

AGENDA ITEM No. ~~12~~
NORTH LANARKSHIRE COUNCIL

Source Director of Social Work -
Destination Chief Executive
Subject Residential & Nursing Home Care for Adults

Committee Submission
(if applicable)

Date 24th August, 1995.

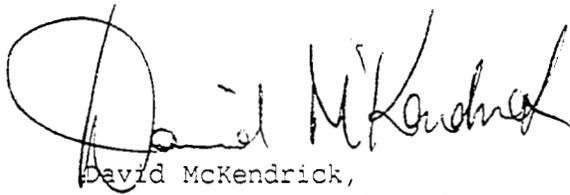
My Ref Con/Comm - DMCK/HS

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Distribution

I refer to your memorandum dated 26th July, 1995 in which you ask me to prepare a report for submission to the appropriate Committee of the Council sometime in September, 1995 on the above subject.

The report is attached but I would draw your attention to the considerable legal interest in this matter. While acknowledging that the draft guidance has been examined and agreed by solicitors from social work authorities already, you may wish to draw the contents of the guidance to the Director of Administration.



David McKendrick,
Director of Social Work.

Manage/RESNHCAREADULTS



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1. Introduction

Arising from concerns as to the need for guidance on what should be contained within contracts for residential and nursing home care for adults, COSLA agreed in February, 1994 that guidance should be provided which would outline the core conditions needed to be included in the contract for such care in the knowledge that there would be a need for local autonomy which best suited local conditions.

The contracts group of the Association of Directors of Social Work has now produced guidance which has been examined and agreed by solicitors from social work authorities in Scotland as being correct from a legal point of view.

This guidance is now being made available to authorities for consultation, in the first instance with local authorities and the Scottish offices Social Work Services Group but it is anticipated that later consultation will involve a variety of organisations representing private and voluntary sector providers and representatives of users of community care services and those who care for such users.

2. Content of Guidance

The lengthy and exhaustive guidance which has been produced by the contracts group of the Association of Directors of Social Work seeks to provide a measure of uniformity which will be extremely helpful to both purchasers and providers of care. Of necessity, the guidance is often detailed and is designed in some measure to meet legal requirements as is evidenced by the language. It does however cover those areas of concern which experience has demonstrated as requiring the greatest clarity possible in order to ensure that purchasers, providers, carers, and users of the service are aware of their rights, responsibilities and duties.

In this respect the glossary of terms available can only add to that clarity and the suggestion that service users are supplied with a summary of their rights, which explains in simple language contract conditions which directly effect the user, is to be welcomed.

3. Standards for Residential and Nursing Home Care

The guidance presents two models outlining standards for residential and nursing home care by providing service specifications.

Each covers largely the same area although model 1 provides much more detail. Each model specifying standards covers such aspects as the philosophy of care, the physical standards of the accommodation, information to be available, a charter of rights for persons using the service, the need for confidentiality, how health care should be provided, the need for social activities, the availability of complaints procedures and the need to ensure that there is sufficient competent and capable staff available on duty at any given time.

4. Conclusion

This very detailed piece of work is very welcome at this time and gives due regard to the rights, responsibility and duties of each of the parties involved in the contracting for residential and nursing home care for adults. It will obviously require much more detailed examination particularly in relation to the need to be flexible in respect of each set of local conditions.

It will be extremely helpful to be aware of the views of the various interests as they emerge, and the proposal to hold a seminar on 10th November, 1995 will be useful for this purpose.

5. Recommendation

That the guidance on contracting for residential nursing home care for adults be warmly welcomed by the authority.

That the authority recognises that final guidance will include alternative models of contracts.

That this authority welcomes the emphasis placed on user involvement in particular and the necessity to ensure that service users and their representatives are aware of their rights and responsibilities.

David McKendrick,
Director of Social Work.

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