

EAST AYRSHIRE COUNCIL

SOCIAL WORK COMMITTEE : 9 SEPTEMBER 2004

IMPLEMENTATION OF THE MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

Report by the Executive Director of Educational and Social Services

1. PURPOSE OF REPORT

- 1.1 To seek endorsement of the East Ayrshire Partnership Local Implementation Plan for the Act.
- 1.2 To update members on progress in implementing new mental health legislation which will be fully enacted in April 2005.
- 1.3 To seek approval for service developments required to support implementation.

2. BACKGROUND

- 2.1 The Mental Health (Care and Treatment) (Scotland) Act 2003 received royal assent in April 2003. It sets out how the effective care and treatment of people with mental disorder will in future be achieved.
- 2.2 The Act uses the term mental disorder to cover mental illness, personality disorder and learning disability. Details of the scope of the Act were previously presented to Committee on 6th November 2003.

3. EAST AYRSHIRE LOCAL IMPLEMENTATION PLAN

- 3.1 The Scottish Executive requires each locality to produce a plan as to how they will implement the new Act.
- 3.2 In East Ayrshire, the process for this is set within the Joint Future Partnership Structure and key staff in consultation with service users and carers are progressing actions agreed to ensure systems are in place to meet the new challenges.
- 3.3 The Act details new specific responsibilities for the Council. For social work this includes additional duties for Mental Health Officers, additional responsibilities for the development and implementation of care plans, duties in relation to the new Mental Health Tribunals and duties to arrange independent advocacy services.
- 3.4 **In addition the Council will have Corporate responsibilities including:**
 - to promote well being and social development including the provision for social and cultural activities, training and assistance in obtaining and undertaking employment for those over school age affected by mental disorder;

- to provide assistance with travel to access services;
- provision of education for children who are subject to the new Act; and
- to ensure the effects on parent/child relationships are minimised where either party is subject to any measures authorised by virtue of the Act.

3.5 There are also specific responsibilities for Health and a range of joint responsibilities. Discussions with health colleagues and partners relating to areas of joint responsibility for implementation are progressing.

3.6 It is the intention of the East Ayrshire Partnership that services which can be provided locally should be supported to do so.

3.7 The East Ayrshire Partnership Area Draft Joint Local Implementation Plan attached as appendix 1.

4. CURRENT SITUATION

4.1 Committee previously agreed to add 3 additional Mental Health Officers to the Social Work establishment. These posts have now been successfully filled.

4.2 We have also entered into contractual arrangements with the independent East Ayrshire Advocacy Services to provide additional advocacy support in terms of the Act.

4.3 Plans are being developed for specific training for frontline staff and awareness sessions for other staff across the Council in relation to the Act.

5. THE NEXT STEPS

5.1 In order to meet part of the Council's duties under the new Act we will require to develop and manage a range of care packages to meet individual need. For many people with complex needs we will contract with specialist organisations to provide these supports. For others however our in house home care service will be the appropriate vehicle to provide supports through a group of personal care staff with additional specific training.

5.2 We have already piloted this work through mainline homecare service and have found this to be an effective way to support and monitor individuals. We now require to develop and expand this service to ensure the in house team are effective in the work they do with service users, meet Regulation of Care requirements and stand comparison in best value terms with other providers.

5.3 The current home support staff working with service users would also benefit from being part of a team with a trained manager who is aware of the issues around mental disorder. To achieve this we require to recruit a dedicated Home Care Manager to work with those suffering a mental disorder.

- 5.4 This development will support social work and health staff to monitor people living in the community and provide additional supports as required should the individual's health deteriorate.
- 5.5 An essential part of successful care planning is ensuring service users' income is maximised from all available sources including welfare benefits and independent living funds. This is a complex area of work in relation to mental disorder.
- 5.6 It is proposed that a Support Assistant is also employed to enable individuals to maximise their income by ensuring all appropriate benefits have been applied for and support them maintain their homes and relationships. The worker will be offered training and support in issues associated with mental disorder. The worker will also have a role in training and sharing information with other staff supporting the client group.

6. LEGAL/POLICY IMPLICATIONS

- 6.1 The Council is legally required to implement new duties in terms of the Mental Health (Care and Treatment) (Scotland) Act 2003 by April 2005.

