in the development and maintenance of partnership arrangements and operate on a basis that will secure arbitration between partners if differences arise.
- 4.3 The Committee will also promote and support the development of arrangements across Council, Health and Police boundaries that will facilitate information sharing, practice learning, and coordination of services in safeguarding adults at risk of harm.
- 4.4 The Committee will identify the key stakeholders and encourage feedback and information to and from them. It will develop a strategy that will consult stakeholders for their views of, and involvement in supporting and developing adult protection systems in the area, and assess the level of public knowledge and confidence in adult protection systems addressing issues as required.

This will include:

- Developing a multi agency management information system and information sharing protocols.
- Be pro-active in communicating with practitioners in all agencies.
- Be pro-active in developing public information e.g. information leaflets, articles for the press, publishing performance measures

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- Raising the profile of adult protection services within Inverclyde outlining agency and community responsibility.
- Making available the annual report for general distribution.

5. Procedures and Practice

5.1 The Committee will be responsible for regulating its own procedures.

5.2 The Committee will have to ensure procedures and practices are both multi agency and multi professional and designed to support co-operative working. The Committee's role in continuous improvement will include the review, evaluation and development of policies, procedures and staff guidance both agency specific and multi agency.

5.3 The Committee will monitor, and establish systems and procedures to monitor practice and quality relating to the safeguarding of adults at risk and, audit performance of agencies in relation to adult support and protection.

5.4 The Committee will have a key role in:

- Establishing a mechanism through which adults at risk of harm and their carers can effectively comment upon, and influence, the development of adult protection services within Inverclyde.
- The development of a quality assurance system.
- Development and evaluation of good practice.
- Provision and monitoring of training and staff development, both inter-disciplinary, single agency and multi agency..

6. Information, Advice and Continuous Improvement

6.1 The Committee will provide information and advice on the safeguarding of adults at risk to a range of stakeholders including politicians, its statutory members, staff groups and the public. It will be pro active in developing public information. e.g. information leaflets, articles for press, publishing performance outcomes, etc.

6.2 The Committee have a key role to play in the continuous improvement of adult protection work. This will include:

- The Committee developing a performance management framework incorporating data collection, data analysis and outcome measurement to effectively monitor and evaluate local practice.

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- Establishing mechanism through which adults at risk of harm (or who have been at risk of harm) and their carers can effectively comment upon, and influence, the development of adult protection service within Inverclyde.
- The Committee learning from critical incident and evaluation of individual cases.

7. Improving Skills and Knowledge

- 7.1 The Committee will be responsible for the provision and monitoring of training and staff development both inter disciplinary, single and multi-agency.
- 7.2 The Committee will agree an annual training strategy which will incorporate the elements identified in the Scottish Government's Adult Protection Committee Guidance 2008 (Section 20 - 21).

8. Aims and Objectives

- 8.1 The Committee will ensure that local interagency guidelines on procedures to be followed in individual cases are produced, maintained and regularly reviewed and that the procedures, including referral procedures are known about by those who may need to know.
- 8.2 The Committee will promote good interdisciplinary practice in preventing and dealing with the immediate causes and effects of abuse.
- 8.3 The Committee will assess significant issues around collaborative working which arise from the handling of cases and from reports on enquiries.
- 8.4 The Committee will review arrangements for providing expert advice and interagency liaisons.
- 8.5 The Committee will ensure continuous improvement and processes related to Strategic Planning which secures the safety and support of vulnerable adults.
- 8.6 The Committee will identify interagency training needs and take the lead role in developing and promoting such programmes.
- 8.7 The Committee will publish a biennial report and submit this to the Scottish Government and other related public bodies.
- 8.8 The Committee will publish an annual report for the Chief Officers Group.

9. Role of Chief Executive Officers

- 9.1 Chief Executive Officers from the agencies specified in the Act will oversee and support the development of adult protection services within their area of responsibility and assume overall accountability for the service provided and the development of integrated partnership working within the Adult Protection Committee area.

