

EAST AYRSHIRE

CHIEF OFFICERS GROUP (CHILD, ADULT AND PUBLIC PROTECTION)

28th SEPTEMBER 2010

ADULT PROTECTION IMPLEMENTATION COMMITTEE CONSTITUTION

Report by the Adult Protection Coordinator

1. PURPOSE OF REPORT

- 1.2 To provide the Chief Officers Group with the revised Constitution for the Adult Protection Implementation Committee further to recommendations by the Democratic Services of the Council for endorsement.

2. CONSTITUTION DEVELOPMENT

- 2.1 The main points contained within the CPC and APIC Constitution was considered by Democratic Services to be commensurate with each other with minor necessary variations including the requirement for APIC to produce biennial reports.
- 2.2 The Constitution (Appendix1) has been strengthened further in line with the minor recommendations from Democratic Services in the following area's;
- The wording of the role of the COG in **paragraph 5** has been changed to reflect more detail in line with the CPC Constitution.
 - The wording of **paragraph 8.2** which details the professional requirements of committee members has been changed to more accurately reflect the wording of the Scottish Government Guidance for members and the CPC Constitution.
- 2.3 The APIC adopted the revised Constitution at their committee dated 15th March 2010 pending submission to the Chief Officers Group for Child, Adult and Public Protection for approval.

3. RECOMMENDATIONS

- 3.1 The Chief Officers Group (Child, Adult and Public Protection) is asked to;
- (i) endorse the revised Constitution for adoption by the APIC; and
 - (ii) otherwise note the contents of this report

Donna Sinforiani
Adult Protection Coordinator
21 September 2010

Implementation Officer:- EDDIE FRASER

Any person wishing further information on the contents of this report please contact Donna Sinforiani ,Adult Protection Coordinator, Community Care (Adults) on (01563) 553559.



EAST AYRSHIRE

ADULT PROTECTION IMPLEMENTATION COMMITTEE

CONSTITUTION

**Acting
against
harm**

Date Completed: 15 March 2010
Date of Equality Impact Assessment:

Date for Review: September 2012
Date Approved by EA APIC: 15th March 10
Date Approved by COG:
Lead Officer: APIC Chair
Version 4

1. TITLE

The Committee will be called East Ayrshire Adult Protection Implementation Committee hereinafter referred to as “the Committee” EA APIC.

The Committee will promote the support and protection of adults at risk of harm which means a **person aged 16 years** and over who:

Is 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 not so affected;

Risk of Harm can be defined if another persons conduct is causing (or is likely to cause) the adult to be harmed, or;

The adult is engaging (or is likely to engage) in conduct, which causes (or is likely to cause) self harm

2. INTRODUCTION

- 2.1 All agencies that work with adults have a shared responsibility for providing support and safeguarding their welfare. Inter-agency working is essential to the protection of those adults and no one agency should be seen as solely responsible for the protection of adults who may be at risk of harm. The Committee is an inter-agency forum which will co-ordinate and develop local responses to adult support and protection.

3. INTERPRETATION

- 3.1 In the following Constitution a ‘member’ is one of the corporate bodies of partnership agencies making up the EAAPIC. A ‘representative’ is the person appointed by a member body or agency as its representative on the committee,
- 3.2 The ‘Committee’ means the members acting through their collective representatives in the discharge of the business of the EAAPIC.

4. AIMS AND OBJECTIVES

- 4.1 The Committee is the primary forum for developing and implementing adult protection strategy across and between agencies in East Ayrshire. Its work shall be underpinned by the principles of equal opportunities and integration, with the overarching purpose of promoting the support and protection of all adults at risk of harm through strategic planning, leadership, agreed priorities, objectives and actions.

4.2 Through strategic planning and partnership working the Committee will seek to continuously improve the protection of adults at risk and secure better outcomes for those adults, at a local and national level.

