

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 18 MAY 2006

SOCIAL WORK INSPECTION AGENCY AND MENTAL WELFARE COMMISSION FOR SCOTLAND: FOLLOW UP INSPECTION OF SCOTTISH BORDERS COUNCIL & NHS BORDERS

“NO FEARS AS LONG AS WE WORK TOGETHER”

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To provide Social Work Committee members with further information in relation to the Social Work Inspection Agency (SWIA) and Mental Welfare Commission report of the follow up inspection of Scottish Borders Council and NHS Borders.
- 1.2 To detail the position in East Ayrshire in relation to the report recommendations.
- 1.3 To highlight the main areas of work being undertaken in East Ayrshire to satisfy the recommendations.

2. BACKGROUND

- 2.1 A report regarding the investigation into Scottish Borders Council and NHS Borders Services for people with learning disabilities was published in April 2004.
- 2.2 The report recorded a total of 42 recommendations for Scottish Borders Council, NHS Borders and the Scottish Executive. While some were specific to these organisations, it was vital for all Councils and Health Boards to consider their practice within the context of this report. This was reported to Committee on 24 March 2005.
- 2.3 In October 2005, the report of a follow up inspection was published, detailing actions and outcomes following on from the initial report.

3. KEY RECOMMENDATIONS

- 3.1 Highlighted below are the 23 key recommendations from the inspection report for Scottish Borders Council Department of Lifelong Learning followed by the position in East Ayrshire Council.
 - 3.2.1 Recommendations 1 and 2 were specific to Scottish Borders Council.
 - 3.2.2 Recommendation 3
Scottish Borders Council should review the implementation of its action plan for compliance as an employer with the Scottish Social Services Codes of Practice to ensure that it covers all the requirements of the Code and to ensure that implementation will secure the necessary changes in organisational behaviour

described in this report, that are intended by the Code and that are essential to the effective functioning of the Department of Lifelong Care.

Position in East Ayrshire:

Every member of Social Work staff was formally issued with the Scottish Social Services Code of Practice and required to confirm receipt and understanding of its content in relation to employee duties.

East Ayrshire Council operates personnel and casework supervision practices within its responsibilities as an employer under the Code of Practice.

3.2.3 Recommendation 4

The Department of Life Long Care should review the expertise of mental health officers operating in management positions and in all service areas to ensure they have up to date knowledge of relevant legislation, particularly as it relates to learning disability, issues of capacity and the protection of individuals and property. Without a more rigorous, formalised approach to the assumption of staffing expertise, this should not be relied upon for critical decision making.

Position in East Ayrshire:

In East Ayrshire our current arrangements include first line management staff who meet the relevant requirements of the recommendation and indeed 3 managers who are involved in the training of Mental Health Officers. The Mental Health Officer role has however been reviewed and proposals will be presented to this committee to strengthen the role and management arrangements.

All relevant staff undertook two-day training with respect to the Mental Health (Care and Treatment) (Scotland) Act 2003. All staff within the learning disability services also accessed protection training which included an overview of Mental Health Legislation. An Adults with Incapacity Forum is well established, in partnership with Legal Services which provides advice and guidance with respect to adults who may require their rights and welfare to be safeguarded by legislation.

3.2.4 Recommendation 5

Staff development programmes should include a focus on the complexities of adult protection; the role and thresholds for statutory intervention; and the duties that are extended and reinforced in the Adults with Incapacity and the Mental Health (Care and Treatment) Acts.

Position in East Ayrshire:

As part of staff development over the past year officers employed in learning disability and mental health services have attended formal training which details:-

- **The responsibility for protection of vulnerable people (children and adults) by everyone.**
- **The Multi-Agency Adult Protection procedures currently in operation and**
- **The duties under existing mental health legislation to investigate and protect vulnerable adults.**

This programme of training continues and it is mandatory that all relevant officers attend.

3.2.5 Recommendation 6

The Department of Life Long Care should develop a system of regular refresher training for mental health officers and should ensure that staff are aware how to access specialist advice and guidance, including legal advice.

