



East Ayrshire

Adult Support and Protection Committee

**Acting
against
harm**

Annual Report 2008-09 and Business Plan 2009-10



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Contents

FOREWARD

Preface from Chief Officers.....	3
Introduction from the Chair of the Adult Protection Committee.....	4-5
CHAPTER 1: Introduction to the Annual Report.....	6
CHAPTER 2: Context- Protecting Adults at risk of Harm in East Ayrshire.....	7-15
CHAPTER 3: East Ayrshire Adult Protection Committee.....	16-25
CHAPTER 4: The Future for Evaluation of the East Ayrshire Adult Protection Committee	26-38
CHAPTER 5: Conclusion.....	39

APPENDICES

Appendix 1 -Business Plan Action for 2009 – 2010.....	
Appendix 2 – Membership of the Chief Officers Group.....	
Appendix 3 – Membership of the Adult Protection Committee.....	
Appendix 3a –Governance and Reporting Framework.....	
Appendix 4 - Legislative and Policy Frameworks..	
Appendix 5- The Facts of the Borders Investigation.....	
Appendix 6- Protecting Adults at Risk- A quick guide.....	
Appendix 7- Budget Information.....	
Appendix 8- Training Framework.....	

FOREWARD

PREFACE FROM THE CHIEF OFFICERS

Introduction by the Chief Officers Group



Fiona Lees
Chief Executive
East Ayrshire Council



Wai Yin Hatton
Chief Executive
NHS Ayrshire & Arran



William Fitzpatrick
Chief Superintendent
Strathclyde Police

The Support and Protection of Adults at risk of harm is a priority for all partner agencies in East Ayrshire. For those staff who works in the service it is a complex, stressful and time consuming element of their work. In the first year of implementation of the new legislation we have been able to build on existing good practice and partnership arrangements in East Ayrshire to focus on developing infrastructure, services, skills and knowledge and more importantly on delivering positive outcomes for people who use our services.

To support this work this Annual Report and Business Plan illustrates the Adult Support and Protection Committee's commitment to develop services and promote a continuous improvement culture across all levels of interagency adult support and protection work. The Committee and its multi agency Adult Protection Unit have compiled an action plan, in line with Scottish Government guidance, outlining priorities for the coming year. The action plan contains a series of objectives for Adult Support and Protection. All of these actions have been endorsed by the Chief Officers

The Committee is the primary forum for developing and implementing adult support and protection strategy across and between agencies in East Ayrshire. This is achieved through partnership arrangements which promote strong leadership and direction.

The product of all of this interagency work by dedicated professional staff is to secure better outcomes for adults, children and, young people in East Ayrshire, and in particular those who are placed at risk of harm.

Fiona Lees
Chair of Chief Officers Group
East Ayrshire Council

Wai Yin Hatton
Chief Executive
NHS Ayrshire & Arran

William Fitzpatrick
Chief Superintendent
Strathclyde Police

Introduction by the Interim Chair of the Adult Support and Protection Implementation Committee



Eddie Fraser
Head of Service –Community Care
Interim Chair –APIC

Within East Ayrshire we believe that all adults should be active citizens within their community and have the right to be protected from all forms of harm, neglect and exploitation. Significant work has already been undertaken in ensuring structures and resources are in place to support the effective delivery of protection services in line with the Scottish Government Guidance. The Adult Support and Protection Implementation Committee continues to progress this through the establishment and development of the East Ayrshire Adult Protection Unit. In line with the principles of the act when our services endeavour to protect an adult at risk of harm we will ensure the adult is at the heart of all decision making and any intervention will be of benefit and the least restrictive to their freedom.

As partner agencies we are committed to the important work of both the Adult Support and Protection Implementation Committee and the Child Protection Committee, with an outcome that we can respond effectively in protecting from harm our communities including children and young people in order that they can feel secure in a safe environment. We believe that this initial plan provides everyone with a clear understanding of what we need to achieve, namely, to continually improve our services for those in need and their families.

Finally, we wish to take the opportunity to thank the members of the Adult Support and Protection Implementation Committee, its sub groups and all staff for their hard work and commitment in striving to ensure the protection of adults at risk in East Ayrshire in the last year and in the years to come.

Eddie Fraser
Interim Chair of the Adult Protection Implementation Committee

CHAPTER 1: INTRODUCTION

We all have a right to live our adult lives free from any preventable harm, respected and safe within our homes and communities, to make and take responsibility for our own choices and decisions that affect our lives and live as independently as possible. Many of us will experience physical disabilities and impairments, mental health problems, learning disabilities and impairments and will manage to continue living our lives without experiencing harm.

For many individuals they need and have the assistance of caring relatives, friends, paid carers, professional agencies or volunteers; for some unfortunately this dependence on another can result in conflict, exploitation and harm.

The aim of the first East Ayrshire Adult Support and Protection Committee (APIC) Annual Report for 2008-09 is to set the scene and provide a clear statement about the multi agency leadership and direction for adult support and protection both at an East Ayrshire and national level. The report is intended to provide clarity of purpose for all by defining what is meant by adult protection and those at risk of harm.

Through exploring the local demographic profile and the common themes that impact on individuals and communities we can start to make links within East Ayrshire and start to create an understanding of where our priorities should be in terms of our capacity for continuous improvement of adult support and protection. The report describes and highlights the current position of our agencies through reference to multi agency inspection arrangements and current reports and provides a baseline with which to inform and measure the Business Plan for 2009/10.

The Annual Report aims to describe the links to adult protection in terms of current partnership and community planning arrangements and provides information on the role and function of ASPC and its links to child and public protection.

In order to promote an understanding of the legislative driver and the scope of adult support and protection The Annual report and Business Plans frame of reference has been the Adult Support and Protection (Scotland) Act 2007; the amended Code of Practice for Local Authorities and practitioners exercising functions under Part 1 of The Act (Jan 2009) and Scottish Government's "Guidance For Adult Protection Committees " (October 2008) which is reflected in the content of this report and in the key themes of the Business Plan which are further explored in the next chapter.

The final aim of this report is to provide a basis for which to provide a focus to the work of APIC, its Partner agencies and stakeholders and form the basis for the Biennial Report to Scottish Government required in October 2010.

CHAPTER 2: CONTEXT – PROTECTING ADULTS AT RISK OF HARM IN EAST AYRSHIRE

The Scope of Adult Protection

Historically Issues of exploitation, abuse and neglect of adults have been recognised in varying degrees by all of the statutory agencies, voluntary and private providers and the general public.

In East Ayrshire as well as nationally a key catalyst for change and raising the profile of adult protection amongst public services of social work, police, health and housing was the Social Work Services Inspectorate 2004 report into the Scottish Councils/NHS Borders services for Learning Disability, the lessons learned are detailed in Appendix4 of this report.

In response to the recommendations in 2005-06 East Ayrshire revised and cascaded authority wide briefings to all staff, led by the Head of Social work that restated the multi agency role and responsibility in recognising, reporting and protecting our most vulnerable adults. A further Ayrshire wide group revised the procedures in 2008 prior to the implementation of the Adult Support and Protection Scotland Act 2007 to provide the new legislative definition for an adult at risk and provide a consistent tool for risk assessment and management when adults were found to be at risk of harm.

The Adult Support and Protection (Scotland) Act 2007 is an Act in 5 parts, Part 1 introduces new measures to identify and to provide support and protection for those adults who are unable to safeguard their own interests and who are at risk of harm as a result of their own or someone else's conduct. It also introduces the legislative framework for the establishment of Adult Protection Committees.

Parts 2, 3 and 4 of the Act were designed to streamline and improve existing legislation by filling the gaps. There have been a number of laws which have been designed to recognise and address the rights of individuals and provide access to health and social supports to those in need to promote their health and welfare. These include the Social Work (Scotland) Act 1968, NHS and Community Care Act (1990), the Human rights Act (1998), the Adults with Incapacity Act (Scotland) 2000, the Mental Health Care and Treatment (Scotland) Act 2003 and the Vulnerable Witnesses (Scotland) Act 2004. The legislative and policy framework is described in more detail in Appendix 4. Part 5 of the act relates to procedural issues to ensure the act operates effectively,

The National guidance issued by Scottish Government on October 2008 requires that public bodies particularly key agencies, within Health, Police, the Local Authority and Care Commission; provide leadership and acceptance of responsibility in promoting the best interests and protection of adults at risk of harm. This report and plan demonstrates how through the work of the East Ayrshire Adult Support and Protection Committee the prevention of harm alongside the continuous improvement of protective services in partnership with public bodies and our community will continue to be achieved.

Definition of an Adult at Risk of Harm

In terms of the Adult Support and Protection Act (2007) a person aged 16 or over is an adult at risk of harm if:

- They are unable to safeguard their 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 other adults who are not so affected.

The important point in considering this is that all three of the above elements must be met. This is commonly referred to as the three point test. This is because the presence of a particular condition does not automatically mean an adult is at risk, as previously stated in the introduction of the report an individual could be affected by a disability but be able to safeguard themselves.

The assessment of whether an adult meets the three point test is the starting point that will require to be determined to ensure each adult's circumstances as a whole are considered as it is often those circumstances that can combine to make them more vulnerable to harm than others. An adult is considered to be at risk of harm if:

- Another person's 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 harm.

The Act outlines main categories of harm that in general terms are conduct that can be physical (including neglect), emotional, financial sexual, self harm, or a combination of these.

This harm is detailed further in Appendix 6 however is not an exhaustive list as what constitutes harm can be different for each individual.

The decision to intervene into another person's life requires to be considered carefully and this must be reasonable and proportionate in the circumstances. It is essential to have a clear balance between an individual's right to freedom of choice and the level of risk of harm.

The rights of adults under the act help to safeguard them and include a clear set of principles that anyone who is taking any decision to initiate or intervene under the Adult Support and Protection Act must demonstrate they have applied, they must;

- Provide benefit to the adult which could not reasonable be achieved without intervening into the adults affairs; and
- Is of a range of options likely to fulfil the object of the intervention, the least restrictive to the adults' freedom.

These are the overarching principles and ensure that where someone can make their own arrangement to safeguard their own welfare and finances with or without support or services this must happen. Where intervention may be necessary it must be shown that this is the least intrusive action necessary in the given circumstances. If making enquiries or intending any intervention under the legislation the person/s performing functions must also have regard to;

- The wishes of the adult – these are related to past and present feelings and wishes. They may include an advance statement made under Section 275 of the Mental Health (Care and Treatment) (Scotland) Act 2003.
- The views of others – This is the adults nearest relative, Primary Carer, any legal guardian or attorney or person who has an interest in the adult's wellbeing or property if those views are relevant.
- The adult is not treated "less favourably" – they must be treated and given the same rights and support as any other adult would receive in a comparable situation.
- The adult's background, characteristics and dislikes – this includes age, sexual orientation, religious persuasion, racial origin, ethnic group and cultural and linguistic heritage.

Every effort should be made to ensure any adult is fully supported to understand and be fully engaged in decision making at every stage of any decision or action taken and be aware and informed of their rights in particular to;

- The adult at risk can refuse to be interviewed or medically examined and must be informed of this at the outset
- Only Sheriffs can grant any Protection Orders and only in cases of serious harm
- Adults can be represented at Court but also have the right to have access to advocacy or other support services
- The adult can apply for a banning order themselves assisted by the local authority as a way of being a lesser restriction than another person applying.
- There is the right of appeal against the granting or refusal to grant a temporary banning order.
- The adult at risk of harm can refuse to consent to the granting of a protection order and an application should not be made except in exceptional circumstances where the adult at risk is found to have been "unduly pressurised" to refuse consent by another .

These principles and rights ensure that adults have additional safeguards and all agencies have very clear duties and responsibilities under the Act.

Multi Agency Responsibilities

The Adult Support and Protection Act has multi-agency and interdisciplinary working at the core, it clearly identifies and requires public bodies to work together to safeguard adults at risk. The key agencies prescribed are;

- The Council
- The Care Commission
- The relevant Health Board
- The Chief Constable of the Police
- Any other Public body or office holder that the Scottish Ministers may specify

Part 1 of the act places a statutory duty on Councils to have the lead role in coordinating and responding to reports of adults who are or may be at risk of harm. This is achieved through Council Officers initiating enquiries and investigations to establish whether or not action is required to stop or prevent harm occurring to an adult who is or maybe at risk.

In circumstances where an adult is or may be at risk of serious harm and require statutory protection. This may include consideration and application to a Sherriff for a range of protection orders including assessment, removal or banning orders.

There is a clear emphasis on the role of the registered social worker retaining accountability for the care and protection of adults. Extensive work continues to progress in terms of the social work sustainability programme to address the significant pressures on modernising working practices and service models. However for the first time there is a specified statutory requirement for public bodies to cooperate with local Councils and each other in investigating suspected or actual harm. This includes accountability for all employees of these bodies to ensure they are able to recognise and report concerns, share information and ensuring cooperation and communication to promote appropriate multi agency support and protection for adults.

The scope of agencies that have clear responsibilities is wide and varied and includes the agencies below who will be key partners to engage with;

- Services for children and families
- Criminal justice services
- Adult services
- Local community and police from Public Protection Units
- Housing and homeless services including private providers
- Acute hospital services, primary care and General Practitioners
- The prison service

A clear priority and statutory duty for APIC in terms of these responsibilities is ensuring a joined up approach for agencies in terms of ensuring local policies and procedure, practice, training and resources are developed and agreed locally reflecting local need.

APIC will require to ensure its constitution and model of working is proactive and responsive to local need and demand and there will be an emphasis on accountability for interagency self monitoring and evaluation of quality and performance at a national, committee and

organisational level and more importantly to the public who through support will be encouraged to build capacity for promoting their health and wellbeing.

Multi agency joint leadership and planning has steadily progressed through the current establishment of APIC and its members. The East Ayrshire APIC reports to the East Ayrshire Chief Officers Group, which has a strategic overview of all child, adult and public protection arrangements within East Ayrshire. Further work is ongoing to strengthen these arrangements in terms of the appointment of an independent chair of APIC to take forward the work of the committee.

Equalities

As all Acts under Scottish Parliament the Adult Support and Protection Act is compliant with the European Convention on Human Rights and APIC will continue to ensure it conducts its business in a way that demonstrates equalities remains at its core. The needs of all residents of East Ayrshire will be taken into account irrespective of disability, gender, ethnic origin, sexual orientation, age, religion or economic circumstances.

The business plan for 2009-10 reflects the need to have a clearer understanding in order to address the support and protection needs of older people, carers, ethnic minorities and people with physical disabilities particularly women.

East Ayrshire Demographic Profile

The following information provides a snapshot of East Ayrshire, based on some of the main factors associated with Adult Support and Protection and the corresponding implications for the future planning of APIC activities within East Ayrshire.

Local Context

East Ayrshire covers an area of 490 square miles from Lugton in the north to Loch Doon in the south. It has a population of 119,920 who live in a mixture of urban, rural and isolated communities. In recent years the population has been declining and ageing. Kilmarnock is the major urban area with a population around 44,000 (37%). The remainder of the population lives in smaller communities ranging from a few hundred people to around 9,000 people in Cumnock. The following table outlines the number and percentage of the population by age group:

Table: Number and Percentage of Population by Age band in East Ayrshire and Scotland

Age	No of people	% of East Ayrshire population	% of Scotland Population
0-17	22,347	18.6	20.2
18-24	8,993	7.5	9.4
25-34	12,747	10.6	12.3
35-44	18,383	15.3	14.8
45-54	17,149	14.3	14.4
55-64	15,893	13.3	12.3
65-74	11,457	9.6	9.0
75-84	6,747	5.6	5.7
85+	2,225	1.9	1.9
Total	119,920	100.0	100.0

The percentage of the population who are of working age is below the average for Scotland. The percentage of the population aged 65 and over is above the national average. And although both life expectancy as a whole in East Ayrshire is improving, male and female life expectancies are significantly worse than the Scotland average. The area has a 0.7% ethnic minority population (2001 Census) which is significantly lower than the Scotland average (2.0%).