7. FINANCIAL IMPLICATIONS

- 7.1 The Scottish Executive has provided dedicated funds to Local Authorities in respect of implementation of the Act. This proposal can be funded from the East Ayrshire allocation of £264,000 for 2004/05.

8. PERSONNEL IMPLICATIONS

- 8.1 It is proposed that dedicated Home Care Manager and Support Assistant posts be established in order to support implementation of the Act.
- 8.2 Trade Union agreement has been secured in relation to this proposal.

9. RECOMMENDATIONS

- 9.1 It is recommended that Social Work Committee:
- i) agree to endorse the East Ayrshire Partnership Local Implementation Plan as outlined in Section 3 of this report and attached as Appendix 1;
 - ii) refer the staffing implications in Section 8 to the Corporate Governance Committee for consideration;
 - iii) refer the wider implications to Policy and Resources Committee for its consideration; and
 - iv) otherwise note the content of this report.

John Mulgrew
Executive Director of Educational and Social Services
19 August 2004
Enc (1)

LIST OF BACKGROUND PAPERS

1. The Mental Health (Care and Treatment) (Scotland) Act 2003.

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MENTAL HEALTH CARE & TREATMENT (SCOTLAND) ACT 2003

EAST AYRSHIRE PARTNERSHIP AREA

JOINT LOCAL IMPLEMENTATION PLAN

(DRAFT)

INTRODUCTION

In East Ayrshire, the implementation planning arrangements are firmly located within the Joint Future Partnership Structure and stands alone within this arrangement. This will enable a multi-agency overview of the implementation progress and ensure it links in with “Choose Life” and other national objectives identified in the National Programme.

Amongst the many challenges posed by the new Act the corporate responsibilities for promoting and sustaining mental wellbeing, the increased role of Mental Health Officers and the underlying requirement to be person focused in all interventions will be considerable. In East Ayrshire there is established joint working and positive person centred practice prevails in general. This now requires to be built upon.

In all aspects of the Joint Future agenda and the Choose Life action plan there has been wide and positive consultation with service users, carers and other key stakeholders. This highlights good foundations from which to progress corporate and shared responsibilities in relation to the legislation.

Further detail follows relating to the J.L.I.P request letter and headings provided.

CRISIS RESPONSE AND 24 HOUR SERVICE DELIVERY

The East Ayrshire Partnership are involved in the ongoing provision and development of SMART technologies. This enables people affected by mental disorder to access 24 hour support from their own homes as opposed to being resident in a resource providing 24 hour care. Older people affected by dementia and adults with mental health issues and learning difficulties currently benefit from this facility but its development is ongoing.

The challenge is to ensure the response provided meets the needs of the individual therefore further work is required locally to ensure appropriate out of hours support is available to frontline staff. This will form part of the work required to identify 24 hour support arrangements within the community provided by health, local authorities and the independent sector.

Health colleagues will review options and redefine the health assessment team and models operating over a 24 hour period by July 2004.

Agreement between health and the local authority will be reached regarding M.H.O availability during a 24 hour period by August 2004. An additional three MHO posts have been funded within East Ayrshire Council in preparation for the new legislation.

Alternative accommodation arrangements will be considered within the context of the service redesign action plan along with a review of suitable support staff to enable full consideration of a crisis centre to reduce the need for admission. This will require to be considered with all local authorities within the Ayrshire & Arran area and key stakeholders including independent providers.

NHS Ayrshire & Arran will establish a working group to address the unique needs detailed in "Dealing with mental health emergency situations in rural and remote areas". The working group will run between April and December 2004 and will be lead by North Ayrshire.

A review of CMHTs will be undertaken by health and the local authority to identify the redistribution of resources and ways of working required in order to provide assertive outreach for those who find it difficult to engage with services.

Dialogue amongst all key stakeholders including Ayrshire Doctors on Call, Social Work Standby Services, Primary Care Services and the police will be initiated to ensure coherent and responsive 24 hour services are available for the community.

COMMUNITY SERVICES

East Ayrshire is fortunate to have established positive joint working arrangements within mental health and learning disability services. The Joint Future Partnership Structure facilitates effective reporting and monitoring mechanisms.

The development of Community Health Partnerships will further strengthen partnership working.