4.3 To achieve its key objectives the Committee shall fulfil the following functions:

Improving procedures and Practice

- Ensure member agencies have robust, up to date, adult protection procedures, protocols and guidance in place and established systems to monitor and review the usage
- Regularly develop, disseminate and review inter-agency policies and procedures and ensure that all member agencies work to the agreed inter-agency guidance.
- Ensure that protocols are developed around key issues where there is agreement that this is required between or across agencies, Local Authorities and APC'S.

Performance; Audit Systems and Business planning

- Have an overview of management and performance information from all member agencies about their work to protect adults at risk, including analysis of trends or gaps in service provision which will be used to inform strategic planning
- Ensure that appropriate quality assurance measures are in place and ongoing improvements through continuous self evaluation of inter-agency adult protection services
- Contribute to the integrated system of inspection of adult protection services
- Produce an annual report and business plan providing an account of the years work and outlining the priorities for the coming year including budget information
- Produce and publish a Biennial Report to Scottish Government providing an account of the work of the Committee

Improving Skills and Knowledge

- Provide an annual programme of inter-agency adult protection training which is quality assured and regularly reviewed to reflect policy and practice developments.
- Ensure that arrangements are in place at individual, service, management and strategic levels in identifying, assessing and managing risks which impact on adults in need of support and/or protection and their families
- Ensure that research informed practice is shared across agencies, and this influences the learning and development of staff
- Ensure that opportunities are available for practitioners and managers which promote continuous learning and development in respect of adult protection
- Undertake significant case reviews as required in compliance with agreed guidance
- Ensure that opportunities are available on a single agency and multi agency basis for reflection and review of practice, creating opportunities for learning

Information and Advice

- Ensure that the work of the Committee is informed by the perspective of adults who are or have potential to be at risk of harm, their families and community
- Ensure that public information is available signposting services for adults who may need support and or protection and their families.
- Ensure that the work of the Committee is promoted within the local media and community
- Link to other local and national planning forums, in particular structures for integrated adult service planning

Improving Cooperation

- Ensuring systems for interagency consultation and advice exist and are accessible to all constituent agencies including the private and voluntary sector on all aspects of support and protection
- Ensuring that the committee has an overview of workforce issues across agencies in East Ayrshire, including recruitment, retention capacity and deployment issues
- Ensure there is a formal link to MAPPA implementation

5. THE ROLE OF THE CHIEF OFFICERS GROUP (COG) AND RELATIONSHIP TO THE COMMITTEE

- 5.1 It is important that Local Councils, NHS boards and Police recognise the statutory functions of the EAAPIC as set out within the Scottish Government Guidance for Adult Protection Committees and that contained within this Constitution.
- 5.2 The COG for Child ,Adult and Public Protection ensure that the EAAPIC have a clear line of accountability at Chief Executive level to all the public bodies represented and the delegated authority and responsibility to fulfil their role and function.
- 5.3 The COG will meet to agree the priorities set out within the EAAPIC Annual and Biennial reports and the EAAPIC will ensure they report regularly to the COG on progress in fulfilling the objectives set out in any subsequent business plan. The COG will ensure sufficient allocation of resources is available to the committee to support the work of the EAAPIC in implementing the agreed business plan.
- 5.4 The COG will ensure that the EAAPIC has clear links to local and national planning forums in particular structures for Community Planning.
- 5.4 The COG are responsible for agreeing the appointment of the Independent Chair of the Committee and in doing so ensure that the chair has the time, resources and dedicated professional and administrative support to properly fulfil their role.