The Scottish Index of Multiple Deprivation 2006 (SIMD2006) highlights that

- 18% (approximately 1 in 5) of East Ayrshire residents live within the top 15% most deprived areas in Scotland;
- the eighth largest proportion of population categorised as most deprived;
- 8 local areas in East Ayrshire are assessed as among the 5% most deprived areas in Scotland;
- 40 local areas in the 20% most deprived areas.

At the 2001 Census, lone pensioner households accounted for 15.3% of households (Scotland 15.0%) and 6.2% of older people receive free personal care at home (Scotland 4.8%). East Ayrshire has the 4.2% of people were providing unpaid care for over 20 hours per week (Scotland 3.5%). Nationally, East Ayrshire has the:

- third highest proportion of carers claiming Carers Allowance (May 2008);
- sixth highest proportion of people claiming Pension Credits (May 2008).

Although life expectancy as a whole in East Ayrshire is improving, there are emerging health issues, which are giving cause for concern, including the significant adverse 'Impact of Alcohol on Health' obesity and widening health inequalities in East Ayrshire. At the 2001 Census, 10.8% of the population rated their health as 'not good', (Scotland 10.2%) and 22.2% of adults had a limiting long term illness, health problem or disability which limits their daily activities or the work they can do, (Scotland 20.3%). The percentage of adults claiming incapacity benefit or severe disability allowance is significantly higher than the national average. However the percentage of people prescribed drugs for anxiety, depression and psychosis is significantly lower than average.

An estimated 32.1% of adults smoke compared to 27.3% in Scotland as a whole. Alcohol related deaths in the last five years are significantly lower than the national average. However the proportion of the population hospitalised for alcohol related and attributable causes are 30% higher than the national average. Also the proportion of the population hospitalised for drug related conditions in the last three years is double the national average.

East Ayrshire is rated significantly worse than or not significantly different to the Scotland average on all Education, Employment and Prosperity indicators. At December 2008, the unemployment rate in East Ayrshire was the third highest in Scotland, at 4.6% compared with the national average of 3.0% with unemployment expected to increase. (Source: Slims Labour Market Statement, December 2008). Compared to other authorities in Scotland, East Ayrshire has the;

- third highest proportion of unemployed people claiming benefit (December 2008);
- seventh highest proportion of population claiming Income Support (May 2008);
- Eleventh highest equal proportion of households claiming Housing Benefit (November 2007).

Source: Department for Work and Pensions

Crimes of violence, anti-social behaviour, acts of vandalism and drug crime continue to cause problems in communities. Despite falling crime rates, local people continue to have a fear of crime. In the 2008 Residents' Survey, 18% of respondents said they felt threatened by crime in their area. And domestic abuse rates have increased significantly over the last 5 years and protection of children and vulnerable adults is a matter of public concern.

Population Trends

The population of East Ayrshire is 119,920. East Ayrshire's population has been declining and ageing in recent years. An overall decline of three per cent between 1993 and 2003 was characterised by a significant decline amongst the working age population, offset by an increase of 15 per cent amongst the 50-64 age group. These demographic shifts are forecast to become increasingly stark in future.

Between 2006 and 2031, the population of East Ayrshire is expected to decline by 4.6%. This compares with an increase 5% nationally over the same period. The biggest decline is expected to occur in the 30-49 age band, which is expected to fall by 24.1% during this period. By contrast, all the older age bands are expected to experience an increase in their numbers. In the 65+ age group the population is set to rise by 26.1%, between 2006 and 2031, and in the 75+ age group, a 82% increase is projected.

Table: Percentage Population change 2006 – 2031 by broad age groups

AREA	0-15	16-64	65+	ALL AGES
EAST AYRSHIRE	-16.8	-10.8	26.1	-4.6
NORTH AYRSHIRE	-16.2	-10.3	31.0	-2.9
NORTH LANARKSHIRE	-7.6	-0.3	31.3	3.7
FALKIRK	-9.1	6.3	33.5	8.4
CLACKMANNANSHIRE	-4.1	3.1	42.4	8.9
WEST LOTHIAN	10.8	16.9	58.2	22.0
SCOTLAND	-6.9	0.4	31.2	5.0

Also the projected average household size in East Ayrshire is predicted to decline steadily between 2006 and 2031 from 2.27 to 2.01: a decline which is mirrored across Scotland. In

the same period, the projected number of households in East Ayrshire will also increase by 7% increase. The biggest increases will be in households with 1 adult and households with 1 adult and 1 or more children (38% and 28%). The number of households headed by someone under age 60 will decrease while the number of households headed by someone age 75+ will increase by 85%.

Implications for APIC

Future planning of adult support and protection activities will need to consider the challenges of delivering better outcomes for adults within the context of an ageing and more vulnerable population together with an increasing number of older people. In particular, the rural nature of the authority and increased levels of poverty and deprivation associated with low levels of employment and income, increasing health inequalities, low levels of educational attainment and an increased likelihood of crime make this an especially challenging agenda.

Strategic Planning Links and Inspection Arrangements

Providing support and protection and improving outcomes for adults at risk of harm or neglect are key priorities for all partners within the Community Plan.

East Ayrshire's Community Plan sets the strategic context within which Adult Support and Protection Committee operate.

Its vision is of:

“a place with strong vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people's needs”.

The identification and management of risk to people is the key to achieving this vision. The multi-agency context within which Adult Protection is delivered is a crucial element in the work of all community planning partners.

The East Ayrshire Single Outcome Agreement (SOA) sets outcomes that community planning partners are seeking to achieve and reflects local need, circumstance and priorities. The Community Plan, together with the East Ayrshire SOA set out the commitment of all partners to improve outcomes for adults in need of support and protection and continue to reflect the Community Planning Partners vision of “one Council one plan”.

The need to improve systems of protection has seen an increase in the regulation and inspection mechanisms within public services, such as Social Work Inspection Agency (SWIA), Health Quality Improvement Scotland (QUIS) and the Care Commission Inspection Focus Area's (IFA) which focus on outcomes. An outcomes approach is also reflected in the Community Care Outcomes Framework which embraces wider agendas of Public Service Reform, Changing Lives, Delivering for Health and Supporting People and supports and informs the SOA. Strathclyde Police continue to implement and strengthen their community policing and public assurance model to which is intended to maximise communication with the public and early identification of problems and risks .

The ASPIC Business Plan for 2009 – 2010 reflects East Ayrshire Council SWIA Performance Inspection Action Plan 2009 which includes recommendations made that address improving:

- key outcomes for people who use services
- impact on people who use services and other stakeholders
- impact on staff
- delivery of key processes
- policy and service development, planning and performance management
- Management and support of staff
- Resource and capacity building

The Business Plan demonstrates clear cross cutting links to the East Ayrshire SOA 2010-2011 with particular reference to:

- **National Outcome 6**-We live longer healthier lives
- **National Outcome 7**-We have tackled the significant inequalities in Scottish society
- **National Outcome 8**-We have improved the life chances for children ,young people and their families at risk
- **National Outcome 9**-We live our lives safe from crime disorder and danger
- **National Outcome 11**-We have strong resilient and supportive communities where people take responsibility for their actions and how they affect others
- **National Outcome 15**-Our public services are high quality, continually improving, efficient and responsive to local peoples needs

CHAPTER 3 -EAST AYRSHIRE ADULT SUPPORT AND PROTECTION IMPLEMENTATION COMMITTEE (APIC)

The role, membership and functions of APIC

The Committee is the primary forum for developing and implementing adult support and protection strategy across and between agencies in East Ayrshire. This is achieved through the partnership arrangements within adult protection services which provides strong leadership and direction, and is continuing to successfully implement the adult support and Protection Act. All of the interagency work secures better outcomes for children , young people and adults in East Ayrshire, and in particular those who are placed at risk of harm so that all receive the highest quality services which allow them to remain Safe, Healthy, Achieving, Active, Included, Respected and Responsible Citizens.

East Ayrshire APIC has a significant role when performing its functions in ensuring cooperation and communication across and within all agencies which is reflected in its membership in appendix 2. All members have expertise and knowledge of adult protection and a desire and commitment to the safeguarding of adults and the prevention of harm.

APIC Functions

Adult Protection Unit Development

A wide range of statutory services contribute to supporting and safeguarding adults and at present the main statutory bodies serving APIC have designated lead officers who provide the link between strategic development and operational practice. Through this there is a structure that forms the basis of the Adult Protection Unit.

The group are accountable to APIC and are the main vehicle for ensuring the implementation and future development of the Business Plan on a multi agency basis and ensure the clear objectives that have been set, have been achieved on time through specific realistic actions that have measurable outcomes.

The frame of reference for the group mirrors the constitution, duties and functions of ASPC and in terms of future development the collocation of lead officers for protection including childcare would strengthen current arrangements and promote and enhance communication, practice development and partnership working.

In terms of the Community Planning Partnership APIC will ensure it strengthens links with Voluntary sector partners.

Improving Policies, Procedures and Practice

A key aim of the committee is to promote best practice in terms of preventing and dealing with the cause and effect of harmful conduct based on national and local research. It will require monitoring and reviewing the procedures and practices of the public bodies and office- holders which relate to the safeguarding of adults at risk of harm and ensure they are

disseminated across agencies.

APIC is committed to ensuring lessons learned from public enquiries; significant case reviews as well as local practice are feedback through sub groups, agencies and improvement plans and assist in the continuous improvement of adult support and protection.

This function has particular emphasis on multi agency adult protection procedures and practice and protocols which involve communication between the council and public bodies. The Committee will ensure it will place emphasis on access to technologies available for example the internet, intranet and email which will enable faster and wider dissemination of information to stakeholders.

Improving Skills and Knowledge

ASPC requires making, assisting in or encouraging the making of and improvement of, arrangements for improving the skills and knowledge of office holders and employees of the public bodies with responsibilities and duties under the legislation.

This will also include the development and delivery of an annual multi agency training and development strategy which recognises the wider roles and responsibilities of voluntary and private organisations which has already started to progress through the work of the Ayrshire Training and Planning Group who have responsibility for this.

Inter disciplinary planning, commissioning, delivery and review of training programmes will be a key element in continuing to promote a mutual understanding of agency roles and promote a culture of quality assurance and collaborative working.

Recognition of the need to ensure that people accessing services and planning partners will require developing an awareness and understanding of the legislation and in particular their rights will be a future priority for action and in terms of building community capacity there is a key role for involvement in the delivery of training. This will ensure the views of people using our services are an integral part of adult support and protection which is a priority for APIC.

Public Engagement and Information

A broader remit of APIC will be to ensure public awareness and involvement in the protection agenda. Ensuring a clear communication strategy which progresses the development of public information, engages the views of the community in the work of the committee and service design will be a priority over the next year.

Consideration will be given to the development and continuous improvement of public information and ensure key summary documents and reports on the work of APIC can be accessible within and across agencies and the public domain. This will require to be achieved while balancing the need to take account issues of confidentiality concerning sensitive and personal data

There will require being a focus on ensuring there are clear systems, processes and information for individuals and organisations on responses to enquiries and when a referral is made.

Performance Audit and Evaluation

Scottish Government has issued guidance regarding a potential framework for audit and evaluation which is consistent with many of the performance themes in other Inspection frameworks. In terms of adult support and protection APIC will require to ensure an agreed multi agency framework as well as an initial self evaluation audit is progressed. This audit will provide a baseline from which to measure continuous improvement which is discussed in further detail later in the report.

The Annual and Biennial report to Scottish Government will be a key document that will analyse, review and comment on the function of APIC.

The reports and outcomes of interagency audit will have a vital role in summarising the work of APIC and provide critical analysis of practice. They will identify current challenges for services, address common trends or gaps in practice, performance and service delivery in order to directly inform the future annual work plan for committee.

Social Work Services will implement the Adult Protection component of its SWIFT Database. This will enhance and improve current performance monitoring information.

Currently a six weekly statistical report on adult support and protection is presented to APIC to allow any trends to be identified. This directly informs interagency discussions and action required to improve local practice.

The implementation of a mechanism for significant case reviews to promote good practice and address issues of poor practice. The facilitation of short life working groups to address common issues will be a priority for future development to ensure local issues are addressed and shared in terms of learning from things we do well and making improvements where it will provide better outcomes for all.

How we will work together to protect people

East Ayrshire APIC is a multi-agency forum constituted in compliance with the Scottish Government national guidance. The Committee has representation from all key agencies involved in working for and protecting adults at risk of harm in the East Ayrshire area as outlined in Appendix 2 of this report.

The Mental Welfare Commission (MWC) and office of the Public Guardian (OPG) are relevant bodies in terms of ensuring the safeguarding of adults in particular those whose capacity may be temporary or permanently affected for example those subject to statutory intervention under the Mental Health Care and Treatment or Adults with Incapacity legislation.

The MWC have a key advisory role in terms of providing advice and good practice guidance and making recommendations to develop and improve practice following enquiries. The committee will have a pivotal role in supporting partners to ensure guidance and lessons learned from public enquiries are considered and integrated into local practice. The MWC and OPG have been invited to the committee and have agreed to attend on an as required basis.

A robust structure for partnership arrangements already exists within East Ayrshire and APIC has been able to establish formal arrangements for representation within this as detailed in Appendix 3a.

To assist the Adult Support and Protection Committee in fulfilling its multi agency functions and responsibilities a series of Sub Groups are in various stages of being established to take forward the work of the Committee. These Sub Groups are designed to address the key functions of AIPC and are;

- Public Engagement and Information Sub Group
- Performance and Audit Sub Group
- Adult Protection Unit Lead Officers Operational Group
- Training and Planning Sub Group
- Short Life Working Groups

The East Ayrshire Community Planning Partners have robust arrangements for community engagement through its resident's survey and residents panel constituents which will be a key priority for APIC to engage with.

The Strategic Alliance meets across Ayrshire and involves both child and adult services and involves East Ayrshire Council, North Ayrshire Council, South Ayrshire Council and NHS Ayrshire and Arran to take forward common developments. At this time work is focussed on maximising use of resources via the development of an integrated resources framework.

The Ayrshire Data sharing partnership (DSP) operates across agencies and is developing systems for e-care.

Over the coming year work will be ongoing to develop groups in terms of membership and in particular consider ways to involve people who use or may use our services and other relevant stakeholders. These will include the Procurator Fiscal who has a key role in criminal justice issues along with prison services and links with further education colleges.

Links with Child Protection and MAPPA

The multi agency leadership and strategic direction in relation to child protection is provided by the East Ayrshire Child Protection Committee (EACPC). The EACPC reports to the East Ayrshire Chief Officers Group (EACOG) which has a strategic overview of all public protection arrangements in East Ayrshire. The Adult Support and Protection Committee (ASPC) Chair attends along with the Adult Protection Coordinators and reports to the EACOG which now includes multi-agency public protection arrangements (MAPPA).

