

## **EAST AYRSHIRE COUNCIL**

**SOCIAL WORK COMMITTEE: 2 NOVEMBER 2006**

### **MENTAL WELFARE COMMISSION FOR SCOTLAND CONSULTATION ON FIVE YEAR STRATEGIC PLAN**

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

#### **1. PURPOSE OF REPORT**

- 1.1 The purpose of this report is to advise committee members of the current consultation by the Mental Welfare Commission for Scotland with respect to their Five Year Strategic Plan; and seek endorsement of a draft response from East Ayrshire Council.

#### **2. BACKGROUND**

- 2.1 The Mental Welfare Commission for Scotland is an independent organisation working to safeguard the rights and welfare of everyone with a mental illness, learning disability or other mental disorder.
- 2.2 The organisation is made up of people who have an understanding and experience of mental health and learning disability. This includes people with legal, health or social work backgrounds along with service users and carers.
- 2.3 In order to ensure people are being treated in line with the law and good practice, the Mental Welfare Commission not only check paperwork and records but also meet with service users, carers, advocacy workers and other agencies involved in the care and treatment of mental illness.
- 2.4 The Mental Welfare Commission for Scotland also challenge service providers to deliver best practice in mental health and learning disability care by holding inquiries where there have been serious problems identified in an individuals care, for instance Joint Inspection of Scottish Borders Council and NHS Borders. They also identify and promote good practice in mental health and learning disability services.
- 2.5 The Mental Welfare Commission for Scotland is a strong and influential voice in service and policy development. It provides information, advice and guidance to all stakeholders including social work staff.
- 2.6 The Mental Welfare Commission for Scotland published a draft strategic plan in August 2006, inviting a wide range of groups including service users and carers, advocacy organisations, health and social work practitioners and Scottish Ministers to make comment. A copy of the plan is available at the Member's Information Point.

### **3. SUMMARY OF EAST AYRSHIRE RESPONSE TO CONSULTATION**

- 3.1 The strategic plan outlines the priorities for the Mental Welfare Commission for Scotland over the next five years in order to meet their statutory duties. It also details audit and evaluation processes and appropriate outcome measurements. A draft East Ayrshire response is attached as Appendix 1 of this report.
- 3.2 The Council welcomes proposals that the Mental Welfare Commission for Scotland will continue to visit people subject to Compulsory Treatment Orders within the first year of the order.
- 3.3 The Mental Welfare Commission for Scotland's proposal to prioritise visits to people subject to Welfare Guardianship is also welcomed although we would wish to seek clarification as to how people subject to Private Guardianship will be visited. Guardianship is a high priority within East Ayrshire and a combination of increased awareness of protection issues and the Adults with Incapacity (Scotland) Act 2000 has resulted in higher numbers of people being considered for intervention and successful application being made for Guardianship Powers where appropriate.
- 3.4 Increased contacts with individuals in homeless services are welcomed.
- 3.5 Proposals to encourage services to evaluate practice and adopt a preventative approach are welcomed but further detail as to this process is requested.
- 3.6 Information sharing relating to statistics and trends are very much welcomed.
- 3.7 The role of the Mental Welfare Commission for Scotland with respect to influencing and challenging policy makers is welcomed. Policy and good practice guidance from the Mental Welfare Commission for Scotland is particularly valued and used to inform and review procedures in East Ayrshire.

### **4. POLICY/LEGAL IMPLICATIONS**

- 4.1 The role of the Mental Welfare Commission for Scotland supports and assists East Ayrshire Council to meet its legal requirements under the Mental Health (Care and Treatment) (Scotland) Act 2003 and the Adults with Incapacity Act 2000.

### **5. FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications to East Ayrshire Council in respect of this Consultation but it is evident that implementation of the Adults with Incapacity (Scotland) Act 2000 and Mental Health (Care and Treatment) (Scotland) Act 2003 have increased demand on mental health resources.

### **6. COMMUNITY PLANNING IMPLICATIONS**

- 6.1 The Mental Welfare Commission for Scotland aims and objectives relate to the community planning themes of Improving Health, Improving Opportunities and Community Safety.

## **7. RECOMMENDATIONS**

7.1 Social Work Committee is asked to:-

- (i) approve the draft consultation response as detailed in appendix 1;
- (ii) otherwise note the contents of the report.