6 CHAIR AND VICE CHAIRS

- 6.1 The Chair of The Committee shall have considerable knowledge, experience and skills in both inter-agency working and adult protection. The role will be fulfilled by a person who has the relevant qualities and who meets the requirements of the role and will be independent of agencies.
- 6.2 The Chair of the Committee will be supported in their role by a vice chair
- 6.3 The Chair (and Vice Chair) of the Committee shall be agreed by the COG for a period of 2 years which can be extended, on unanimous agreement, of the Committee for a maximum of 3 terms.
- 6.4 The Chair of The Committee shall be responsible for:
- Chairing Committee meetings in accordance with the constitution
 - Ensuring the EAAPIC fulfils its key functions effectively
 - Receiving reports from the Adult Protection Coordinator who will be accountable to the EAAPIC
 - Ensuring the development of the business plan, annual and biennial reports, contained in the constitution.
 - To share the findings contained within reports by ensuring copies distributed to all committee constituents, The Chief Officers Group, Mental Welfare Commission, Office of the Public Guardian and relevant Scottish Ministers.
 - Agreeing resource requirement for the work of the EAAPIC
 - Represent the Committee and its interests as required to agencies, corporate bodies and Scottish Ministers and to the wider public through the Press or Media.
 - Ensuring the Committee collaborates with other APC's, Child Protection Committees and MAPPA arrangements on areas of common interest
 - Reporting to the COG the work of the Committee
- 6.5 In the absence of the Chair, the Vice Chair will assume all levels of authority, responsibility and accountability as that of Chair, in conducting Committee business.

7. THE ADULT PROTECTION COORDINATOR AND OTHER STAFF WORKING DIRECTLY TO THE COMMITTEE

- 7.1 The Committee will be supported in the implementation of its core functions by the Adult Protection Coordinator. The Coordinator will be employed by East Ayrshire Council and is directly accountable to and managed by the Chair of the Committee.
- 7.2 The Adult Protection Committee will appoint a Training Coordinator who will be responsible for identifying inter-agency training needs, producing an annual programme of inter-agency training and developing, commissioning, delivering, and evaluating inter-agency Adult protection training within an identified budget and in line with Best Value

7.3 The Committee will appoint a Resource Assistant-Adult Protection who will be responsible for coordinating developmental activity arising from the work plan of the Adult Protection and Training Coordinator.

8. MEMBERSHIP

8.1 The membership of the Committee will be consistent with the requirements of section 43 of the Adult Support and Protection (Scotland) Act 2007 and subsequent Scottish Government Guidance for Adult Protection Committees (Oct 2008) .

8.2 Representatives of the Committee will through their knowledge and skills relevant to the EAPIC function contribute by working collaboratively and effectively within a multi disciplinary and multi agency context .

8.3 The Committee shall review its membership every two years.

8.4 Each representative shall have the delegated authority to make strategic and operational decisions on behalf of their agency to realise the objectives of the EAAPIC, the agreed business plan and through their knowledge and skill contribute to the work of the Committee

8.5 Membership of East Ayrshire Adult Protection Implementation Committee will comprise of:

**East Ayrshire Council
Social Work**

Head of Service: Community Care or
Senior Manager (Adult Services)

Housing/Leisure

Head of Service : Housing

NHS Ayrshire and Arran

Health Care Director of –Integrated Care
And Emergency Services
Health Care Manager Older People and
Vulnerable Adults

**Strathclyde Police
Care Commission**

Superintendent Strathclyde Police
Team Manager

**Mental Welfare Commission
Office of the Public Guardian
COPFS**

Invited and receive minute as appropriate
Invited and receive minute as appropriate
Senior Procurator Fiscal

8.6 Where appropriate the Committee can co-opt a representative of a member or other organisation, to the Committee, providing the decision to co-opt the representative is unanimous.

9. QUORUM

- 9.1 Meetings of the Committee will be quorate when the Chair or Depute and four or more of the agencies are present, providing all 3 statutory agencies are represented namely the Council, NHS and the Police.
- 9.2 In the event of the meeting being inquorate on account of the absence of one of the statutory agencies and the Chair being of the view Committee business will be unreasonably delayed the Chair has discretion to decide whether the meeting should continue once started. However if more than 1 statutory agency not represented the Committee will be cancelled.