This ensures that EA ASPC has clear lines of accountability to Local Councils, NHS Boards, Police and Care Commission and has the delegated authority to perform its functions. Partnership arrangements also ensures robust arrangements for the leadership, support and commitment for adult support and protection across all partners who benefit from a shared understanding of key matters and areas of common interest through joint planning and

collaborative working across agencies in terms of the key role of the EACOG which is to ensure;

- A collective strategic overview;
- Effective performance, particular in respect of risk assessment and risk management processes
- Appropriate resourcing and;
- Clear and appropriate public reporting, including a robust approach to public relations

A key achievement for the CPC has been the development of the Early Information and Pre Referral Group (GIRFEC) multi agency weekly meeting that ensures effective communication and information sharing about young people who are causing concerns and provides a mechanism for the allocation of a lead agency. Adult protection procedures have been developed locally to ensure any potential adults at risk in particular those in Domestic Violence situations are cross referred to adult services. A similar forum in adult services called the Legal Solutions Forum (LSF) has also been extended to include all services and recent discussions have led to the use of Adult Support and Protection legislation.

Further work is planned to further strengthen arrangements through the collocation of key partners with a remit for public protection and further consideration is being given to identifying other key stakeholders to support and inform future planning.

Role and Importance of Training

The implementation of the Adult Support and Protection (Scotland) Act 2007 posed a challenge to East Ayrshire Council in terms of being able to meet the needs of the large numbers of staff who would require training on the Act, particularly in terms of those staff designated as Council Officers.

The Training and planning group collaborated on a Pan Ayrshire basis to develop a training framework (Appendix 8) consistent with the framework provided by the Scottish Government a series of eight two-day Level 3 courses were targeted and delivered to meet the requirements of those staff designated as Council Officers under the Act. In East Ayrshire Council these are identified as Social Workers who had been qualified for at least twelve months and Occupational Therapist with the same minimum length of qualification. Across Ayrshire all inquiries and investigations are carried out by two workers one of whom will always be a registered Social Worker in the role of Council Officer.

The Social Work Standby Service were offered and attended local training to share local practice and all Mental Health Officers and those working in Mentally Disordered Offenders specialist posts in Criminal Justice were prioritised and trained.

The courses were delivered by a pool of five staff who had attended the Scottish Government Training for Trainers course in August 2008. Of these five staff, four have operational roles and the fifth is a Training Officer in the Social Work Training Team. This department also provided administrative support to the training programme, managing nominations,

maintaining attendance registers, processing evaluations and providing all documentation required.

In order to provide training to staff that were unable to attend any of the six single agency presentations of the course, East Ayrshire joined with colleagues in South and North Ayrshire Councils to co-deliver a Pan Ayrshire event which took place in April 2009, hosted by South Ayrshire Council. A further two day course was then run on a Pan Ayrshire basis, hosted by North Ayrshire, in September 2009. Training included Service Managers from Independent providers where adult protection inquiries had identified a need to improve knowledge of local procedures and legislation.

Following this tranche of two day courses, the decision was taken by the Adult Protection Co-ordinator and the Social Work Training Officer to plan in a number of one day Level Two courses, to meet the needs of operational staff who would not be acting as Council Officers.

To date, two of these one day courses have been run with a further four scheduled before the end of December 2009. Data collected by the Social Work Training Manager suggests that a further six courses may be required in the first half of 2010 in order to cover staff who are currently employed and who have this identified training need.

To meet the demand for this training, it was identified by the Adult Protection Co-ordinator that more trainers were required to deliver the one day course and a Train the Trainer event has been planned for delivery in December 2009. Staff from out with the Social Work department will be invited to attend this in order to meet the requirements of their own departments (e.g. Housing, Health and Police).

Following on from the courses run at Levels three and two a series of Level One half day sessions are ongoing targeting all Local Authority Day care and residential services for older people and those with a learning disability as a key priority group. Further sessions are being rolled out for staff who have contact with adults but do not manage their care i.e. Personal Carers and Home Care staff. Due to the large numbers (600) of staff involved, and their dispersal across the authority, the Adult Protection Coordinator has developed an infrastructure which will allow Team Managers to present information to their staff using the present system of team meetings. The course materials and programme has been added to the current Induction training for Home Care to ensure that all new employees receive appropriate training at the start of their employment.

Table 6
Level 3 - 2 Day Training by Designation

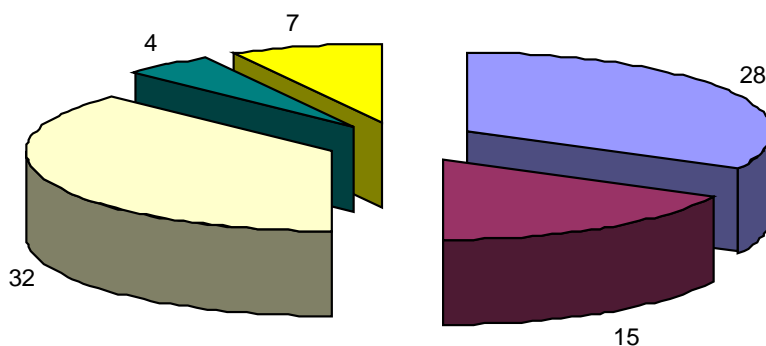


Table 6.1
Level 2- Foundation- 1 Day Training by Designation

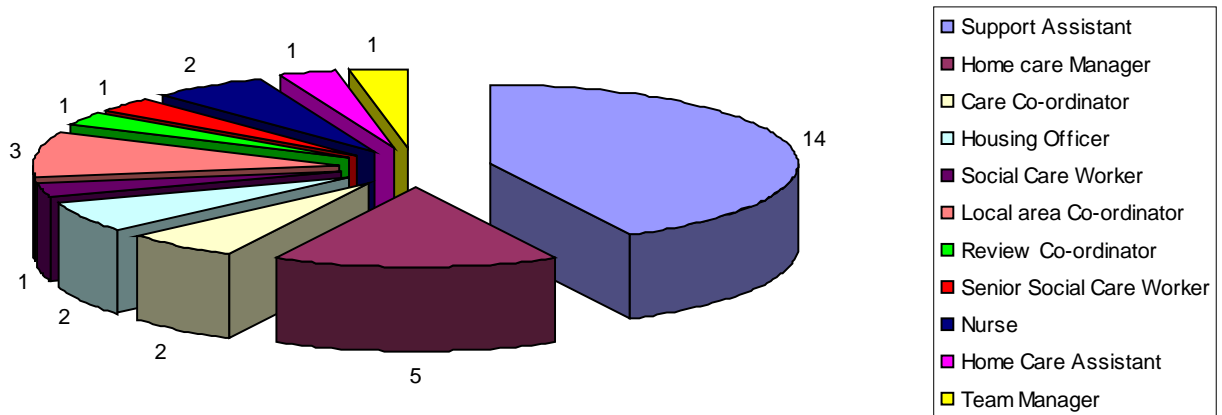
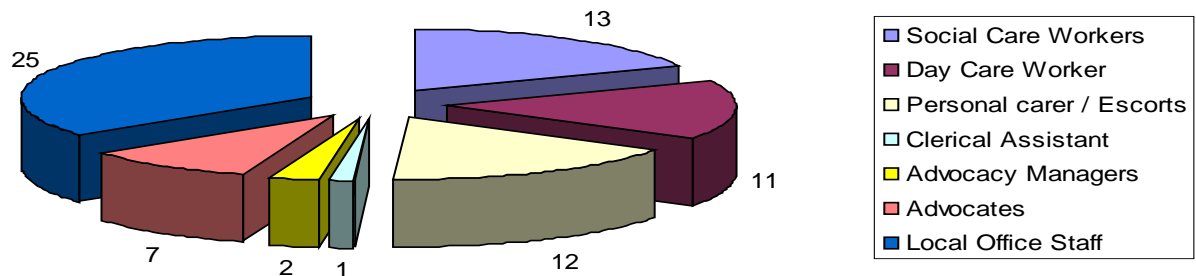


Table 6.2
Level 1 - 1/2 day - Toolbox Training



Although East Ayrshire Council do not have the responsibility to provide training to partner providers, we do have a role in supporting them to deliver training to their staff in order that they can fulfil their responsibilities in providing care under contract to the authority. In order to support the development of staff employed by partner providers, East Ayrshire Council have made contact with providers to offer a Train the Trainer event in January 2010, providing them with training as facilitators of the "Tell Someone" training pack. This pack has been provided free to the private and voluntary sector in the form of a DVD and CD-Rom and a substantial number of places on a Train the Trainer programme were offered in conjunction with this. However it is hoped that partner providers under contract to East Ayrshire Council who have been unable to access this training will take up places on the January event.

In addition to these programmes, feedback from staff who has already attended courses (either while on the course or through course evaluation) has clearly identified further training needs and skills gaps.

The main areas which have been highlighted for further development are as follows:

- Adults with Incapacity (Scotland) Act 2000
- Mental Health (Care and Treatment) (Scotland) Act 2003
- Joint Investigative Interviewing Techniques for adults
- Vulnerable adult training
- Court Skills
- East Ayrshire Council procedures
- Information about legal interventions and case law
- Multi-agency training
- Child protection training

These requests were uniform across both two-day and one-day presentations. However other areas which could be developed and incorporated into training include the work and structure of the Adult Protection Committees and also the Legal Solutions Forum. The benefits of multi-agency working were apparent at the original train the trainer event in 2008, as it was useful to hear the views of our partner agencies and how they saw their role in adult protection. This multi-agency approach will be progressed further and will possibly mirror (and in many cases complement) the work of the multi-agency child protection training programme.

To further links with other agencies, the Adult Protection Co-ordinator and the Social Work Training Officer attended an event hosted by the ADSW Learning and Development Sub-Group in Stirling on 9th October 2009. This event was designed to provide a forum for Adult Protection Co-ordinators from authorities across Scotland. The forum will allow practice sharing and a knowledge bank for Co-ordinators and their training colleagues to allow development of the Adult Support and Protection training agenda. As a result of this event, a second has been organised for 20th November and if successful, may be continued as a support mechanism for authorities throughout the country.

The Adult Protection Co-ordinator attends meetings and co facilitates training as required to provide information to any team who requires an input. This is a key part of the process of making staff aware of the role of Co-ordinator and giving them a designated person with whom adult protection concerns may be raised.

The Care Commission has commenced a programme of staff training events consistent with the Government training framework and materials to ensure that all care commission operational staff receives training specifically relating to the roles and responsibilities of all agencies under the legislation.

The Police have agreed participation in all Level 3 training events as part of the rolling programme and all supervisors and community police including the Anti Social Behaviour services are routinely offered Level 2 training. A challenge for police has been the need to brief 800 officers while maintaining services and a series of briefings are being rolled out as part of operational practice. An aide memoir has also been developed by the Adult Support and Protection Referral Coordinator who has distributed this to all officers. The coordinator also has a key operational link with officers to discuss referrals and promote consistency of practice in terms of identifying adults at risk.

All training courses run to date have been evaluated and a summary of attendance and evaluation appears in Appendix 8 alongside details of the current training framework.

Training over the last year time has been focused on ensuring that there are sufficient staff to fulfil the councils statutory duties however with the imminent appointment of a Multi Agency Training Coordinator an East Ayrshire Training strategy that looks at improving skills and knowledge on a longer term inter disciplinary basis will be a future priority for action.

CHAPTER 4: THE FUTURE FOR EVALUATION OF THE EAST AYRSHIRE ADULT PROTECTION COMMITTEE

WHAT WE HAVE ACHIEVED ONE YEAR ON

In East Ayrshire the Adult Protection Committee and its sub groups continue to build on successes from previous years coupled with recent developments made in 2008/09.

Areas of Good Practice

- The Legal Solutions forum which is chaired by strategic and operational managers and is a forum with a focus of prevention of situations escalating to serious harm and or to provide advice and expertise where care managers or key leads from health or other agencies are considering any legal intervention including the Adult Support and Protection act. This will be evaluated to identify if arrangements can be strengthened further in terms of multi agency access or involvement.
- The revision of the High Risk Pregnancy Protocol by the partner agencies of ASPIC and the Child Protection Committee. The development of the Protocol arose from the recommendations of the publications “Getting Our Priorities Right” and “Hidden Harm” (Scottish Executive) which focussed on the impact of substance and alcohol misuse on children in Scotland. This has resulted in an increase in the number of pre-birth assessments being undertaken and subsequent Pre-Birth Case Conferences being convened. This Protocol provides guidance to all staff in respect of assessing the potential risk to an expected baby where there may be identified risk factors such as parental problem drug use, alcohol abuse, domestic violence or a previous parental history of having been in Local Authority care and ensures that an appropriate care plan is in place by the time of the child’s birth for both the adult at risk and the child. These arrangements are now being included in the Local Operational Guidance and Procedures for Adult Support and Protection and will include clear agreements for identifying lead workers and having a joint family protection case conference and protection plan if required.
- The Multi agency Parents with Learning Disability working group were key contributors to the consultation for the Scottish Consortium for Learning Disability development of Good Practice Guidelines for Working with Parents who have learning disabilities and have been approached to participate in a future implementation group for the guidelines to be implemented locally.
- Pan Ayrshire Enhanced service for people with a learning disability to improve the uptake of health checks for people for early detection and prevention of health issues and increase the awareness in GP practices of the health and communication needs of adults who have a learning disability. A practice liaison community learning disability nurse is currently in post.
- The creation of specialist nursing posts the Mental Health Liaison nurse service and Dementia Nurse specialist available to advise and assess in general hospital wards.
- In inspection year 2007/08 the Care Commission focussed on the issue of protecting

people .The Inspection Focus Areas (IFA) consisted of four sections and required service providers to evidence that their policies, procedures and practices relating to Adult Protection were effective and reflected up to date practice guidance.

The four sections included;

- Child protection in services for adults
- Policies/procedures and practices in the use of restraint.
- Adult protection procedures and practices (including knowledge of Area Inter-Agency Adult Protection procedures)
- Scottish Social Services (SSSC) Codes and staff training in relation to protection.

Where necessary, requirements and recommendations were made to ensure that service providers addressed any identified issues. These requirements and recommendations were followed up during subsequent inspections.

Adult Protection Cooperation and Communication

ASPIC Development

The East Ayrshire ASPC was established with the commitment of key statutory partners and meets and reports to the Chief Officers Group on a regular basis, the appointment of an independent Chair to formalise the committee has proven a challenge due to issues of identification and recruitment of an appropriate part time Chair.

In terms of supporting the structure and administration of the Committee administrative support has been identified and systems for ensuring robust arrangements for monitoring and reporting on the allocated funding from Scottish Government are in place and details are contained in Appendix 7.

An Interim Constitution is now in place with the approval of ASPIC and will formalise the terms of reference for the committee and highlight areas that require further consideration in particular strengthening links with other key agencies and stakeholders for example people who access services and their families, the independent sector and the Procurator Fiscal Service.

An Adult Protection Coordinator and Resource Assistant have been in post since May 2009 to ensure the Committee is able to discharge its functions effectively and a priority for future work will be the development of procedures for managing Significant Case Reviews.

Adult Protection Unit (APU)

ASPC members have identified key operational leads for Adult Support and protection in East Ayrshire which forms the basis for a local APU., Structures are now in place to support further development of the group in terms of formalising meetings so that they will take forward, implement and review the Business plan.

Arrangements are in place to progress development days to increase an understanding of the roles and responsibilities of all partners agencies, the initial event will focus on developing links with the Care Commission.

The Police have appointed an Adult at risk referral coordinator with a Pan Ayrshire remit to liaise and ensure coordination and consistency of practice and efficiency of response across agencies both in identifying potential referrals and providing advice to Council Officers and colleagues on referrals that may involve criminal activity and performance reporting.