Position in East Ayrshire:

All MHOs have access to regular training and a MHO Forum to maintain and improve knowledge and understanding of the legislation and service developments.

The Adults with Incapacity Forum is a means by which Mental Health Officers (MHOs) and any other staff can access specialist and legal advice.

3.2.6 Recommendation 7

The Department of Lifelong Care should carry out a review of all cases of adults with learning disabilities to assess the level of risk and determine the quality of service. The department should consider the level of seniority of staff conducting the review and may wish to commission the review from an independent source. The department should use a checklist for this review to ensure a consistent approach across all cases. The checklist is attached in Appendix 1.

The results of the review, together with any proposals for remedial action, should be reported to elected members of the Council by the Chief Social Work Officer.

Position in East Ayrshire:

All case files subject to Vulnerable Adults Procedures or legislation such as Adults with Incapacity were audited by senior managers using the Borders checklist.

A significant sample of case files have been independently scrutinised by Social Work Inspection Agency as part of the current Joint Inspection of Learning Disability Services.

A case file template will shortly be introduced reflecting the recommendations contained in this report.

3.2.7 Recommendation 8

All allegations of harm or neglect of people with learning disabilities should be allocated to a qualified social worker. Managers allocating cases must be clear as to what has been allocated, what action is required and how those actions will be reviewed and supervised. Supervision arrangements should include formal case management, with all decisions clearly recorded by the supervisor and monitored at regular intervals.

Position in East Ayrshire:

It is standard practice in East Ayrshire that complex casework is allocated to professionally qualified staff, this function is complemented by support assistant staff where work is allocated with due regard to qualification, skills and experience.

Minutes of Adult Protection Case Conferences contain action plans with named individuals beside actions. All supervision minutes reflect actions and timescales for completion. Case files for anyone subject to protection procedures or supervision under Mental Health Legislation are audited regularly and signed off by senior managers.

3.2.8 Recommendation 9

People with learning disabilities who are the subject of allegations of deliberate harm (regardless of the source of the allegations) must be seen and spoken to alone or with the appropriate support within 24 hours of the allegations being communicated to social work. The individual's living arrangements should be seen. If this timescale is not met, the reason for the failure must be recorded on the case file. The requirement should apply irrespective of whether the case is known to the department.

Position in East Ayrshire:

Timescales for responses are defined in the Multi-Agency Protection of Vulnerable Adults Procedures with all enquiries commencing within 24 hours. It is required that all individuals who are subject of allegations of deliberate harm will have their living arrangements considered as part of any investigation.

3.2.9 Recommendation 10

In cases where concerns have been expressed about the safety of a person with learning disabilities (regardless of source), social workers undertaking home visits should be clear about the purpose of the visit, the information to be gathered during the course of it, and the steps to be taken if no one is at home or if access is denied. No visits should be undertaken without the social worker concerned checking the information known about the individual by other agencies.

Position in East Ayrshire:

The Multi-Agency Vulnerable Adults Protection Procedures include a planning process to ensure all information is collated and clarity of purpose of contacts detailed.

3.2.10 Recommendation 11

All allegations of harm or neglect of people with learning disabilities must be subject to a risk assessment. All risk assessments, and any other protection plans drawn up as a result, must be approved in writing by the social worker's line manager. Before giving such approval, the line manager must ensure that the individual has been seen and spoken to alone or with appropriate support. A senior manager should routinely consider a random sample of risk assessments and associated protection plans.

Position in East Ayrshire:

Social Workers routinely carry out risk assessments as part of the investigatory process, with outcomes signed off by managers as part of the case management process.

It has been identified that practice could be improved across functions by standardisation of recording of risk assessments. An agreed risk

assessment format is currently being concluded which will be agreed by line managers and implemented by August 2006.

3.2.11 Recommendation 12

The accommodation and living arrangements of any individual subject of allegations of abuse must be monitored and reviewed by the allocated social worker. Unsuitable arrangements must be reported to a line manager.

