

NORTH LANARKSHIRE COUNCIL

REPORT

TO: Social Work Committee	Subject: CANCELLATION OF REGISTRATION - DRUMPARK COTTAGE, BARGEDDIE.
FROM: Jim Dickie Director of Social Work	
DATE OF COMMITTEE: 24 August 1999	
REPORT AUTHOR: Dennis O'Donnell	

1 PURPOSE OF REPORT

- 1.1 This report advises members of the Social Work Committee that the cancellation of the registration of Drumpark Cottage took effect on 8 July 1999.

2 BACKGROUND

- 2.1 The responsibilities of local authorities for registered residential establishments are defined under the terms of the Social Work (Scotland) Act 1968 as amended by the Registered Establishments (Scotland) Act 1987.
- 2.2 Drumpark Cottage was registered in October 1990 to provide residential care for up to 12 adults with mental health problems and physical disabilities. The registered proprietors were Mr Ian Strachan and Mrs Maria Strachan. Mrs Strachan was also the approved Manager.
- 2.3 On 24 November 1997, following investigation of a number of serious complaints from residents, the Director of Social Work took the decision to give notice of intention to impose a number of conditions to the Home's registration. Following a hearing by the Social Work (Registration) Sub-Committee on 4 August 1998 the proprietors appealed to the Secretary of State against the intention to impose conditions.
- 2.4 During September 1998, the Director of Social Work was made aware that the Home was in financial difficulty and under threat of repossession. Following investigation, on 2 October 1998, the Director of Social Work took the decision to give notice to cancel the Home's registration. The grounds for cancellation were that (a) the way the establishment was conducted was such as not to provide services or facilities reasonably required by persons resorting to such an establishment; and (b) the proprietors were not fit persons to carry on a residential establishment. Following a hearing by the Social Work (Registration) Sub-Committee on 11 December 1998 the proprietors appealed to the Secretary of State against the intention to cancel registration.

3 CLOSURE OF HOME

- 3.1 By the end of September 1998, with action to repossess the premises underway, it had become clear that closure of Drumpark Cottage was unavoidable. Various attempts made by the Department to discuss the situation with the proprietors failed. At that stage eight residents were accommodated in the Home.
- 3.2 In early October 1998 the Home's staff were advised by the proprietors that the Home would be closing. As a result, throughout October 1998 and with the cooperation of the Home's staff and residents, social workers implemented plans to transfer residents to other accommodation. The proprietors did not actively cooperate with social workers in planning the transfers.
- 3.3 On 26 October 1998 the Home closed. By that date two residents had transferred to a sheltered flat with support from home care services, two went to live with their relatives, and two were found alternative residential placements. One resident was in hospital and has remained there since. The eighth resident, at the request of relatives, opted to move to the proprietors private hotel. With the exception of one residential placement which subsequently broke down, all other placements have been sustained since the Home's closure.
- 3.4 The Home never reopened. It is understood the accommodation was repossessed, marketed and sold during July 1999.

4 CONCLUSION OF PROCESS

- 4.1 On 8 July 1999 correspondence was received from Senior Counsel acting on behalf of Mr and Mrs Strachan informing that the appeals, both to the application of the conditions and the cancellation of the owners' registration, were withdrawn. As a result, the cancellation of the Home took immediate effect.
- 4.2 Alerts regarding this cancellation of registration were subsequently circulated to all relevant agencies.

5 OBSERVATIONS OF THE DIRECTOR OF SOCIAL WORK

- 5.1 The primary focus of intervention by the Department has, at all times, been the welfare and protection of a group of residents who were vulnerable and in some instances unable to make their own decisions.
- 5.2 Very substantial workload was generated for officers of this Department's Registration and Inspection Unit in investigating concerns and monitoring Drumpark Cottage between October 1997 when concerns were first identified, up until its closure one year later.

- 5.3 In excess of 160 visits were made to the establishment, many involving two officers. An inordinate amount of officers time was taken up in monitoring activities, gathering evidence and maintaining records. These duties significantly reduced the extent to which officers routine inspection and monitoring work could be undertaken.
- 5.4 Additional workload arose for officers, senior managers, legal representatives and elected members involved in the Social Work (Registration) Sub Committee.
- 5.5 The process highlighted the inadequacy of current legal measures open to local authorities when applying conditions or seeking to cancel registration. The time-scales involved and arrangements for hearings, appeared to provide greater protection to the rights of the proprietors and insufficient focus on the need to safeguard the welfare of residents and resolve their situation within a reasonable time-scale. These concerns were formally brought to the attention of Scottish Office officials currently redrafting legislation in this area.

6 RECOMMENDATIONS

6.1 Committee is asked to note:

- (i) the conclusion of the Department's actions in applying conditions and cancelling the registration of Drumpark Cottage, and
- (ii) the Director of Social Work's concerns at the severe strain this establishment placed on the Department's resources.



Jim Dickie
Director of Social Work
17 August 1999

For further information on this report please contact. Dennis O'Donnell Principal Officer (Registration and Inspection)
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