Further self evaluation of the role will be required to ensure it continues to deliver positive outcomes for all and remains effective.

Improving Policies, procedures and Practice

Adult Support and Protection Guidelines

As part of the duties emanating from the Adult Support and Protection (Scotland) Act 2007 East Ayrshire Social Work services have the key responsibility to receive and coordinate responses to reports about adults who may have been harmed or may be at risk of harm. These adults may have been referred by relatives, neighbours, professionals or other sources. Social Work has the lead responsibility of deciding when there is a need to initiate an adult support and protection enquiry and /or investigation and the subsequent steps to follow.

The Ayrshire Multi Agency Adult Support and Protection Procedures and subsequent Local Operational Guidelines provide clear guidance to practitioners from all disciplines on their responsibilities in relation to reporting, sharing information and cooperation and any such investigations, including the need to pursue urgent statutory intervention or the need to convene a multi-disciplinary Adult Support and Protection Case Conference.

The Local Authority, Health, the Police the Care Commission and staff from other partner agencies are committed to working together to ensure the safety of the most vulnerable adults within the context of supporting Communities, individuals and their families to fulfil their individual rights and responsibilities to safeguard their welfare.

The West of Scotland Procedures for adult support and protection have been approved by ASPC following an analyses and comparison with the Ayrshire Adult Protection procedures and once revised will form the basis for the revision of local operating guidelines for agencies

which will be widely disseminated.

A robust referral system has been established for reports from the police which provide a quicker and more efficient response and feedback to agencies and follow up by the Council. Council officers across Ayrshire are in the process of having their ID badges changed to provide information on their authority to act to ensure improved communication. Further partnership work is progressing in terms of standard protocols for access to health information and medical examinations.

A short life working group has been established to report to committee on the implications for future practice following the MWC enquiry entitled Justice Denied.

The Adult Protection Coordinator is currently working with the Mental Health Coordinator of the Council to revise The Adults with Incapacity Guidelines for intervention for the Council to reflect the changes within the Adult Support and Protection Act.

The Council information management system is currently being reviewed to implement use of the Adult protection module and ensuring the proforma for reporting and recording adult support and protection activity are more efficient in terms of staff time to improve efficiency for practitioners.

There will be a need to produce a robust communication strategy to include the review of multi agency information sharing protocols as a priority.

Improving Skills and Knowledge

The main aspects of training provision are detailed in the section on training progress and the appointment of a Training Coordinator to develop a multi agency training strategy will be the main area of development work in this area.

A more in depth analysis of training needs would identify where there are specific areas within services that may require prioritised for future training.

Public Engagement and Information

ASPC has launched a local publicity campaign in support of the Scottish Government Campaign entitled "Act against Harm". The strapline has been adopted for the development of all publicity materials which will be launched as part of the East Ayrshire media campaign and lend more weight behind raising the profile of adult support and protection.

The council website has been developed to include information accessible to the public on local and Scottish Government information regarding ASPC the act and how to report incidents of harm and what will happen.

All information is available in various languages and further work is progressing to develop accessible information for adults with a learning disability.

Consideration of formalising the Public Information Subgroup to take forward the development of a communication strategy will be the next step over the next 12 months.

Performance Audit and Evaluation

The Council has developed an action plan setting out how to tackle the recommendations of the SWIA inspection report recommendations and the ASPC Business plan will require ensuring there is a link with the care and protection aims and actions

An initial performance monitoring tool that has supported activity reporting and analysis has been developed to include the potential dataset for analysis and reporting on adult support and protection issued by Scottish Government, once the final reporting requirements are received further revision of current systems can take place.

The Committee's Adult Protection Coordinator is currently undertaking a review of internal management information systems to develop a suite of reporting information. This will refine regular monitoring and improved decision making across all levels of service activity. The information obtained will provide qualitative indicators in respect of issues such as the level of risk which professional staff has to manage while adults are subject to ongoing formal support and protection procedures and the extent of intensive support provided to enable adults to have procedures discontinued.

Similarly there will be more accurate qualitative reporting on the extensive preventative work undertaken with adults at risk of harm and their families on a long term basis, reflecting the high quality of practice which ensures that a greater number of adults do not need to become subject to adult support and protection processes in the first place. The East Ayrshire Adult Protection Unit Lead Officers Group are awaiting confirmation of Scottish Government reporting requirements which will be used to refine local reporting mechanisms and processes for surveying adult protection activity and outcomes for individuals and families as well as the financial and resource implications for service. At this time the development of a self evaluation framework will support the identification of areas for improvement and a baseline audit of current referrals.

Budgetary Arrangements

ASPC have developed robust systems to ensure processes for the monitoring, review and reports on financial expenditure are clear, open to public and government scrutiny and accessible.

The Committee will require developing a financial plan to support ASPC and its functions that reflect the projected priorities. The Committee is currently awaiting the financial survey from Scottish Government to inform future performance reporting frameworks. This will be crucial to ensure current and future funding is secured.

Presentation and Analysis of Management Information

The Adult Support and Protection statistics in this section have been drawn from Vulnerable Adults Procedures statistics in 2007/2008 prior to the implementation of the Adult Support

and Protection (Scotland) Act 2007 and East Ayrshire Council's performance reports to the Committee in 2009. These statistics provide a baseline indication of Adult Protection activity within the East Ayrshire area and focus on adults where there have been enquiries into reports of actual or potential harmful conduct.

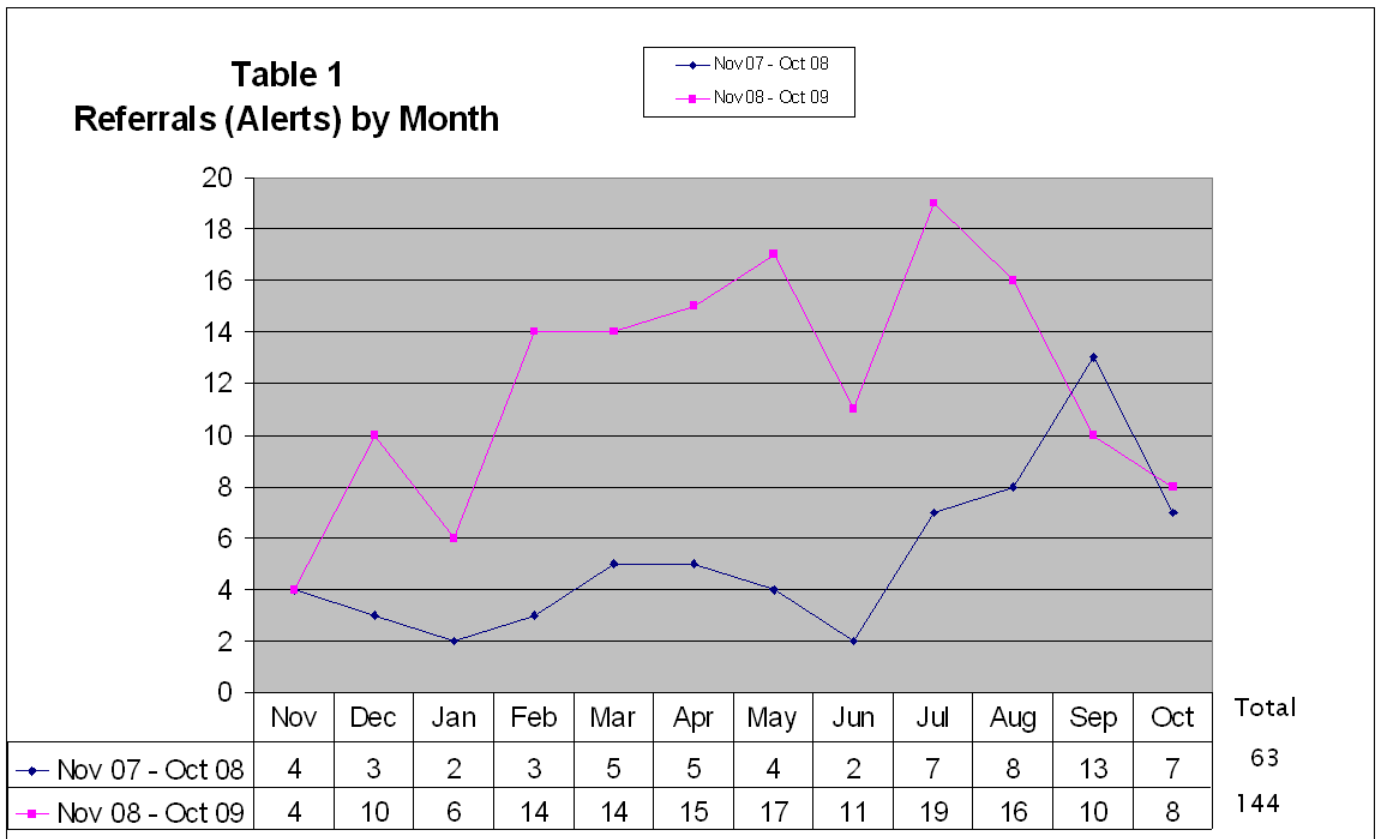
Also illustrated is East Ayrshire's activity against local authority family group comparators. The statistics provide the Adult Protection Committee with a useful measure of annual trends from 2007/08 prior to the implementation of the Adult Support and Protection (Scotland) Act and – 2008/09 the first year following implementation (The period reporting years are 29th Oct – 31 September)⁷.

The Council has comparator authorities included below and the list has been extended to include others with a similar demographic profile:

- Inverclyde
- Clackmannanshire
- North Ayrshire
- Falkirk
- West Lothian
- North Lanarkshire

Adults Referred for Adult Protection Enquiries

Table 1: Referrals by month showing a two year comparison, pre the Adult Support and Protection Act and for the first year after the Act was introduced.



- The **144** reports related to **134** individuals as some had more than one report raised

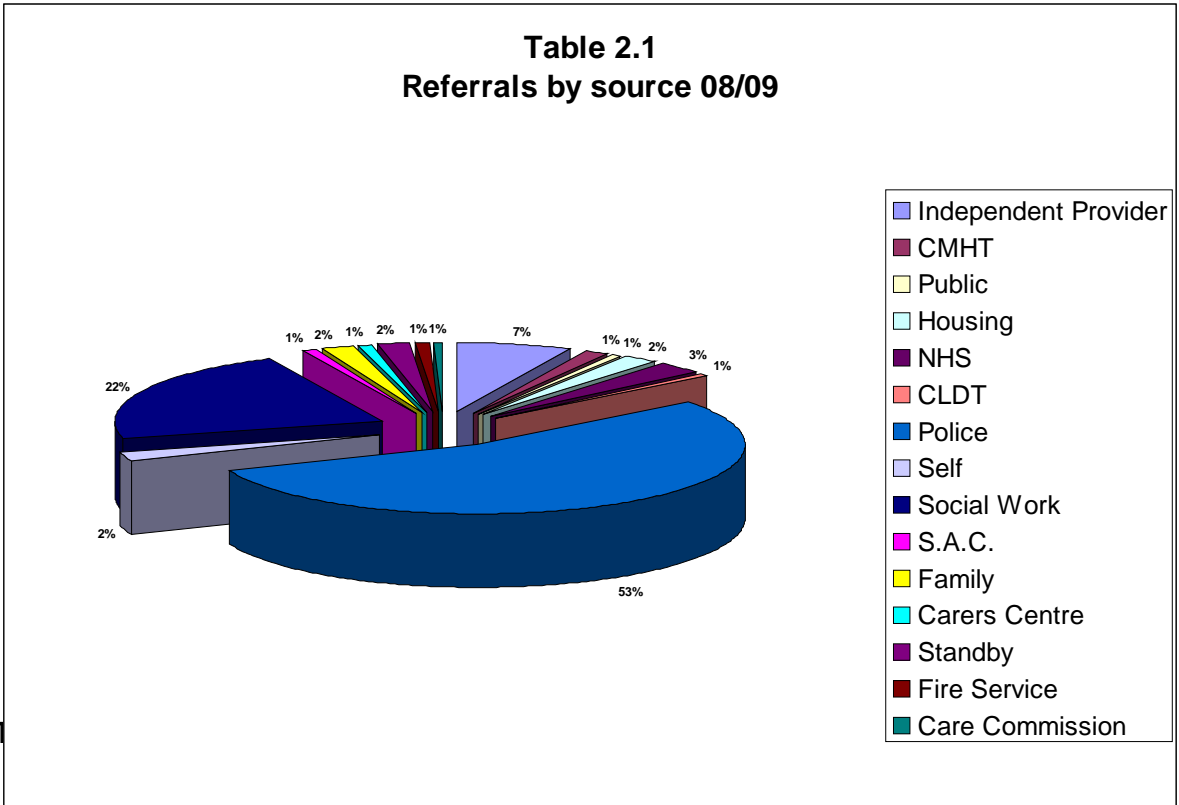
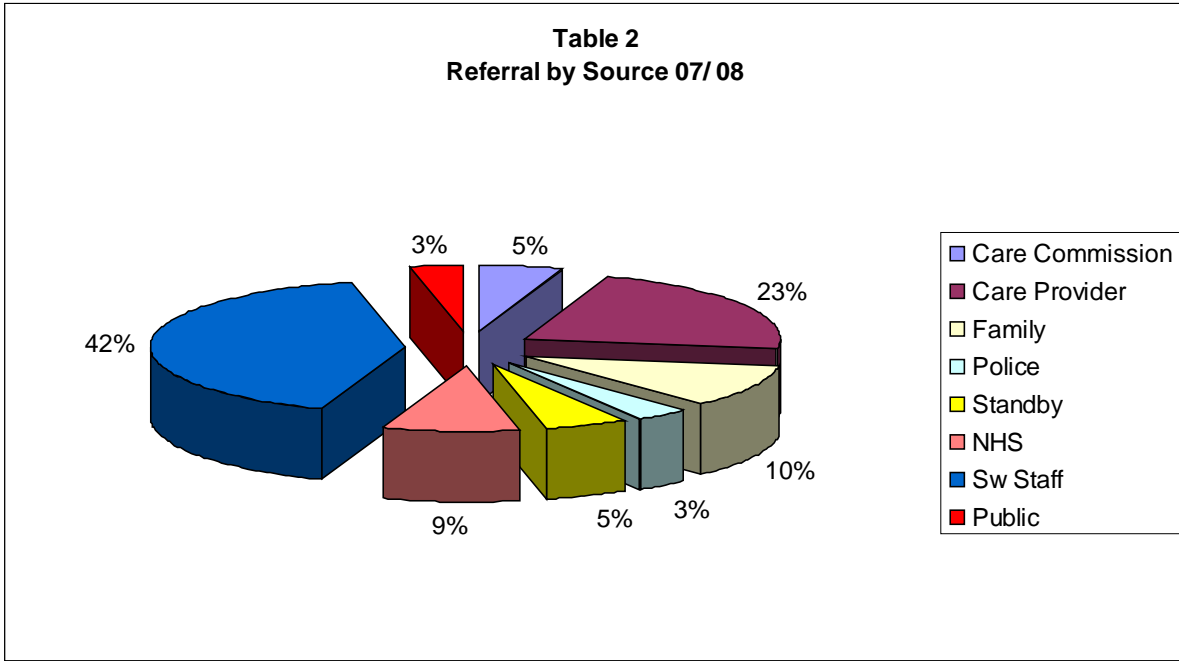