Position in East Ayrshire:

It is required that living arrangements are monitored as a matter of course where an individual is subject to allegations of abuse.

3.2.12 Recommendation 13

All case conferences, case reviews, meetings and discussions concerning people with learning disabilities should involve the four basic steps:

- A list of action points must be drawn up, each with an agreed timescale and the identity of the person responsible for carrying it out;
- A clear record of the discussion must be circulated to all those invited, whether or not they were present, and to all those with responsibility for an action point;
- A mechanism for reviewing completion of the agreed actions must be specified, together with the date upon which the first such review is to take place; and
- Any supplementary actions that may be required as a contingency in the event of a breakdown in care arrangements or other changes in circumstances

Position in East Ayrshire:

All case conferences are independently minuted which include action plans, agreed timescales, review dates and contingency arrangements where required. These are circulated to all concerned including those invited but not attending conferences, service users and carers unless there are clearly stated reasons for this not to happen.

3.2.13 Recommendation 14

The interview of people with learning disabilities subject to alleged abuse should be formally planned. Planning should include consideration of a safe environment; the use of interviewers with the necessary skills and understanding; the emotional support needs of the individual; and the use of necessary communication aids or an interpreter. The interview should be recorded in detail, using the individual's own words.

Position in East Ayrshire:

Interviews of people subject to alleged abuse are formally planned, undertaken in a safe environment and facilitated by interviewers with the necessary skills and understanding. Communication needs are assessed as part of this process.

3.2.14 Recommendation 15

The Department of Lifelong Care should ensure that where the investigation of allegations of abuse may be impeded by the threat of violence to staff, staff are effectively protected and supported in carrying out their task. This should include visits being carried out in pairs, or involvement of the police where appropriate.

Position in East Ayrshire:

East Ayrshire Social Work employees have access to Personal safety at Work training and a Lone Working Policy is operational within the Council. In Individual cases an assessment of risk is undertaken prior to investigation and appropriate measures put in place to reduce all risks to staff, including:-

- **visiting in pairs as standard in protection investigation**
- **use of new technology (GPS phones)**
- **use of safe locations for interview (e.g. police station where appropriate)**
- **the involvement of police in home visits where appropriate.**

3.2.15 Recommendation 16

The Department of Lifelong Care should devise and operate a system that enables managers to establish immediately how many vulnerable people have been referred to their out of hours service, what action is required for each referral, who is responsible for taking action, and by when that action must be completed.

Position in East Ayrshire:

Our contract arrangements require that all referrals to the West of Scotland Standby Service are forwarded to the Council timeously detailing the referral, action taken and proposed follow up arrangements. This will include telephone conversations from Standby with East Ayrshire managers to agree actions and immediate follow up faxes recording intervention. All referrals or “alerts” to the Vulnerable Adults Procedures are recorded and tracked.

3.2.16 Recommendation 17

The Department of Lifelong Care should ensure that their senior managers inspect, at least once every three months, a random selection of case files and staff supervision notes.

Position in East Ayrshire:

Regular sampling of case files and supervision notes by senior managers has been implemented. Development of electronic case recording systems will support random sampling and verification of this by managers.

3.2.17 Recommendation 18

The Department of Lifelong Care should monitor the effective implementation of its procedures relating to the transfer of cases between teams or services within the department.

Position in East Ayrshire:

No cases should be transferred without prior agreement of team managers and case files being fully updated.

3.2.18 Recommendation 19

The Department of Lifelong Care should ensure that no open case that includes allegations of deliberate harm to a vulnerable adult is closed until the following steps have been taken:

- The individual has been spoken to alone;
- The individual’s accommodation has been visited;
- The views of all relevant professionals have been sought and considered; and

- There is evidence that the individual's welfare will be safeguarded and promoted should the case be closed

Position in East Ayrshire:

All referrals to Vulnerable Adults Procedures are tracked to a point the risk has been fully investigated and actions taken to minimise significantly or remove risk completely.