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- 9.2 The Chief Executive, Inverclyde Council, shall take responsibility for ensuring that a Chief Officers Group is convened to facilitate the effective discharge of the collective responsibility for the protection of vulnerable adults within Inverclyde.
- 9.3 The Chief Officers Group will comprise of the Chief Executive of Inverclyde Council; the Community Health Partnership Lead Officer (representing the Chief Executive of the Health Board, with delegated authority); the Divisional Commander 'K' Division Strathclyde Police, (representing the Chief Constable with delegated authority); a representative from the Procurator Fiscal's Office, Chief Social Work Officer of Inverclyde Council and the Chair of the Adult Protection Committee. Further representation can be agreed by the Chief Officers Group. The officials attending the Chief Officers Group from Greater Glasgow and Clyde Health Board, and Strathclyde Police shall ensure that their organisations nominate representatives to be members of the Adult Protection Committee. Inverclyde Council shall appoint those individuals nominated. Other organisations represented on the Chief Officers Group, or indeed other organisations, may nominate representatives to be members of the Adult Protection Committee. Inverclyde Council may appoint those individuals nominated.
- 9.4 The Chief Officers group will have a direct linkage with Inverclyde Community Planning structure through the Inverclyde Alliance Board.
- 9.5 The Chief Officers Group has the following roles and responsibilities:
- Individual and collectively, to demonstrate leadership and accountability for adult protection and its effectiveness on behalf of their agencies, including the effectiveness of the Committee.
 - Approval of a strategic adult protection plan, including operational priorities for protecting vulnerable adults, whilst ensuring the allocation of resources to the Committee to support the implementation of the Framework of Standards across all agencies consistent with the Inverclyde Community Plan.
 - Evaluate progress against agreed objectives.
 - Agree its role within the constitution
 - Delegate roles and responsibilities to take forward multi-agency issues in respect of adult protection and invest their representatives with the authority to do so.
 - Agree reporting mechanisms with elected members and board members that cover the work of the Committee and the implications for their locality. This should include at least annual reporting.
 - Agree and endorse an annual report and business plan from the Committee.
 - Ensure that the Committee is accountable for its work.

10. Membership of the Committee

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- 10.1 To carry out its responsibilities effectively, the Committee requires representation from each of the public bodies and office holders specified in the Act (Section 42(3))
- 10.2 Other agencies/services with relevant knowledge and experience who would be invited to have a nominated Committee member would include:
- General practitioner service
 - Psychiatric service
 - Psychological service
 - Voluntary sector
 - Housing services
 - Procurator Fiscal Service
 - Service User Representation
 - Child Protection services
 - Multi Agency Public Protection Agency

The Committee may wish to co-opt further representation on an issue specific basis. In such circumstances, nominations shall be forwarded to the Chief Social Work Officer of the Council for a decision on appointment to the Committee.

- 10.3 Member agencies must appoint representatives of sufficient seniority to enable them to contribute, develop and maintain strong and effective inter-agency adult protection procedures and protocols, and ensure that local Adult Protection Services are adequately resourced.
- 10.4 Members must attend meetings of the Committee on a regular basis and serve on any sub-groups for which they are nominated. If a member is absent on three occasions in a cycle of six meetings, their agency will be requested to reconfirm their representation.
- 10.5 Members must identify a nominated substitute if he or she cannot attend. It is the responsibility of each member who cannot attend to ensure that their substitute has a copy of the agenda and papers for the meeting they are to attend. The nominated representative should have full delegated authority to commit resources and make decisions on behalf of the agency.
- 10.6 Resignation from the Committee should be made in writing to the Chair. The member must advise their agency of the intention to resign, unless the resignation is implemented by the agency. In either situation, the agency should nominate a new representative.

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10.7 Acknowledging the importance of continuous improvement, dedicated time will be identified by the Committee specifically for the provision of learning opportunities for members. These development sessions, frequency and content will be agreed by Committee.

10.8 Committee members will be expected to attend at least two such development sessions per year.

11. Convenor and Vice Convenor of the Committee

11.1 The Convenor will be neither an officer nor a member of the Council or any of the representative bodies.

11.2 The Convenor will be appointed by the Council for a term of two years.

11.3 The Convenor will fulfil the following responsibilities:

- Chair meetings of the Committee, ensuring they are conducted in a manner reflecting partnership working.
- Ensure the Committee effectively fulfils its function and statutory objectives.
- Ensure the development of annual work plans and training strategy.
- Produce the biennial reports for the Scottish Government.
- Agree the resource requirement for the work of the Committee/
- Ensure the Committee collaborates with other Adult Protection Committees.
- Report to the Chief Officers and prepare annual reports for Chief Officers.
- To support and participate in conferences, seminars and training events.
- Maintain up to date knowledge and understanding of legislation, guidance, research and literature in the area of adult protection and the wider public protection agenda.
- Ensure effective leadership of the Committee's work through regular communication with the Adult Protection Co-ordinator, the Service Manager with Adult Protection lead responsibility and chairs of the Committee's working groups.
- The Service Manager with Adult Protection lead responsibilities will act as Vice Convenor of the Committee.