Table 3
Category of Harm by Age Group Oct 08 - Sep 09

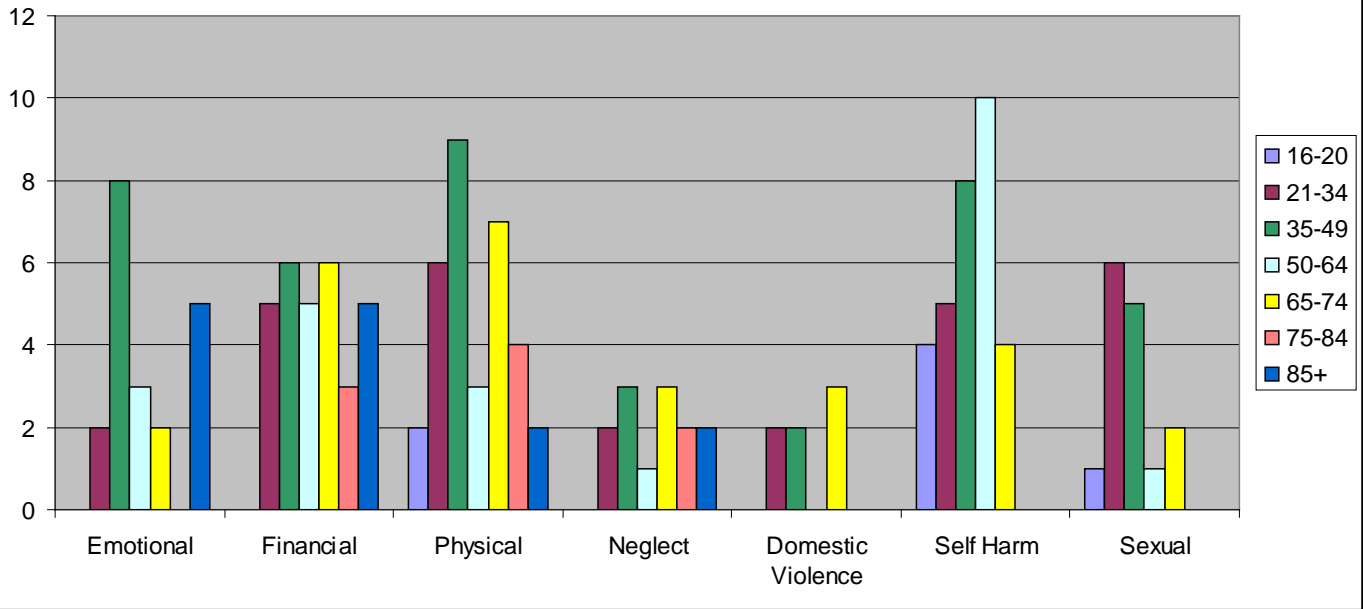


Table 4

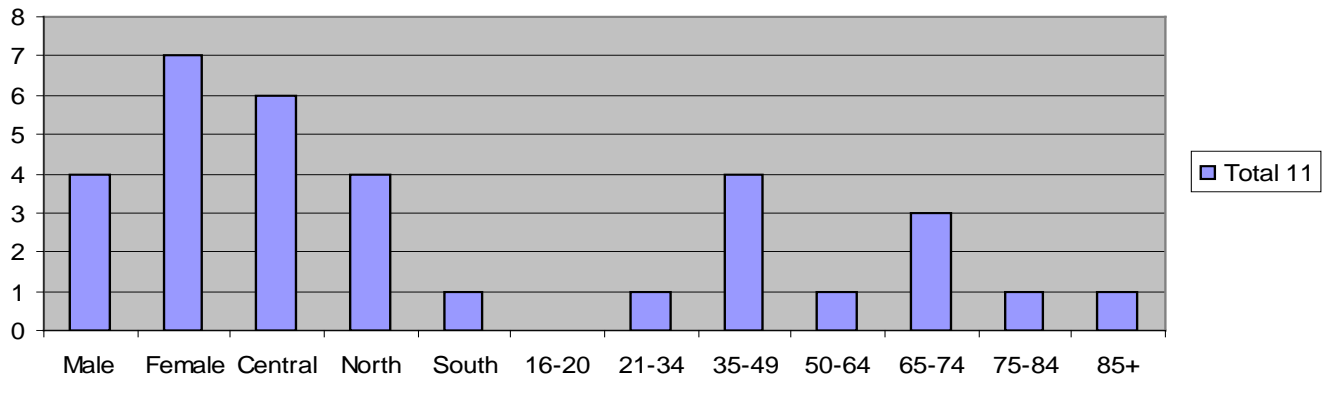


Table 5: Category of Primary known or suspected perpetrator of those subject to a case conference Oct 07 – Sept 08

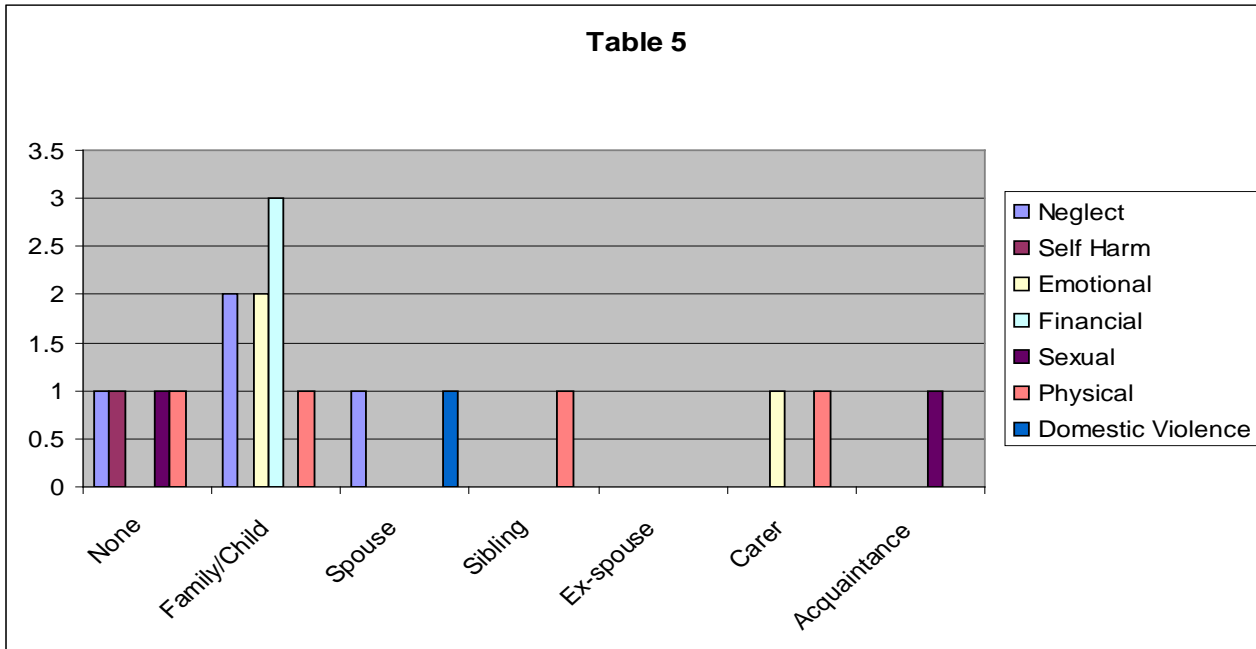
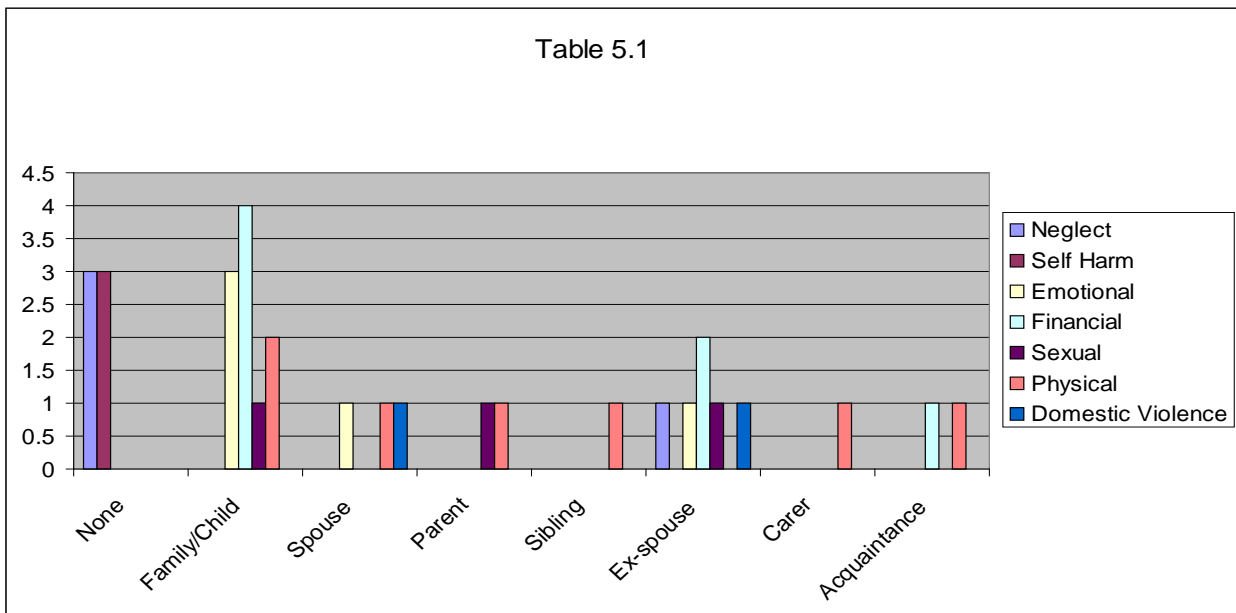
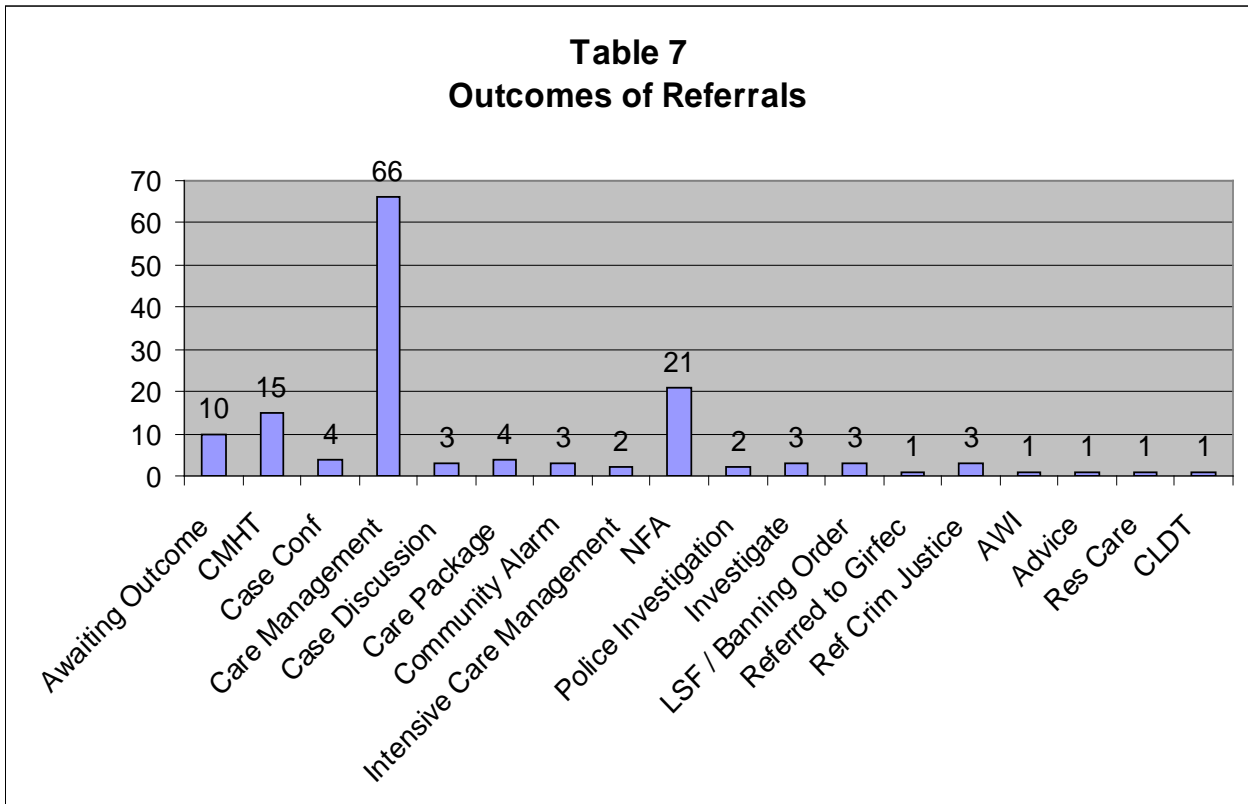


Table 5.1: Category of Primary known or suspected perpetrator of those subject to a case conference Oct 08 – Sept 09



- The None category refers to the adult is at risk from their own harmful conduct



Protection Order Activity

Since the introduction of the Act East Ayrshire have actively pursued and secured 3 Protection orders with a further 2 under consideration. All have been Banning Orders.

In terms of Scotland information received from 25 of the 32 local authorities identified that there were 11 Orders granted including East Ayrshire and all have been Banning Orders.

In terms of the Act the early indications would suggest that there is not a significant use of protection orders however there remains a high level of activity relating to the Council making enquiries into reports of suspected or actual harm.

The Orders have been implemented to address a variety of situations including:

- A Physically frail older person who was being subjected to financial, psychological and physical harm over many years by family members . The Banning order supported the adult to Ban perpetrators and outcome has been an increase in their physical health, increased self confidence and ability to build her capacity for self protection.
- An adult with mental health issues and physical disabilities being exacerbated by the

physical, financial, psychological and potential sexual harm from a family member who had issues with drug misuse and associated offending behaviour. The Banning Order provided the individual with stability within their life and finances, further crisis admissions to a respite facility were not required which has supported the recovery process for the individuals enduring mental health needs.

- A child was the subject of a Banning Order to protect an adult from physical and psychological harm and whose child was also being subjected to escalating physical, sexual and emotional harm from the perpetrator who was not related to the family. The Banning Order supported the adult by promoting access to support that improved the reactive mental health issue being experienced and promoted engagement with services to improve parenting capacity. The subject of the order benefited as the order imposed restrictions that meant further consideration of secure accommodation was not required at this time.

IDENTIFYING TRENDS

Trends and Analysis

Initial indications from figures evidence a gradual but consistent increase in reports of adults at risk. There is a marked increase in terms of reports from the police which has increased by 43% this year which could be partially attributed to the increase in awareness raising activities and a more robust and coordinated approach to direct reporting between agencies. In 2008-09 Strathclyde police allocated additional resources within priority areas to tackle the most persistent "hot spots of crime and anti social behaviour which could also be a contributing factor. A more in depth evaluation will be required to look into the finer detail of reports and the outcomes.

A recent article in the national press on elder abuse highlighted that increasing numbers of elderly people are at risk of harm. In terms of East Ayrshire There has been a gradual increase in the numbers of reports relating to people over 65yrs with 28% being the current figure. 16% of those were over 74yrs and there were a third more reports for people over 85yrs.

The highest source of referrals still remain associated with adults with a learning disability or mental health issues although there is a gradual increase in the number of females particularly with physical disabilities. It will be crucial to share information with the newly established Mental Health and Learning Disability Partnership to ensure trends are addressed and support planning processes to meet local need.