The use of Single Shared Assessments within mental health and learning disability fields has been longstanding and positively received. The challenge now, as part of the Joint Future Agenda is how to develop current good practice and further integrate teams and work arrangements. The devolvement of budgets to the locality teams will be one positive move and the plans for a jointly commissioned building will enable physical co-location of services within the next two years in Kilmarnock.

Increased training opportunities for staff and a recent consultation of existing service users will inform and improve services specifically for people with sensory impairment.

Training for all staff in person centred practices has been in place for nine months and will continue to be provided. This should ensure supports provided to individuals will meet their needs and aspirations and will encourage access to community and mainstream resources as opposed to service led solutions being imposed.

As mental health services are now managed within the LHCCs they have become broadly co-terminus with the three Ayrshire Authorities.

The ongoing development of joint working arrangements reflecting the Joint Future Agenda will enable joint transparent management arrangements within both learning disability and mental health services to be considered.

Within East Ayrshire, the corporate responsibility for promoting and sustaining wellbeing has been recognized and a series of information sessions has been planned to inform the key stakeholders of their obligations under the new Act. Given the fact in East Ayrshire, Social Services and Education are located within one department this should facilitate improved access to and shared development of services to support children and young people.

The Joint Future Structure within East Ayrshire will enable the implications of the legislation for each care group to be considered appropriately and ensure service developments take cognizance of same.

A joint Health and Local Authority review is underway considering the issue of therapies for people affected by mental illness which should be concluded by June 2004.

Services for mothers and babies and young people will be enhanced by the establishment by Health of a working group to develop "best practice" guidelines for perinatal care by June 2004. Health will also contribute to the development and monitoring of SLA through the West of Scotland Consortium for accommodation for mothers and babies and children and young people.

The local Forensic Group will review all Mentally Disordered Offenders issues, agree outcomes and outline accommodation standards by April 2004. There will be further integration of forensic services with criminal justice services across Ayrshire.

Supported Employment is included in the East Ayrshire Community Plan and the strategy group is being re-established taking account of the increasing range of stakeholders.

A major part of developing and maintaining Community Services will be improving access to existing, mainstream resources. Training and awareness raising for staff and employers will be planned within the Joint Future Strategy Group as part of the National Programme for Improving Mental Health and Well Being Action Plan.

HOSPITAL SERVICES

The Local Authority and independent sector have been heavily involved in the option appraisal relating to long term hospital accommodation at one psychiatric hospital site and future hospital provision for people with learning difficulties. This reflects a shared commitment to ensuring hospital based services are progressed jointly.

Work is well advanced in relation to reviewing all of the issues in the balance of in-patient and Community Services. The local mental health re-design work will address creative use of all available resources and is due to conclude in June 2004.

NHS Ayrshire & Arran will continue to contribute towards the development and monitoring of SLA through the West of Scotland Consortium for accommodation for mothers and babies and children and young people.

As mentioned previously, reviews of services and accommodation for mothers, babies, children and young people, Mentally Disordered offenders and those with co-occurring conditions is underway and due to be reported on by April and May 2004 by the groups involved.

With respect to learning disability services there has been substantial joint working involving all key stakeholders including service users and carers to establish the process for hospital retraction, the development of community resources and the location of Assessment and Treatment beds. This process will continue within existing Joint Future structures including the development of community activities and short break arrangements.

The East Ayrshire retraction process is due to be completed by 2005.

RANGE OF THERAPIES

As previously mentioned, pro-active development of community resources will broaden occupational and educational opportunities for individuals. Issues relating to physical access, appropriate supports and awareness raising will be addressed through the Joint Future Partnership structure.

In relation to the support for recovery including occupational and educational opportunities, the Joint Future Strategy group will be tasked to undertake this in relation to their specific responsibilities. To date a considerable amount of work has been undertaken to broaden the opportunities for people with learning difficulties and this now requires to be built upon for others affected by mental disorder.

Health has established a working group to review the range of therapies and activities available to mental health in-patient areas. This is due to report in April 2004.

A Training Strategies Group is in place addressing the issue of psychosocial interventions and considering additional joint training. This exercise will be concluded by May 2004.

All developments will be linked into the National Recovery Network for Scotland supported by the National Programme.