12. Administrative Support to the Committee

12.1 The financial year will run from 1 April to 31 March with year 1 (2008 - 2009) running 1 September 2008 to 31 March 2009.

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12.2 The Committee budget will be the responsibility of the Convenor through a lead officer group and be administered by Inverclyde Council on behalf of the Committee.

12.3 Expenditure may be incurred by the Committee for the purpose of discharging its responsibilities and for purposes relating to the achievement of its objectives, as agreed by the Committee.

13. Legal

13.1 Any legal advice required by the Committee will be provided by the Legal Services, Inverclyde Council. Individual Committee members requiring legal advice for their own agency/service area should seek this through their own agency.

14. Secretariat

14.1 A secretariat service will be provided by the Adult Protection Co-ordinator supported by administrative staff. This service will include; arranging and co-ordinating meetings, issuing agendas and other documents; taking minutes of meetings and the distribution of minutes following meetings.

14.2 Agendas will be issued to members five working days before meetings and minutes distributed no later than ten working days after meetings. The Adult Protection Co-ordinator will be responsible for this.

14.3 Minutes will clearly allocate actions to members of the Committee or relevant sub groups. It is the responsibility of members to ensure any actions allocated to them are progressed.

14.4 Once the Committee and it's subgroups are established Committee meetings will be held quarterly. (Initially for a temporary period meetings will be monthly). Changes to meeting dates will be agreed by the Service Manager with lead responsibility and the Convenor, when the need arises.

14.5 Extraordinary or special meetings of the Committee can be requested at any time in consultation with the Committee.

14.6 Discussions will be achieved at meetings of the Committee through consensus. Where there are difficulties in reaching consensus that cannot be resolved issues can be referred to the Chief Officers Group for arbitration.

14.7 No business shall be transacted at a meeting of the Committee unless at least five members are present with representation from the Social Work Services, Health Services and the Police.

14.8 Provision of accommodation for meetings will be shared amongst partner agencies.

15. Sub-Groups or Working Groups

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- 15.1 The Committee will have the power to create sub-groups to consider particular strategic or operational issues and to appoint representatives to these sub-groups. Sub-groups will be assisted administratively by the Adult Protection Unit's resources and supported by the Adult Protection Co-ordinator and Resource Worker.
- 15.2 Each agency will ensure appropriate sub group representation.
- 15.3 Sub group chairs will come from all agencies.
- 15.3 These sub-groups will report to the Committee on a regular basis.
- 15.4 Where a matter of urgency arises, such as the need to respond to a consultation document, the Convenor shall have the authority to establish an ad hoc sub group as appropriate. The results of any deliberations or decisions taken must be reported to the next ordinary meeting of the Committee.
- 15.3 A Finance Sub-Group shall be established to monitor financial resources required to implement the work plan of the Committee. Financial monitoring reports will be compiled and submitted to Committee for approval.
- 15.4 A Training Sub-Group shall be established. Membership of this Sub-Group shall consist of at least one representative each from Social Work Services, Education Services, NHS, Strathclyde Police and Voluntary forum. Membership of this Sub-Group is not exclusive to Committee members and other individuals with suitable skills, experience and seniority can participate. This Group will have responsibility for development and implementation of an Adult Protection Training Plan for Inverclyde. This plan should be produced annually and submitted to Committee for approval.
- 15.5 A Quality Assurance and Performance Management Sub-group shall be established responsible for the collation of robust inter-agency management information in respect of Adult protection. This group will take responsibility for investigating practice issues and reporting to Committee on the quality of joint working arrangement.
- 15.6 A Communications Sub-Group shall be established to progress and develop the involvement of community groups, voluntary organisations and users and carers in contributing to Inverclyde's adult support and protection agenda. This Sub group will also progress publicity and media developments.
- 15.7 Membership of the sub-groups should be drawn from wider staff resources within each of the partner agencies and other stakeholder groups.
- 16. Child Protection and Multi-Agency Public Protection Agency (M.A.P.P.A.)**
 - 16.1 There are important procedural and practice links to be made between adult protection, child protection and the public protection role of Criminal Justice Services. The Committee will have a major role in developing these in line with the Chief Officers Group's strategic vision.

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16.2 Inverclyde's Child Protection Lead Officer and the areas M.A.P.P.A Co-ordinator will be Committee members.

17. Amending the Constitution

17.1 The Constitution will be reviewed annually and may be amended by the agreement of the Committee provided notice of the proposed amendment is given in writing to the Convenor no later than fourteen days prior to the meeting.