In East Ayrshire, the highest increase was recorded within the category Financial Harm rising from 3 instances in 07/08 to 7 in 08/09.

In terms of formal investigation and protection planning intervention in the last year has risen from 6.38% prior to the act to 44.16% this suggests that a high percentage of referrals identified situations were adults were in situations posing significant risk requiring intensive intervention. This also has implications for future deployment of resources to meet the growing demand. This is particularly evident in the fact that 69% of referrals are being

directed to the teams in the north and central Kilmarnock.

This information suggests that there will be key priorities in terms of targeting the work of the committee into looking at the trends in relation to older people, financial exploitation and women with physical disabilities. The National Dementia Strategy under development will be a key document for ASPC and planning partners' consideration.

In cases of serious harm and formal statutory intervention there is a clear link to alcohol and drug misuse as a contributory factor and a key link for ASPC will be partnership working with the newly established Alcohol and Drugs Partnership to analyse and share information to identify areas that may require addressed in terms of adult support and prevention of harm.

Incidents of reports related to domestic violence against woman appear low on referrals however high in terms of Protection orders being considered, mainly Banning Orders. This may suggest that the current services available are providing support to meet need and only when this becomes a high risk are we intervening, which is in the spirit of the act however until further analyse is made this is not fully understood . The statistics, particularly those relating to domestic abuse would appear to have low figures and reporting however there are high levels reported across East Ayrshire.

CONTINUOUS IMPROVEMENT

Through strategic planning structures and partnership working the East Ayrshire Adult Support and Protection Committee seeks to continuously improve adult protection work and secure better outcomes for individuals, and in particular those at higher risk of harm as defined by the Adult Support and Protection Act, at a local level. This requires ASPC to address the 4 key strategic themes and functions as outlined by the Scottish Government draft evaluation and audit:

- Service Users Outcomes and Views
- Procedures Practice and Performance: Quantity and Quality
- Relations Between agencies
- Management of Service and Staff

In East Ayrshire the Adult support and Protection Implementation Committee and its sub groups have made considerable advancements in addressing the aforementioned key themes and we will continue to build on our successes from previous years coupled with recent developments made in 2008/09. The following Business Plan for 209-2010 will be the vehicle to take this forward.

CHAPTER 5: CONCLUSION

This Annual Report and Business Plan demonstrates that there is a full commitment from the East Ayrshire Adult Support and Protection Implementation Committee, its sub groups and partner agencies to continuously aim to improve services to children, young people and adults who are more vulnerable to harm due to their current circumstances.

There continues to be steady progress in terms of delivering on all aspects relating to the committee functions and the plan provides further evidence of this.

Strong and effective partnerships are being forged with Scottish Government, between and within planning partners which is positive in terms of future expectations and building on the achievements and successes within the adult support and protection agenda. This will be strengthened by collaboratively implementing the Business Plan objectives which have been compiled for the coming year.

The Business plan represents a summary of actions that will be progressed in line with the Scottish Government guidelines on the functions of Adult Protection Committees and will form the basis of the Biennial Report.

The Committee will regularly inform partners and stakeholders on the outcomes of this plan through the appropriate Committee cycles and within the wider planning and reporting channels for Adult Services and Community Planning and through its Web-Site.

The East Ayrshire Adult Support and Protection Implementation Committee believes that this Annual Report illustrates the absolute commitment of all its partners to ensure that services to adults who may be at risk of harm become demonstrably more joined-up and person centred. The Committee is committed to the continuous improvement of services which promote the prevention of harm and the support and protection of adults at risk of harm and their families and carers in East Ayrshire.



EAST AYRSHIRE
ADULT SUPPORT AND PROTECTION
IMPLEMENTATION COMMITTEE
BUSINESS PLAN 2009-OCTOBER 2010



Acting Against Harm



AIM 1 - COOPERATION AND COMMUNICATION					
OBJECTIVE	ACTION	TIMESCALE / LEAD	RESOURCE	OUTCOME	LINK TO POLICY & OTHER PARTNERSHIP PLANS
What you want to achieve?	How specifically you are going to achieve it	When you will achieve it	What resources are required	How will you know it the objective has been achieved	
1. Strengthen Multi Agency Partnership Arrangements and communication for Adult Protection.	<p>1 Establish East Ayrshire Adult Protection Committee in line with Legislative and national guidelines by;</p> <p>1.1 Recruit Independent Chair</p> <p>1.2 Identify membership of all statutory public bodies and relevant support members</p> <p>1.3 ASPIC Constitution to be developed</p> <p>1.4 Website established with Interagency Portal</p>	<p>1. by 31st March 2010 – Eddie Fraser and Chief Officers Group</p> <p>1.1 ASPIC and APU Leads by end June 2009</p> <p>1.2 Donna Sinfioriani and ASPIC by end December 09</p> <p>1.3 Donna Sinfioriani by end December 09</p> <p>1.4 Ian George Resource Worker by end January 2010</p>	<p>Scottish government funding for Chair and additional support staff for Committee</p> <p>Staff Time</p> <p>Administrative support</p> <p>IT equipment and access</p>	<p>Independent Chair Appointed</p> <p>Minutes of meetings evidence appropriate and regular partnership attendance</p> <p>Constitution signed off by ASPIC, COG and Democratic Services</p> <p>Annual and Biennial Report evidences robust partnership structures</p>	<p>Adult Support and Protection Act 2007 (S)42</p> <p>Scottish Government Guidance for Adult Protection Committees Oct 2008</p> <p>Report of the 21st Century Social Work Review: Changing Lives. Strengthening partnership arrangements</p> <p>Educ and Soc Services Community Care Service Plan 2010/11 Action 1-establish APC and Unit</p>

<p>2. Resources and services delivered and maximised through use of shared premises.</p>	<p>2.1 Identify premises in Kilmarnock</p>	<p>2.1 Eddie Fraser and Senior Manager Resource Support and BY 31ST March 2010</p>	<p>Staff Time Finances for rent/running costs Buildings</p>	<p>Adult Protection Unit (APU) and CPC leads Collocated</p>	<p>Single Outcome Agreement (SOA) – National Outcome 15- Our Public Services are high quality, continually improving etc</p>
<p>3. ASPIC provide strong leadership and direction through clarity of multi agency roles and responsibilities</p>	<p>3.1 Three development seminars to be facilitated over next 12 months.</p>	<p>Adult Protection Coordinator and Training Coordinator to arrange; 1st event with care commission focus by end March 2010 2nd event to be agreed by ASPIC and facilitated by end June 2010 3rd event to be agreed by ASPIC and facilitated by end September 2010</p>	<p>Staff Time Funding for venues, hospitality External premises</p>	<p>Evaluation reports from seminars demonstrate enhanced knowledge and clarity of roles/direction</p>	<p>SOA - National Outcome -6 –We Live Longer and Healthier Lives</p>
<p>4. Ensure Scottish Government and partners aware of Adult Support and Protection Activity addressing analysis of trends to inform future Business Planning priorities within East Ayrshire.</p>	<p>4.1 Produce Annual report by end October each year 4.2 Produce Biennial report for Scottish Government</p>	<p>4.1 Adult Protection Coordinator and APU Leads by end December 09 4.2 Adult Protection Coordinator and Chair of ASPIC by end October 2010</p>	<p>Staff Time</p>	<p>Annual report and Biennial Report signed off by COG and circulated /available to all partner agencies and public bodies. Circulation and Mailing List</p>	
<p>5. Improve interagency communication and earlier identification of risk in response to adult protection concerns</p>	<p>5.1 Establish short life working group to evaluate effectiveness of Legal Solutions Forum in terms of early intervention,</p>	<p>5.1 Adult Protection Leads by end March 2010 5.2 Evaluation report by</p>	<p>Staff Time Funding allocated and available Access to IT resources/</p>	<p>Self evaluation Report with action plan to facilitate recommendations available to ASPIC</p>	<p>SOA-National Outcome 8-We have improved the life chances for children young people and families at risk</p>

	partnership working and outcomes for individuals.	end May 2010	access to MARGE portal	Evidence of positive outcomes documented	(pge 77 SOA)
6. Contribute to the review of EAC Communication Strategy ensuring information re Adult Support and Protection is disseminated across services ,Agencies and the Community	6.1 Establish Short life working group to develop communication work plan consistent with Multi agency communication strategies 6.2 Establish sub group to monitor and review the strategy and report to ASPIC and COG re progress	6.1 APU Leads Group in partnership with ESS Heads of service Community Care, Children and families Services & Criminal Justice by end March 2010 6.2 APU Leads by end Mayl 2010	Staff Time	Evidence Of Communication Strategy in place Evidence of progress and review via minutes of ASPIC,COG and Public Information and Engagement Subgroup	Cross Cutting Action within Educational and Social Services Service Plan –Community Care 2008/09-2010/11 SWIA – Recommendation 4- Impact On staff –revisit and review existing communication strategies.
7. Improve understanding of the potential impact of ASAP Legislation across Criminal Justice and Prison Services to identify areas for developing practice	7.1 Establish Short Life working Group to share current practice and identify potential gaps in service provision	7.1 APU leads in partnership with criminal Justice Service Manager identify group members by end march 2010 with timescales for report by end June 2010	Staff Time	Evidence of Report to Committee and practice reflects positive changes to current arrangements	Community Plan /SOA –National Outcome 7
PROGRESS AGAINST OUTCOME: (QUARTERLY,SIX MONTHLY AND ANNUAL INTERVALS)					

AIM 2 -IMPROVING POLICIES ,PROCEDURES, AND PRACTICE -

OBJECTIVE	ACTION	TIMESCALE	RESOURCE	OUTCOME	LINK TO OTHER PARTNERSHIP PLANS
What you want to achieve?	How specifically you are going to achieve it	When you will achieve it	What resources are required	How will you know it the objective has been achieved	
1. Ensure a consistent approach to Adult Support and Protection by ensuring West of Scotland (WOS) Adult Support and Protection procedures are implemented across Ayrshire	1.1 Multi agency revision and updating of WOS procedures. Once revised will inform Revised Adult Support and Protection Operational guidance	Training and Planning Subgroup in partnership with WOS practice Forum by end March 2009	Staff Time	WOS procedures and Local multi agency Operational Guidance in place and accessible	SOA- National Outcome 8
2. Ensure all ASPIC policies and procedures are compliant with Equalities policy and legislation	2.1 Identify and establish process for use of integrated impact assessment for Community Planning	Adult Protection Coordinator by end March 2010	Staff Time	All ASPIC Policies ,Procedures and Protocols will evidence compliance with Integrated Impact Assessment.	Social Work Action Race Equality Action Plan
3. Improve Partnership Information Sharing protocols to reflect Adult Support and Protection Legislation	3.1 Establish group to Review multi agency information sharing protocols	Ayrshire Training and Planning Subgroup and EA –APU Leads group by end March 2010	Staff Time	Evidence of revised multi agency Information Sharing Protocols	
4. Ensure robust arrangements in place to ensure timeous access to medical examinations and records in relation to s 4 and 10 of the Act.	4.1 Standard Letters to be agreed across Ayrshire 4.2. Protocol for access to information and medical examinations to	4.1 Jaine Best Solicitor and SAC &NAC Legal services by end Jan 2010 4.2 East Ayrshire APU Health Leads in partnership with lead	Staff Time Administrative support	Evidence of Protocol for access to medical examinations and records	SOA -National Outcome 7 We have tackled the significant inequalities in Scottish Society

	be established in partnership with GP,s	officers across Ayrshire by end March 2010			
AIM 3 - IMPROVING SKILLS AND KNOWLEDGE					
OBJECTIVE	ACTION	TIMESCALE	RESOURCE	OUTCOME	LINKS TO OTHER PARTNERSHIP PLANS
What you want to achieve?	How specifically you are going to achieve it	When you will achieve it	What resources are required	How will you know it the objective has been achieved	/
1. Establish Multi Agency Training Strategy and Plan for Adult Protection that links to multi agency workforce planning	1.1 Training Coordinator to be recruited to lead. 1.2 Training needs Analysis to be undertaken to inform Annual Training Plan	1.1 ASPIC Chair by end March 2010 1.2 Training Coordinator by end May 2010	Staff Time	Training Coordinator in Post and evidence of Training needs analysis and Training Strategy signed off by ASPIC and COG	SWIA – Recommendation 13- Social Services should ensure that every area has a training plan based on needs analysis/workforce plan
2. Ensure all public bodies are aware of their roles and responsibilities under the Adult Support and Protection Act 2007.	2.1 Level 3 Council officer training programme continue on rolling basis across Ayrshire 2.2 Further level 3 training targeted at all criminal justice registered social workers 2.3 Further 14 sessions of level 2 multi agency training offered to include 150 Housing	2.1 Ayrshire Adult Protection Leads 3 times per year 2.2 Adult Protection Coordinator by end May 2010 2.3 Adult Protection Coordinator and Facilitators by end September 2010	Staff Time Funding for facilitators and replacement costs currently being met from existing budgets		SOA –National Outcome 8 Educational and Social Services Community Care Service Plan2010/11- Action 2 Ensure all staff have continuous awareness of Adult Protection Issues

	<p>Managers and Frontline staff</p> <p>2.4 600 LA Home Carers receive Level 1</p> <p>2.5 800 police officers receive level 1 briefing</p> <p>2.6 Deliver 2 x training for trainers events for independent and voluntary sector using Tell Someone Training Pack</p>	<p>2.4 Team Managers by 31st March 2010</p> <p>2.5 Alan Farrell – Police by end May 2010</p> <p>2.6 Training Coordinator and Social Work Training Officer by end April 2010</p>			
<p>3.Improve knowledge and cooperation of General Practitioners in relation to their roles and responsibilities under the Act.</p>	<p>3.1 Establish Formal Link with Enhanced Service Group to explore use of practice liaison nurse model in engaging GP,s</p> <p>3.2 Awareness raising Briefings programme in place to be rolled out to GP,S</p>	<p>3.1 Donna Sinforiani APC by end March 2010</p> <p>3.2 Training Coordinator and APU Lead for Health by end May 2010</p>			SOA - National Outcome 7
PROGRESS AGAINST OUTCOMES :(QUARTERLY ,SIX MONTHLY AND ANNUAL INTERVALS)					

AIM 4 - PUBLIC ENGAGEMENT AND INFORMATION -

OBJECTIVE	ACTION	TIMESCALE	RESOURCE	OUTCOME	LINKS TO OTHER PARTNERSHIP PLANS
What you want to achieve?	How specifically you are going to achieve it	When you will achieve it	What resources are required	How will you know it the objective has been achieved	
1. Key Information regarding the Act and work of the Adult Protection Committee to be available and accessible to the public, the local media and the community.	1.1 Establish formal arrangements for preparing and distributing public information 1.2 Develop Local Website accessible to the Public and services	1.1 EA APU Leads to agree and implement by end February 2010 1.2 Ian George and CPC Website development team by end December 2010	Staff Time Funding identified for advertising costs and publicity material Access to Website IT Resources purchased from available funding	1.1 Evidence of Formal structure to progress action via ASPIC and COG Minutes and reports. 1.2 Website established and system to evaluate effectiveness 1.3 Annual report and public information available in easy read summary	
2. Ensure Systematic Community Engagement is integrated into future reports and Business planning for the Adult Protection Committee	2. Establish Short Life Working Group to consider adopting the National Standards Framework for Community Engagement	2. EA APU Leads to agree membership of group to commence end march 2010 with report and recommendations to APC by end June 2010	Staff Time	APC minutes , Biennial Report and Business Plan for 2010-11 will evidence application of National Standards framework or alternative option	Educational and Social Services Community Care Service Plan-2010/11-Action 12 Service User and Carer Consultation strategy across social services
3. To promote the views of East Ayrshire Residents in regard to Adult Support and Protection in Business planning processes of the Adult Protection Committee	3.1 Key staff involved in developing residents survey to be invited to APU leads meeting 3.2 Explore possibility of additional information requirements re ASAP for inclusion in 2011 residents survey	3.1 APU Leads meeting include on Agenda by end April 2010 3.2 APU Leads by December 2010	Staff Time	Evidence in Biennial Report and minutes of APC and COG.	SOA -National Outcome 9: We Live our lives safe from crime, disorder and danger

