

# EAST AYRSHIRE COUNCIL

CABINET - 17 SEPTEMBER 2008

## ADULT SUPPORT AND PROTECTION (SCOTLAND) ACT 2007

### Report by the Executive Director of Educational and Social Services

#### 1. PURPOSE OF REPORT

To advise Cabinet of the progress being made with the implementation of the Adults Support and Protection (Scotland) Act 2007, and in particular to approve the arrangements in respect of Adult Protection Committees.

#### 2. BACKGROUND

2.1 The Adult Support and Protection Act has been developed to better protect adults at risk of abuse.

The main provisions of the Act are:

- A new power of right of entry to settings where abuse of adults is thought to be taking place;
- Creation of banning orders so that perpetrators of abuse are removed from those settings;
- Establish Statutory Adult Protection Committees, operating on a multi-agency basis, to further develop strategic inter-agency working and collaboration.

2.2 The Act is in five parts and will come into effect in stages. Part 1 of the Act deals with the protection of adults at risk of harm. It is scheduled to come into effect in October 2008.

2.3 The Act defines adults at risk as being aged 16 and over who are:

- Unable to safeguard their own well being, property, rights or other interests;
- Are at risk of harm;
- Because they are affected by disability, mental disorder, illness, physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

2.4 This definition aims to clarify when it is appropriate to intervene in order to protect those individuals who are not able to protect themselves from harm. All of the above three components must be satisfied before a person is covered by the provisions of the Act.

### **3. IMPLEMENTATION**

- 3.1** Part 1 of the Act creates an obligation on councils to establish multi-agency Adult Protection Committees. These Committees are responsible for overseeing local adult protection policies and they will provide advice and information to those involved in adult protection work.
- 3.2** Councils are responsible for appointing an independent chairperson and Committee members. The Committee members will include representatives from the NHS and Police. The Care Commission can nominate a representative.
- 3.3** In order to address the above issues and implement Part 1 of the legislation, it is proposed that the Council proceeds to establish an East Ayrshire Adult Protection Committee. Work has been ongoing on an Ayrshire wide basis to agree a specification for an independent chair, aim to agree a single advert for a chairperson(s) and agree a remit for the Committees.

### **4. FINANCIAL IMPLICATIONS**

- 4.1** Additional personnel and financial resources will be required to fully implement the Act. This will include resourcing the Adult Protection Committee and responding to the raised awareness expected as a result of the implementation of the legislation.
- 4.2** All Local Authorities were asked to submit estimated costings for the full implementation of the legislation.

It is estimated that the full year cost to the Local Authority in the future may be up to £450,000. This is based on the potential need over a period of time, to establish a dedicated and staffed Adult Protection Unit coupled with running costs for the Adult Protection Committee.

- 4.3** Local Authorities have now received correspondence from the government regarding funding for the remainder of the financial year 2008/09 of £181,308 along with an allocation to the police of £4,629. Funding across Scotland has been agreed in principle for 2009/10 of £15.6M. The funding is made up of an allocation to support the establishment of Adult Protection Committees and six months operational costs to support service delivery and practice development.
- 4.3** Purchasing additional supports for people subject to the new legislation may also place pressure on existing budgets. Based on 2007/08 adult protection activity in East Ayrshire, had the 17 people who became subject to adult protection monitoring, also required to be supported outwith the family home at an average cost of £50,000 per annum, an additional £850,000 would have been required per annum.
- 4.4** The overall potential financial impact will be closely monitored and issues brought to members attention.

### **5. POLICY AND LEGAL IMPLICATIONS**

- 5.1** There is a legal requirement for the Council to implement arrangements to comply with the new legislation.

## **6. RISK IMPLICATIONS**

**6.1** The Council would not meet its statutory implications.

## **7. COMMUNITY PLANNING IMPLICATIONS**

**7.1** The protection of vulnerable adults is a priority in the promotion of community safety. This new legislation will increase awareness of the rights of vulnerable adults and increase the Councils powers to protect them.

## **8. PERSONNEL IMPLICATIONS**

**8.1** As the arrangements for Adult Protection Units are clearer, a further report setting out personnel implications will be submitted to Cabinet.

## **9. RECOMMENDATIONS**

**9.1** Cabinet is asked to:

- i) Approve the recruitment of an independent chair for the Adult Protection Committee;
- ii) Approve the establishment of an Adult Protection Committee in line with the Adult Support and Protection (Scotland) Act 2007;
- iii) Ask officers to establish the Adult Protection Committee;
- iv) Ask the Executive Director of Educational and Social Services to return with proposals for the Adult Protection Unit, as appropriate; and
- iii) otherwise note the contents of this report.

**Graham Short**  
**Executive Director of Educational and Social Services**  
**3 September 2008**

### **LIST OF BACKGROUND PAPERS**

**Adult Support and Protection (Scotland) Act 2007: Implementation funding of Part 1 and other matters (letter from Scottish Government – 20 August 2008)**

**IMPLEMENTATION OFFICER: KAY GILMOUR, ACTING EXECUTIVE HEAD OF SOCIAL WORK**

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