

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Social Work and Health

Social Work and Health Improvement Committee

19 March 2008

Subject: Adult Support and Protection (Scotland) Act 2007 – Code of Practice Consultation Response

1. Purpose

- 1.1** Further to the Committee's decision on the 23 January 2008 the report informs Committee of the response to the consultation on the draft Code of Practice for the Adult Support and Protection (Scotland) Act 2007 (referred to as ASP Act).
- 1.2** The detailed response is set out in the letter attached as Appendix 1. The Committee is asked to agree the consultation response.

2. Background

- 2.1** The ASP Act introduces new measures for the protection of adults at risk of harm. These include rights of entry to settings where adults are thought to be at risk of harm, a range of protection orders including assessment, removal and banning orders and the creation of multi-disciplinary adult protection committees. This Act is seen as part of a suite of legislation relating to adult protection which includes the Adults with Incapacity (Scotland) Act 2000 and the Mental Health Care and Treatment (Scotland) Act 2003. The ASP will cover all adults over 16 years of age.

3. Main Issues

- 3.1** The new ASP Act will be implemented in full by Autumn 2008. The draft Code of Practice is currently the subject of consultation nationally.

4. Personnel Implications

- 4.1** As previously stated there will be considerable resource implications for both the Council and its partners. Key officers will be identified to implement the Act placing a further burden on limited resources.

- 4.2** The Scottish Government has carried out the “partial regulatory impact assessment” which has indicated that the consequences across Scotland would include the need for an estimated 174 additional Care Managers. It also highlighted an increased demand on community psychiatric nursing, learning disability, nursing and police services. Scottish Government has estimated the overall cost of this additional burden at £5.11 million.
- 4.3** Based on the fact that West Dunbartonshire Council area has around 1.77% of the Scottish population, this would mean that an additional 3–3.5 full-time equivalent staff would require to be employed in order to fully comply with the new Act.

5. Financial Implications

- 5.1** The Scottish Government’s partial regulatory impact assessment has indicated that the total cost across Scotland would be in the region of £10.26 million.
- 5.2** This will place a burden of £181,000 on West Dunbartonshire Council, based on the population figure of 1.77%
- 5.3** It is expected that funding will come from the Scottish Government to assist with these costs. Discussions between the Scottish Government and CoSLA and the Association of Directors of Social Work (ADSW) suggest that additional funding will be available. However, there has been no funding announcement as yet and funding has not been included in the recently announced local government figures for 2008/09 to 2010/11. If funding does not come from the Scottish Government, the Council will have to meet the costs associated with the implementation within existing budget provision.

6. Risk Analysis

- 6.1** The new Adult Support and Protection Act places legislative responsibilities on Local Authorities and their partners. This includes the need to have an Adult Protection Committee and a Risk Register. Failure to comply with the Act would have significant implications for both individual officers and the Council and its partners.
- 6.2** The protection of vulnerable adults is now seen as a key area of work for all Local Authorities and their partners. The Council will require to

resource both the implementation and the maintenance of the responsibilities placed upon it by this Act.

- 6.3** There are considerable financial and resource implications and risks for the Council and its partners. These have been highlighted above.

7. Conclusions

- 7.1** The implementation of the Adult Support and Protection Act is a significant piece of legislation in Scotland with far reaching implications for all public bodies.
- 7.2** An implementation group has been created which will take forward all aspects of the Act throughout 2008. This group will contain representatives of all the key bodies in the West Dunbartonshire.
- 7.3** Following the conclusion of the work programme undertaken by the Implementation Group an Adult Protection Committee will be formed in line with the new legislation.
- 7.4** There will be considerable resource implications both in relation to finance and personnel issues.

8. Recommendations

- 8.1** Committee is asked to approve our response (appendix 1) to the national consultation on the proposed Code of Practice.

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Person to Contact:	David Elliott, General Manager, Learning Disability Service.
Appendices:	Response (appended) to the national consultation on the proposed Code of Practice.
Background Papers:	Relevant papers were issued to Committee meeting on 23 January 2008
Wards Affected:	All