<p>4. Carers have increased awareness of Adult Support and Protection Legislation</p>	<p>4. Explore ways to promote Adult Protection across carers groups</p>	<p>4. Adult Protection Coordinator and Carers Groups by end May 2010</p>	<p>Staff Time Funding for commissioning independent Survey</p>	<p>Evidence of Consultation in Biennial report Minutes of APC reflect progress</p>	<p>SOA National Outcome 11-We have strong and resilient communities where people take responsibility for their own actions and how they affect others</p>
<p>5. Priority groups identified in Annual Report have increased awareness of Adult Support and Protection and Influence the Business Plan of the APC.</p>	<p>5. Establish Links with stakeholder groups for Mental Health ,Learning Disability to identify needs 5.1 Facilitate Adult Support and Protection Conference</p>	<p>5. APU Leads by end June 2010 5.1 Adult Protection Committee by end September 2010</p>	<p>Staff Time Funding for commissioning services Staff Time Funding identified</p>	<p>APC Reports evidence progress Evidence of increased awareness from Conference Evaluation</p>	<p>East Ayrshire partnership In Practice Agreement</p>

PROGRESS AGAINST OUTCOMES : (QUARTERLY,SIX MONTHLY AND ANNUAL INTERVALS)

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AIM 5 - PERFORMANCE , AUDIT AND EVALUATION

OBJECTIVE	ACTION	TIMESCALE	RESOURCE	OUTCOME	LINKS TO OTHER PLANS
What you want to achieve?	How specifically you are going to achieve it	When you will achieve it	What resources are required	How will you know it the objective has been achieved	
1.Develop a more systematic approach to performance management and reporting to ensure continuous improvement	<p>1.Establish Performance Sub Group to explore CORVU model of electronic performance Management System</p> <p>1.2Ensure access to internet portal for all partners for reports</p>	<p>1.APU leads by end March 2010</p> <p>1.2 APC Chair and Resource Worker Adult Protection by end May 2010</p>	<p>Staff Time</p> <p>Funding for IT Resources and Portal</p>	<p>Evidence of improved performance reporting in APC Reports</p> <p>Electronic system/Portal established</p> <p>Evidence of benchmarking and comparative trends in Scottish Government surveys, Biennial report and APC Minutes</p>	<p>SOA -National Outcome 15</p> <p>Educational and Social Services Community Care Service Plan 2010/11-Action 11 Performance management and reporting</p>
2 Development of common Scottish adult protection audit process to promote consistency of practice and establish baseline for continuous improvement.	<p>2.1Participate in national pilot Adult Protection Self Evaluation Audit Tool</p> <p>2.2 complete initial Audit with review process</p>	<p>2.1APU Leads and James Hogg Director Dundee University by end February 2010</p> <p>2.2Performance Subgroup by end May 2010</p>	<p>Staff Time</p> <p>Administrative Support</p>	<p>Biennial Report and Business Plan 2010-11 reflect Performance Framework</p> <p>Self Evaluation Audit completed</p>	
3Ensure Scottish Government kept informed of Budgetary Performance of APC Including projected costs of Adult Protection	3.Complete National Financial Survey	3APC and Adult Protection Coordinator by 4 th December 2009	Staff Time	Scottish Government Financial Survey Completed	SOA-National Outcome 15

<p>4.Ensure Adult Service Plans are informed by priorities of the Adult Protection Committee</p>	<p>4.APC to ensure Business Plan actions feed into service planning mechanisms</p>	<p>4Adult Protection Coordinator ongoing</p>	<p>Staff Time</p>	<p>Business Plan actions evident in Partners Service Plans</p>	
<p>5. Ensure the ASPIC Business plan consider the Recommendations' from Key operational Audits and Inspection</p>	<p>5.1 Report to be presented to Committee for consideration of Best Value 2 Audit. 5.2 Report to be presented to Committee re implications of the outcome of HMIE Child Protection Inspection</p>	<p>5.1.1 Adult Protection Coordinator by end July 2010</p>	<p>Staff time</p>	<p>Minutes of Committee evidence report and recommendations Business Plan of ASPIC reflects joint action on recommendations relating to common areas for improvement</p>	

PROGRESS AGAINST OUTCOMES: (QUARTERLY, SIX MONTHLY AND ANNUAL INTERVALS)

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ANNUAL REPORT APPENDIX 2

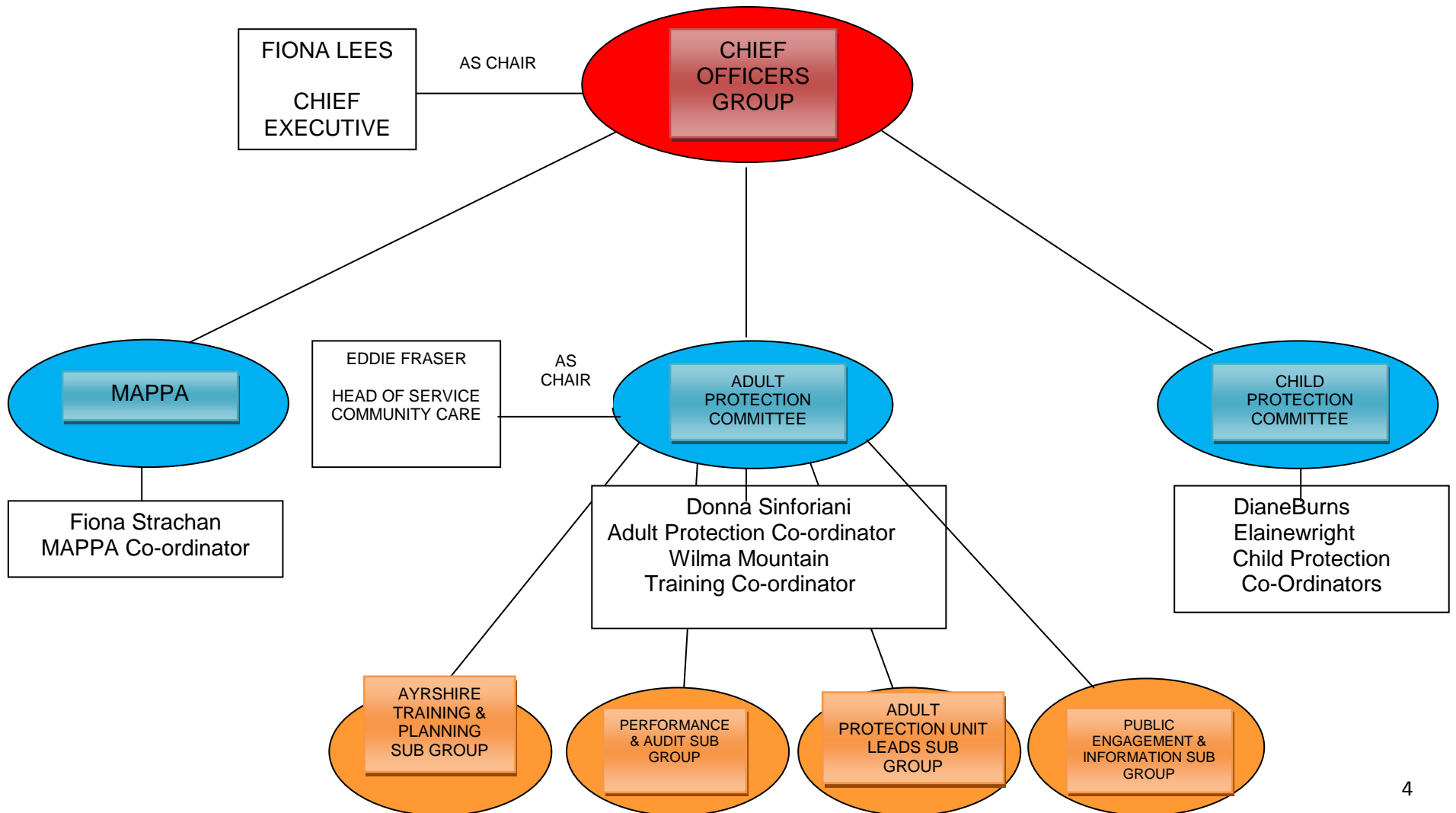
Membership of the Chief Officers Group		
Name	Role/Designation	Agency
Chief Superintendent William Fitzpatrick	Strathclyde Police	'U' Division' Kilmarnock
Way-Yin Hatton	Chief Executive	NHS Ayrshire and Arran
Graham Short	Executive Director of Educational and Social Services	East Ayrshire Council
Susan Taylor	Chair of Child Protection Committee (Head of Children, Families & Criminal Justice)	East Ayrshire Council
Eddie Fraser	Interim Chair of East Ayrshire Adult Protection Committee	East Ayrshire Council
Elizabeth Morton	Depute Chief Executive/Executive Director of Corporate Support	East Ayrshire Council
Fiona Lees	Chair of the Chief Officers Group/Chief Executive	East Ayrshire Council
Fiona McQueen	Lead Director – Child Protection	NHS Ayrshire and Arran
Support to Chief Officers Group		
Gillian Hamilton	Administrative Officer	East Ayrshire Council
Iain Tough	Corporate Business Manager, Chief Executive's Office	East Ayrshire Council
Michael O'Neill	Executive Officer, Chief Executive's Office	East Ayrshire Council
Diane Burns/Elaine Wright	Joint Multi Agency Child Protection Co-ordinator	East Ayrshire Council
Donna Sinforiani	Adult Protection Co- ordinator	East Ayrshire Council

APPENDIX 3

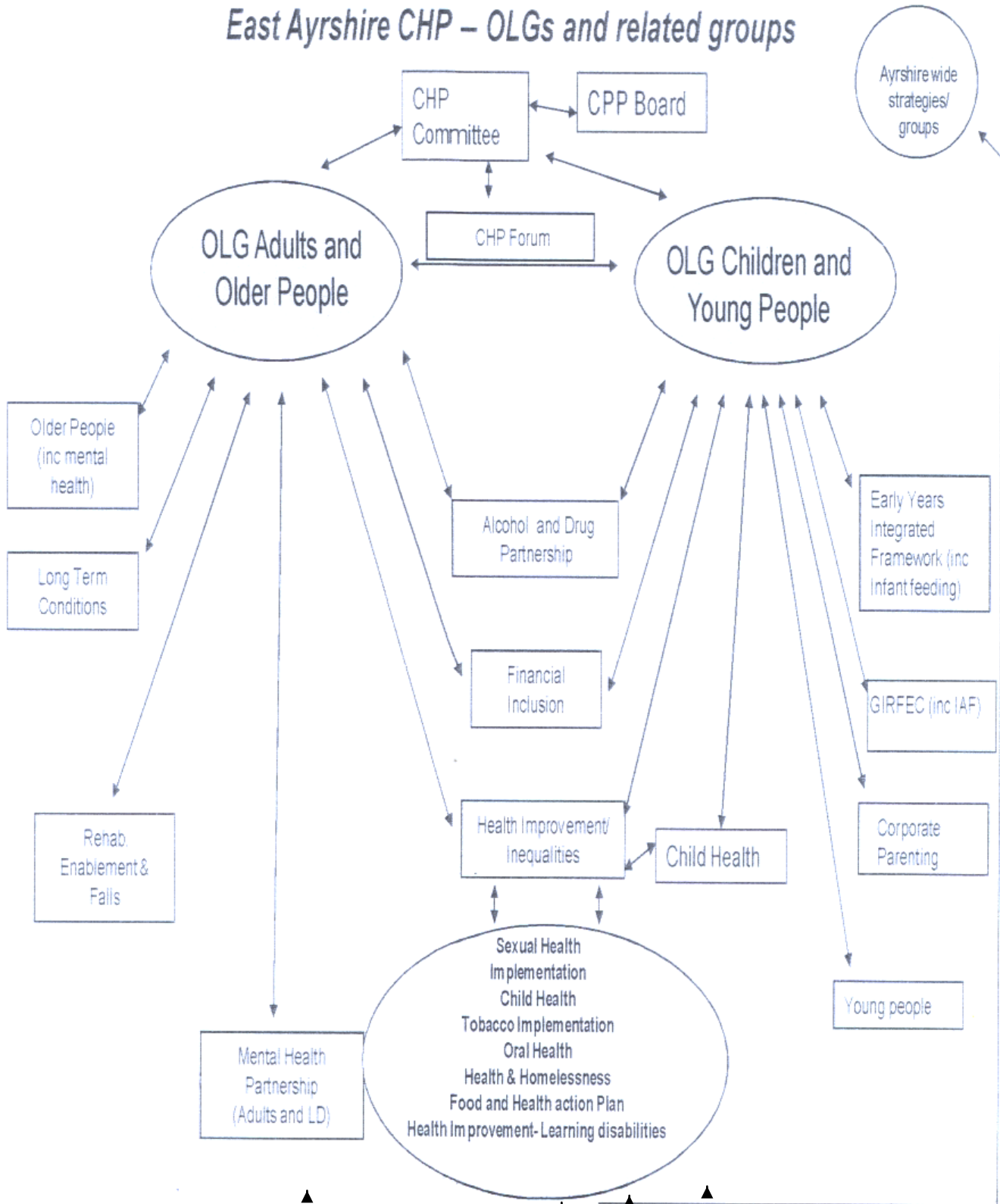
Membership of Adult Protection Implementation Committee		
Name	Role/Designation	Agency
Eddie Fraser	Interim Chair of the Committee and Head of Services: Community Care	East Ayrshire Council
Chris McAleavy	Head of Housing	East Ayrshire Council
Superintendent Helen Swann	Superintendent 'U' Division	Strathclyde Police
Stephen Wilson	Team Manager	Care Commission
Liz Moore	Health Director – Integrated Care and Emergency Services	NHS Ayrshire and Arran
Maire Currie	Health Care Manager Older People and Vulnerable Adults	NHS Ayrshire and Arran
Jaine Best	Solicitor	East Ayrshire Council
Alison Findlay	Senior Manager – Authority Wide Services	East Ayrshire Council
Les Brown	Procurator Fiscal	COPFS
Margaret Rooney	Locality Manager for Elderly Mental Health	NHS Ayrshire and Arran
Committee Support		
Gillian Hamilton	Administrative Officer	East Ayrshire Council
Donna Sinforiani	Adult Protection Coordinator	East Ayrshire Council
Wilma Mountain	Training Coordinator Adult Protection	East Ayrshire Council

APPENDIX 3A

ADULT PROTECTION: GOVERNANCE AND REPORTING



East Ayrshire CHP – OLGs and related groups



Legislation

The Social Work (Scotland) Act 1968 (as amended by the NHS and Community Care Act 1990 and the Community Care and Health (Scotland) Act 2002)

The Act identifies a general duty to assess needs in relation to the provision of community care services and to give carers a right to have their needs assessed by the Council. It is expected that wherever possible intervention will take place under the Social Work (Scotland) 1968 as amended or will revert to this legislation whenever practicable.