WORKFORCE/REDESIGN

Work is ongoing at an area wide level to consider workforce issues this is considered in the area wide Joint Local Implementation Plan. It is however immediately apparent that there will be additional demands on specific disciplines including psychiatrists and Mental Health Officers. It is also apparent that if the specific disciplines focus their efforts on new duties this could result in increased expectations for existing work on Community Psychiatric Nurses and support staff.

The dedicated funding provided to East Ayrshire Council for implementation of the Act has been utilized immediately to employ 3 additional MHO posts. This will begin to build capacity for the additional duties and provide cover whilst all MHO's undergo training.

East Ayrshire Partnership will also consider commissioning additional support staff to carry out essential but routine duties, identified within care packages thereby allowing the professional staff (Social Worker, Community Psychiatric Nurse, Occupational Therapist etc) to concentrate on more complex and appropriate tasks.

A local consensus on the way forward will be concluded within the Joint Future Partnership Structure for East Ayrshire. Each organization may wish to feed this into their own reporting structures.

Awareness raising workshops for all staff will be introduced commencing August 2004 pending the provision of a detailed training programme following publication of the "Code of Practice".

Analysis will take place on the specific roles and responsibilities of staff such as GP's, Consultant Psychiatrists, MHOs, Admin and Support Staff by October 2004 to identify any gaps prior to the implementation of the Act and allow for adaptations to be made as required.

ORGANISATIONAL ISSUES

At present the implementation of the Act will be overseen and reported through the Joint Future Partnership Structure. Agreement requires to be reached as to what additional reporting arrangements, if any, are required. It is recognized that each organization may wish to report progress through their own structures also.

The Mental Health Strategy and Choose Life Strategy within East Ayrshire were both developed in partnership with local organizations including user and carer representatives and the police. It would be anticipated that this level of consultation and involvement will be developed further and in fact forms a core of the Joint Future Partnership agreement.

A local standing multi agency Care and Treatment Act Reference Group is in place and representation will be extended.

Information sharing protocols have been agreed and are operational between health and local authorities.

Due to the complexities of NHS Ayrshire and Arran requiring to liaise with three Local Authorities clarity and clear communication will be requiring to facilitate cohesive implementation of the legislation locally.

RESOURCING & ACCOUNTABILITY

Increasingly as with all jointly delivered services resource allocation relating to implementation of the Act will be agreed through the Joint Future Partnership arrangements.

By September 2004 a detailed action plan will be developed to identify affective performance measures for local use which will be able to generate abstract data for national use.

At present the local authority information system can provide some level of required data, however further work is required to redefine this and facilitate increased shared electronic information provision.

WIDER ISSUES

It is vital to engage all stakeholders in the promotion of and the sustainability of mental well being.

Feeding all aspects of the Act implementation and the National Programme through the Joint Future Partnership Structure will ensure consistency and appropriate linkages are made within local reporting mechanisms.

A supported employment strategy is being further developed for East Ayrshire and forms part of the Community Plan.

The anti stigma strategy will inform developments within the Joint Future Strategy Group and support the awareness raising required throughout the community relating to mental disorder.

A Choose Life Steering Group has reported its implementation plan to the Executive. It will be located within the East Ayrshire Joint Future Partnership Structure and also report to the Community Planning Partners.

Locating all these initiatives within the Joint Future Partnership Structure should enable a more cohesive and integrated implementation within East Ayrshire.

INFORMATION & TECHNOLOGY ISSUES

As community staff increasingly undertake Single Shared Assessments, access to appropriate and compatible information systems is required. At present a major challenge for NHS Ayrshire & Arran and the Local Authorities is the fact there are four different IT systems used throughout Ayrshire.

Further consideration is required of FACE roll out across Ayrshire & Arran by April 2005. In order to support implementation of the Act, frontline staff will require access to good clinical information on a 24 hour basis. This will be undertaken in line with e-health and e-care strategies.

Consideration is required as to how and if advanced statements may be stored electronically and if statutory forms may be generated electronically to reduce admin and duplication. The possibility of statutory forms being lodged electronically with the Mental Welfare Commission and Tribunal organization should also be considered.

In order to address the wide range of issues IT staff from the local authority and health body will require to be supported by frontline operational staff to establish how systems can improve communication and work for the staff. This will be concluded by April 2005.