**Graham Short**  
**Executive Director of Educational and Social Services**  
**AF/LF**  
**9 October 2006**  
**Enc (1)**

### **LIST OF BACKGROUND PAPERS**

- (1) Mental Welfare Commission for Scotland – Draft Five Year Strategic Plan 2006 - 2011 Consultation Document

For further information on this report please contact:-  
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**IMPLEMENTATION OFFICER: JACKIE DONNELLY**

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**If Calling Please Ask For: Alison Findlay**



Our Ref: AF/LF  
Your Ref:  
Date: 5 October 2006

**DRAFT**

Ms Alison McRae  
Head of Corporate Services  
Mental Welfare Commission for Scotland  
K Floor  
Argyle House  
3 Lady Lawson Street  
EDINBURGH  
EH3 9SH

Dear Alison

I am pleased to enclose East Ayrshire Council Educational and Social Services response to the Mental Welfare Commission consultation on their draft strategic plan. The issues are summarised under headings contained in the strategy document.

## **BACKGROUND**

The strategic plan outlines the priorities that the Commission should be focussed on over the next five years in order to meet their statutory duties. The document effectively addresses all of the Commission's statutory requirements and also includes details of audit and evaluation processes and appropriate outcome measures. It is recognised that this is an emergent strategy within the context of social, demographic, legislative and policy developments.

## **ISSUES**

### **Efficient and Effective Visiting**

East Ayrshire Council welcomes the proposal that the Commission will continue to visit everyone subject to a Compulsory Treatment Order (CTO) within the first year of the order being in place. It is recognised that prioritising visits to people subject to CTOs that are community based is helpful, both because these orders are a new provision and because of the specific issues that may arise in relation to managing community-based orders.

The current approach of prioritising visits to people subject to welfare guardianship appears to be appropriate. East Ayrshire Council acknowledges the significant increase in the number of welfare guardianship applications and is in agreement that there is likely to be a further increase over the next three- five year period. It seems likely that there will be an increase in the number of private welfare guardianship applications following the change in legal aid provision since August 2006. East Ayrshire Council would welcome

the inclusion of some comments about how the Mental Welfare Commission plan to ensure that people who have private guardians are visited.

East Ayrshire Council note that the Commission plan to increase contacts with individuals in homeless services. People with a mental disorder who are also homeless may be at an increased risk of not receiving appropriate care, treatment and protection. This may also apply to some individuals who are subject to prison sentences and are at risk of losing contact with services.

### **Efficient and Effective Investigations and Inquiries**

East Ayrshire Council particularly welcomes the emphasis within this section of the strategic plan on encouraging services to evaluate practice and adopt a preventative approach. Greater clarity about the means that the Commission plan to use to achieve this would be welcomed. In the past year East Ayrshire Council Educational and Social Services have undertaken a broad programme of training and briefing staff with the objective of improving the care and protection of vulnerable adults who may also have a mental disorder.

### **Monitor, analyse and publish information on the use of mental health and incapacity legislation**

The statistical information gathered and analysed by the Commission is particularly helpful in terms of identifying changes and area-specific issues in relation to the use of legislation. The sharing of information from the Tribunal Service will further assist this process and will be particularly welcomed by Local Authority Mental Health Officer Services. Additional information such as data about applications to the Tribunal Service in relation to unlawful detention would be welcomed.

### **Influence and challenge policy makers and service providers**

East Ayrshire Council agrees that the Commission has a significant role to play in influencing policy makers to ensure that improving the care and treatment available for individuals who experience mental disorder is prioritised. The Mental Health Delivery Plan and the inclusion of mental health within the (HEAT) targets is one mechanism that may be utilised to promote this. The policy guidance and good practice guides produced by the Commission are highly valued and are used to inform and review local procedural documents by East Ayrshire Council.

### **CONCLUSION**

The strategy document provides a clear plan of how the Commission intends to achieve key goals over the next five years in the light of wider policy developments and challenges.

I trust you will find these comments helpful, however, should you wish to discuss any aspects of this response in further detail please contact Chris Sutton, Mental Health Co-ordinator on 01563 554889 or [chris.sutton@east-ayrshire.gov.uk](mailto:chris.sutton@east-ayrshire.gov.uk).

Yours Sincerely

**Jackie Donnelly**  
**Executive Head of Social Work**