10. SUB GROUPS AND WORKING GROUPS FOR THE COMMITTEE

- 10.1 The work of the Committee will be supported by a number of sub groups or short life working groups to undertake specific tasks necessary to progress the key functions of the Committee to include:
- Adult Protection Unit-Practitioners Sub Group
 - Public Engagement and Information
 - Improving Skills and Knowledge Sub group
 - Performance and Audit sub group
- 10.2 The Committee may commission review groups for key issues and Significant Case reviews as and when required.
- 10.3 All sub committees or short life working groups, will have a defined membership, aims and objectives and explicit lines of communication and accountability to the Committee

11. ADMINISTRATIVE SUPPORT, AGENDA, MINUTES, MEETINGS.

- 11.1 The Committee will be supported in its work by an Administrative Officer from Corporate Support of the Council. The Administrative Officer shall be directly responsible to the Chair of the Committee for arranging Committee meetings, distributing Committee papers, taking minutes of said meetings, and ensuring the distribution of the minutes.
- 11.2 Agenda items for each meeting will be determined by emerging adult protection priorities, Committee work in progress, and national developments. Representatives shall forward to the Chair items for the agenda at least 10 working days prior to the forthcoming Committee meeting.
- 11.3 Minutes of all proceedings at meetings of the Committee will be recorded including the names of the representatives present and apologies received.
- 11.4 The Chair will move that minutes be confirmed as a true record, any discrepancies or dissention will be noted.
- 11.5 The Chief Officers Group, all member agencies and public bodies consistent with the APC guidelines will receive a copy of the minute.

- 11.6 The dates of all Committee meetings will be set at the beginning of each calendar year. The Committee will meet quarterly minimum, with the provision for special meetings for specific issues as required

12. CONFIDENTIALITY AND INFORMATION SHARING

- 12.1 All member agencies and their representatives will share information about adult protection work in line with professional ethics and guidance. 'All staff in all sectors will need to understand and accept the absolute necessity and statutory requirement of sharing information about adults at risk, and be clear about their roles and responsibilities in supporting those adults.' Scottish Government (Oct 2008). The principles of ensuring any intervention into the life of an adult will benefit them and options will be the least restrictive to their freedom.
- 12.2 All agendas, reports and other documents and proceedings of the Committee shall be treated as confidential unless and until they become public in the ordinary course of the Committee's business or are authorised to be communicated to and are available for, publication by the press or other news media and in accordance with a formal decision of the Committee and approval by the Chair, following advice from East Ayrshire Councils Legal Services, and COG.

13. BUDGETARY ARRANGEMENTS

- 13.1 The Committee will receive Central Government funding and will require effective systems are in place to monitor, review and report on current and future expenditure including completion of national financial surveys as required.
- 13.2 In addition to ensuring member agencies and their representatives have sufficient dedicated time to carry out the Committee's business and core functions, the Chief Officers have a collective responsibility to ensure that East Ayrshire Adult Protection Committee has the finance to fulfil the agreed business plan
- 13.3 The Committee shall have a financial plan in place to support the Committee and its work which reflect the projected priorities of East Ayrshire APIC for the forth coming year and ensure that mechanisms are in place which will ensure the plan is achievable. Included within the business plan will be details of projected financial costs for the priorities identified, including dedicated professional and administrative staffing costs.

14. RESOLUTION OF CONFLICT OR DISPUTES

- 14.1 The Committee decisions will be reached by consensus, although individual members can have their dissent recorded. Where conflict or disputes arise between member agencies or a partner agency which significantly affects the work of the Committee, it is the responsibility of the Chair to notify the Chief Officers Group who will arbitrate on the matter.
- 14.2 In the event of the Chief Officers Group failing to reach a resolution, it is their responsibility to bring this matter to the attention of the Scottish Government to agree a course of action to resolve the dispute.

15. PROCESS OF AMENDMENT TO THE CONSTITUTION AND PARTNERSHIP AGREEMENT

- 15.1 The Constitution will be reviewed every 3 years
- 15.2 Where a committee member requests an amendment to be made to the Constitution this shall be discussed by the Committee and if agreed will be submitted to the Chief Officers Group for their agreement.
- 15.3 Where the Committee do not support the request for an amendment the member agency shall accept the decision of the Committee or bring the matter to the attention of their respective Chief Officer, for consideration.
- 15.4 Amendments may also take place where new legislation or direction is available or developments in adult protection suggest new approaches are necessary to ensure continuous improvements in the support and protection of adults in East Ayrshire.