3.2.19 Recommendation 20

Scottish Borders Council, together with its partners in NHS Borders and Lothian & Borders Police, should ensure multi-agency and multi-disciplinary coordination of complex cases at a sufficiently senior level to provide appropriate management oversight, effective information sharing and accountable practice. Arrangements should include a mechanism for the articulation and resolution of disputes between staff.

Position in East Ayrshire:

The resolution of disputes will be arbitrated through the Joint Future Framework in East Ayrshire.

3.2.20 Recommendation 21

The Department of Lifelong Care should ensure that when a referral concerning the wellbeing of a vulnerable adult is received from a professional, the fact of that referral is confirmed in writing by the referrer within 48 hours, and a written acknowledgement issued to the referrer by social work staff.

Position in East Ayrshire

The formal written confirmation of a referral within 48 hours is implemented as part of the Vulnerable Adult Procedures.

3.2.21 Recommendation 22

The Department of Lifelong Care should ensure that when a professional from another agency expresses concern to the department about its handling of a case, a senior manager reviews the file, meets and speaks to the professional concerned, and records in the case file the outcome of the discussion.

Position in East Ayrshire:

As a matter of course, any expressions of concern by another professional about the handling of a case is investigated by a senior manager.

3.2.22 Recommendation 23

The Department of Lifelong Care should develop a system of regular peer/management review of practice to encourage the positive identification of difficulties within a learning environment, and so promote continuous improvement.

Position in East Ayrshire:

Mental Health Officers have a regular Forum meeting to enhance learning and provide regular peer review of practice. Monthly management meetings facilitate peer reviews and sharing of good practice.

4. POLICY/LEGAL/PERSONNEL IMPLICATIONS

- 4.1 A separate report has been presented to Committee seeking approval to supplement current Mental Health Officer capacity.

5. FINANCIAL IMPLICATIONS

- 5.1 The financial implications for enhancing Mental Health Officer capacity can be met from Resource Transfer money.

6. COMMUNITY PLANNING IMPLICATIONS

- 6.1 There are clear links between the recommendations from the Inspection Agency/Mental Welfare Commission Report and the Community Plan namely Improving Opportunities, Improving Community Safety and Improving Health.

7. RECOMMENDATIONS

- 7.1 Social Work Committee is asked to:-
- (i) note and agree the contents of this report.

Graham Short
Executive Director of Educational and Social Services
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LIST OF BACKGROUND PAPERS

- (1) Investigation into Scottish Borders Council & NHS Borders Services for People with Learning Disabilities – April 2004;
- (2) “No Fears As Long As We Work Together” follow up Joint Inspection of Scottish Borders Council & NHS Borders – October 2005

For further information on this report please contact:-
Eddie Fraser, Community Care Manager, Civic Centre, Kilmarnock on 01563 554825

IMPLEMENTATION OFFICER: JACKIE DONNELLY

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Check List

- Is there an allocated social worker with the necessary skills and experience to work with the complexities of this case?
- Has all the relevant information been gathered from departmental files, other departments, police, health and other involved sources?
- Is there a chronology of significant events and are the implications of these events understood?
- Is there a comprehensive assessment of risk and need?
- Is there evidence that the experiences of family members have been taken into account when assessing risk?
- Is there an appropriate care or protection plan that is being effectively implemented and that is demonstrably reducing the assessed risk?
- Has statutory intervention been considered and are the decisions in respect of this correct?
- Are copies of all minutes and records of decisions in the case file; have these been circulated to relevant individuals; and are the case record up to date?
- Is there evidence that the individual is being seen and spoken to on their own on a regular basis by the allocated social worker (where necessary using an interpreter or appropriate communication device); and have their living arrangements been seen?
- Is there evidence of good communication and collaboration between social work services, e.g. community care, criminal justice and children’s services, and between social work and other key agencies, e.g. health, police, housing, education?
- Has the case been reviewed in accordance with procedure and has the individual been supported in contributing effectively to this review?
- Is there evidence that the social worker’s handling of the case is subject to oversight by his/her line manager?