Adults with Incapacity (Scotland) Act 2000

The Adults with Incapacity (Scotland) Act 2000 is concerned with 'adults' aged 16 or over who are defined as being

“Incapable of acting, making decisions, communicating decisions, understanding decisions or retaining the memory of decisions, by reason of mental disorder or physical disability

An adult with an inability to communicate which can be “made good” by human or physical aid does not fall within the definition of the Act.

Principles of the 2000 Act

All decisions made on behalf of an adult with impaired capacity must

- Benefit the adult
- Take advantage of the adult's wishes
- Take account of the wishes of the nearest relative or primary carer, and any guardian or attorney
- Restrict the adult's freedom as little as possible while still achieving the desired benefit
- Encourage the adult to use or develop their existing skills in the relevant areas of decision making

Capacity is not an “all or nothing” state: an adult may be able to make decisions relating to some aspects of their life, but not others.

The Act places responsibility on a number of different agencies who are concerned with the welfare of adults who are incapacitated.

- In relation to medical treatment and research a medical practitioner has the authority to provide treatment to “safeguard or promote physical and mental health”

- A Local Authority has a duty to apply for an **Intervention Order** or **Guardianship Order** to protect the property, finances or welfare of an adult if no-one else will do so.
- A Local Authority has a responsibility to investigate the circumstances of any individuals at risk who come under the powers/functions of the Act
- A Local Authority can apply for an Intervention Order to resolve short term issues such as financial, on a one off basis.
- Power of Attorney can assist in preventing financial Harm

The Local Authority has a responsibility to investigate the circumstances of any individual at risk who comes under the powers/functions of the Act and the Local Authority also has a duty to investigate any circumstance made known to them in which the personal welfare of an adult seems to them to be at risk.

The **Mental Welfare Commission** protects the interests of adults who lack capacity as a result of mental disorder.

Intervention Order (2000 Act)

It is the duty of the Local Authority to apply for Intervention Order when

6.1 Section 53(3) provides that where it appears to the local authority that;

- (a) The adult is incapable as mentioned in section 53(1); and
- (b) No application has been made or is likely to be made for an order under this section in relation to the decision to which the application under this section relates; and
- (c) An intervention order is necessary for the protection of the property, financial affairs or personal welfare of the adult,

They shall apply for an intervention order under this section.

Guardianship Order (2000Act)

6.17 Section 57(2) of the 2000 Act provides that where it appears to the local authority that:

- a) An adult is incapable in relation to decisions about, or of acting to safeguard or promote his or her interests in his or her property, financial affairs or personal welfare, and is likely to continue to be so incapable; and
- b) No other means provided by or under the 2000 Act would be sufficient to enable the adult's interests in his or her property, financial affairs or personal welfare to be safeguarded or promoted; and
- c) No application for guardianship has been made or is likely to be made; and
- d) A guardianship order is necessary for the protection of the property, financial affairs and/or personal welfare of the adult,

They shall apply under this section for an order.

Mental Health (Care & Treatment)(Scotland)Act 2003

The 2003 Act defines mental disorders as any mental illness, personality disorder or learning disability, however caused or manifested

Sections 25-27 place **duties** on the local authority to provide:

- Care and support services
- Services to promote well-being and social development
- Assistance with travel

For people who have a mental disorder.

Section 33 of the Act places a duty on the local authority to make inquiries where it appears that a person aged 16 or over in their area has a mental disorder and:

- The person may be or may have been subject or exposed to ill-treatment; neglect; or some other deficiency in care or treatment
or
- the person's property may be suffering or have suffered loss or damage; or may be at risk of loss or damage
or
- the person may be living alone or without care and unable to look after themselves or their property or financial affairs
or
- because of the mental disorder the safety or some other person may be at risk.

Section 34 gives the local authority powers to request the assistance of a range of agencies, in carrying out enquiries. These include Health Boards, Care Commission, The Public Guardian, the Mental Welfare Commission, and a National Health Service Trust.

Section 35 provides power for a Mental Health Officer to apply to a Sheriff or Justice Of the Peace for warrants to support the purposes of Section 33 enquires if required. These warrants can only be applied for by a Mental Health Officer
There are 3 different powers that can be requested within a Section 35 warrant.

These are:

- To authorise entry, with the assistance a police constable
- To authorise the detention of the person in situ for up to 3 hours for the purposes of medical examination by a medical practitioner named in the warrant
- To authorise a specified medical; practitioner to access and inspect medical records.

In addition to authorising the MHO and police constable the warrant can authorise specified persons, and this may include a medical practitioner or health staff.

Section 203 allows a Mental Health Officer to apply to a Sheriff for a Removal Order.

A Removal Order authorises a police constable to enter premises and it authorises the removal of a person aged 16 or above to a place of safety for a period not exceeding 7 days.

Section 292 permits any person authorised under the Act to apply for a warrant to enter premises and to take a patient who is already subject to the Act to any place or into custody.

Sections 36 and 44 provide a person with a mental disorder to be admitted and detained in a psychiatric hospital for assessment and treatment.

Section 63 allows for application to be made to the Mental Health Tribunal, for a compulsory treatment order, that can either authorise care and treatment in hospital or in the community.

.If required advice should be sought from a Mental Health Officer.

The Adults with Incapacity (Scotland) Act 2000 and the Mental Health (Care and Treatment)(Scotland) Act 2003 have been further amended by the Adult Support and Protection (Scotland) Act 2007.

The Facts of the Borders Investigation & Lessons to be learned

On 1 March 2002, a woman was admitted to Borders General Hospital after she had gone to the house of a friend who found her to be badly injured and called an ambulance. She was taken to hospital with multiple injuries from physical and sexual assault. A police investigation revealed a catalogue of abuse and assaults over the previous weeks and possibly much longer. Three men were convicted of the assaults later in 2002.

The woman was considered to have a learning disability. A series of events had led to her being cared for by one of the convicted offenders. Over many years, there were events and statements in records held by social work, health services and the police that raised serious concerns about this person's behaviour toward this woman.

Other individuals were receiving care under the same circumstances. They had varying degrees of learning disabilities, physical disabilities and mental health needs, which were largely neglected, to the point of becoming potentially life-threatening for some. Health and social work records contained numerous statements of concern about their care, including allegations of serious abuse and exploitation that were not acted upon. From late 2000, the lives these individuals became increasingly chaotic. They were neglected, lived in unsuitable and unsanitary conditions and were financially and sexually exploited.

The people involved had numerous contacts with:

- Social Workers
- General Practitioners
- District Nurses
- The local Learning Disability Specialist Team
- General Hospital Services
- Dieticians
- Police

In June 2003, the Minister for Education and Young People asked the Social Work Services Inspectorate (the Inspectorate) to carry out an inspection into the social work services provided to people with learning disabilities by Scottish Borders Council's Department of Lifelong Care.

Within a similar timescale, the Mental Welfare Commission (the Commission) carried out an investigation into the involvement of health services in this case, paying particular attention to joint working between health and social work services.

In order to protect the identities of the individuals involved, the Mental Welfare Commission does not usually publish full reports of its investigations. Reports are

provided to the key agencies, in this case NHS Borders and Scottish Borders Council and in anonymous form to Scottish Ministers.

Despite the different scope and remit of the Inspectorate's investigation and the Commission's inquiry, the two organisations liaised closely throughout their respective investigations to ensure appropriate information-sharing and avoidance of duplication wherever possible. Set out below is a summary of the main findings of both investigations, followed by their recommendations in full. Border Inquiry Findings

THE FINDINGS OF THE INVESTIGATIONS

Listed below are the main findings from both investigations. Although some of the findings are common to both investigations and some are directed at the relevant service, they are listed together to emphasise the importance of joint working in cases such as this one.

- failure to investigate appropriately very serious allegations of abuse
- an acceptance of the poor conditions in which the people involved lived and the chaos of their lives
- lack of comprehensive needs assessments, including carers' assessments, or assessments of very poor quality, despite clear and repeated indications of need from the earliest point of agency contact
- lack of information-sharing and co-ordination within and between key agencies (social work, health, education, housing, police)
- disagreements between agencies at frontline and middle management level, with no mechanism for resolving these
- unsustained contact with the individuals by the specialist Learning Disability service
- failure by some members of the Primary Care Team (GPs and District Nurses) to act on information about poor home conditions and to make these concerns known to the social work service
- lack of risk assessment and failure to consider allegations of sexual abuse
- very poor standards of case recording, falling well below acceptable practice
- lack of care plans identifying the purpose of contact with individuals
- lack of understanding of the legislative framework for intervention and its capacity to provide protection
- failure to consider statutory intervention at appropriate stages
- failure to understand and balance the issues of self-determination and protection
- failure to protect the finances of vulnerable individuals
- inability and/or unwillingness to confront aggression and staff's consequent collusion with aggressors to the detriment of victims

- lack of understanding of the complexities of child/adult protection and of the need to explore all allegations of abuse and the possible reasons for retraction of these
- failure to communicate with service users or to engage them effectively in assessing their needs
- lack of compliance with procedures
- infrequent, unstructured and poorly recorded supervision of frontline staff by managers
- serious deficiencies in training and development
- lack of clarity of roles and reporting responsibilities
- uninformed and inaccurate assumptions of individual staff expertise in particular areas and consequent dangerous reliance on this
- lack of senior management and leadership
- ineffective management of poor practice
- breaches of the Scottish Social Services Council Code of Practice for employers

Protecting Adults at Risk: Ensuring Rights and Preventing Harm, Interagency guidelines: a Quick Guide

This is a summary for staff and carers about (1) **how to recognise harm** and (2) **what to do immediately** when harm is suspected, witnessed or reported. It is still essential to refer to the full guidelines: *Ayrshire Multi-agency Adult Protection Procedures 2008*.

What is abuse?	It is the violation of a person's human rights. This happens through the misuse of power by someone in a dominant position. It also includes neglect: things that are <i>not</i> done to ensure someone's well-being.
Who is an adult at risk?	Persons aged 16 years or over 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.
Who can be an abuser?	Abuser or perpetrator can be a professional carer, informal carer, relative, spouse/partner, volunteer, other 'adults at risk' or any other person.
Where can abuse happen?	In any social or health care setting e.g. the family home, hospital ward, care home, day services, social clubs, activities etc.
MAIN TYPES OF ABUSE	SIGNS OF THESE TYPES OF HARM
Physical: hitting, slapping, pushing, kicking, holding the person down (restraint), inappropriate sanctions.	<ul style="list-style-type: none"> • Unusual or unexplained injuries • Misuse of medication: giving too much, too little or withholding medication. • Fear of another person, disturbed behaviour
Sexual: includes rape and sexual assault	<ul style="list-style-type: none"> • Acts or actions they did to which the adult at risk could not, or did not, consent
Financial or material: theft, fraud, exploitation, pressure to hand-over or sign-over property or money, financial transactions, misuse of property, possessions or welfare benefits, reduction in assets	<ul style="list-style-type: none"> • Unexplained debt, not paying bills for services • Sale of property, possessions, misuse of bank account by the perpetrator • Pressure over wills, property, inheritance, money
Psychological: emotional abuse, threats, abandonment, humiliation, intimidation, harassment, verbal abuse, controlling, not allowed contact with other people or services,	<ul style="list-style-type: none"> • Pressure by family or professional to have someone moved into or taken out of care • Fear of another person • Hostile or rejecting behaviour by the care-giver
Neglect and acts of omission: failure to provide: medical or physical care; access to medical, social or educational services; appropriate medication,	<ul style="list-style-type: none"> • Person is found alone at home or in a care setting in a situation of serious risk • Unexplained deterioration in health

food or heating.	<ul style="list-style-type: none"> • Long gap between illness/injury and getting medical care • Deprived of adequate food or heating
Discriminatory: making an unjust distinction on the basis of race, colour, age or gender etc.	<ul style="list-style-type: none"> • Prejudicial actions or remarks to the adult at risk about age, gender, disability, race, colour, sexual or religious orientation
Information abuse: denial of information or advice	<ul style="list-style-type: none"> • Failure to provide adequate information • Being misinformed
Human Rights: as included in the 14 Articles of the Human Rights Act 1998. See www.dca.gov.uk/studyguide for details.	<ul style="list-style-type: none"> • Absence of information or not knowing rights • Being misinformed about rights

Breakdown of Scottish Government Agreed Allocation Criteria

- Allocation of £3,000 to cover independent chair
- Allocation for additional frontline staffing costs (based on number of expected referrals based on the authority population as a proportion of the Scottish population over 16 years of age)
- Allocation for Adult Protection Units (based on the authority population as a proportion of the Scottish population over 16 years of age)

Budget Allocation – Comparator Authorities

Authority	Local Authority Allocation 2009/10	Police Allocation 2009/10
East Ayrshire	362,000	9,258
North Ayrshire	409,000	10,484
Inverclyde	247,000	6,308
Clackmannanshire	151,000	3,819

- 2009/10 allocation based solely on projected costs prior to statute going live in October 2008.
- Future funding will be based on actual spend and all attributable costs.

East Ayrshire Breakdown of Budget Allocation

Area of Expenditure	Sub total
Salary Costs (including on-costs)	
Adult Protection Coordinator	
Training Officer – Adult Protection	
Resource Assistant	
Administration Support	
Independent Chair – other employee costs	145,440
Transport Costs	4,560
Supplies and Services	
Training	
Advertising	52,000
Legal Costs	
Third Party	
Service User Care Plans	160,000
Total	362,000

The Police have invested budget allocation in creating Adults at Risk referral Coordinator post for Ayrshire.

Appendix 8 - part 1 -Event Evaluation Summaries

Two Day Course (based on total of 6 events and 77 forms returned)

1. Did participants know why they were attending the event ?

YES 100% NO 0%

2. Did participants know what their manager expected as a result of attending this event ?

YES 90% NO 4% PARTLY 6%

3. Helpfulness of course facilitator(s) rating (0-2 Poor, 3-5 Good/Excellent)

0-2 1% 3- 5 99%

4. Did the event meet its aims adequately ?

YES 96% NO 0% PARTLY 4%

5. Did participants' knowledge /skills improve as a result of attending this event ?

YES 99% NO 0% SAME 1%

6. How relevant were the aims of the event to your needs/job ?(0-2 Not relevant, 3-5 Relevant/Not relevant)

0-2 3% 3-5 97%

One Day Course (based on total of 2 events and 32 forms returned)

1. Did participants know why they were attending the event ?

YES 100% NO 0%

2. Did participants know what their manager expected as a result of attending this event ?

YES 100% NO 0%

3. Helpfulness of course facilitator(s) rating (0-2 Poor, 3-5 Good/Excellent)

0-2 0% 3-5 100%

4. Did the event meet its aims adequately ?

YES 100% NO 0% PARTLY 0%

5. Did participants' knowledge /skills improve as a result of attending this event ?

YES 100% NO 0%

6. How relevant were the aims of the event to your needs/job ?(0-2 Not relevant, 3-5 Relevant/Not relevant)

0-2 3% 3-5 97%

Note : Evaluation figures are based on the number of completed evaluation forms returned at the end of the training course, not on the number of people who actually attended the course

Adult Support and Protection Training Framework

Ayrshire Agreed Training Framework



NB – Private, Voluntary Sector as well as requested establishments using Tell Someone DVD – in Partnership with APC.
 Police Constables receiving level 1 briefings by Joanne McGrattan, Senior ASP Referral Co-Ordinator.