

Motherwell, 7 August 2001 at 1 pm.

**A Meeting of the SOCIAL WORK (OPERATIONS AND SERVICES)
SUB-COMMITTEE**

PRESENT

Councillors Cassidy, Cox, Coyle, Curley, Gordon, Gormill, McCallum, McLaughlin, Robertson, Scott and Sullivan.

CHAIR

In terms of Standing Order No. 11 Councillor Sullivan was appointed to the Chair.

IN ATTENDANCE

The Head of Central Services, Director of Social Work, Manager (Children and Families, and Criminal Justice), Manager (Community Care and Adult Services), Senior Officer (Criminal Justice), Senior Resource Worker (Criminal Justice), Service Co-ordinator/Independent Living Service and Senior Child Care Officer (Family Placement).

APOLOGIES

Councillors Chadha, H. McGuigan and Selfridge.

ADOPTION AND FOSTERING REVIEW PANEL - REVIEW OF MEMBERSHIP AND PROCEDURES

1. With reference to paragraph 12 of the Minute of the meeting of the Social Work Committee held on 4 March 1996 when, *inter alia*, it had been agreed that an Adoption and Fostering Panel and an Adoption and Fostering Review Panel be established, there was submitted a report (docketed) dated July 2001 by the Director of Social Work (1) advising that following implementation of the Children (Scotland) Act 1995 and the Human Rights Act 1998 the membership and procedures of the Adoption and Fostering Review Panel had been reviewed to ensure (a) that decisions taken by the Adoption and Fostering Panel but referred to the Adoption and Fostering Review Panel for deliberation would be undertaken by a Panel independent of the Adoption and Fostering Panel, and (b) that the review procedures would be open and transparent; (2) recommending that the membership of the Adoption and Fostering Review Panel be amended to provide for attendance of a representative of a relevant independent organisation and an elected member of the Adoption and Fostering Panel who had not been involved in the Panel decision under review; (3) intimating that the use of representatives of independent organisations would be likely to incur the levy of consultancy fees, and (4) outlining the changes to the process for local authorities assuming parental rights in terms of the Children (Scotland) Act 1995.

Decided:

- (1) that the membership and procedures of the Adoption and Fostering Review Panel be amended, as detailed in the Appendix to the report;
- (2) that the changes to the process for local authorities assuming parental rights in terms of the Children (Scotland) Act 1995 be noted, and
- (3) that the terms of the report be otherwise noted.

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 - IMPLEMENTATION OF PART 5 “MEDICAL TREATMENT AND RESEARCH” - CONSULTATION BY THE SCOTTISH EXECUTIVE

2. With reference to paragraph 5 of the Minute of the meeting of this Sub-Committee held on 10 May 2001 when, *inter alia*, the timescale had been noted for the implementation of various parts of the Adults with Incapacity (Scotland) Act 2000 which makes provision for local authorities to protect the welfare and financial and property assets of adults incapacitated by reason of mental disorder or inability to communicate, there was submitted a report (docketed) dated 17 July 2001 by the Director of Social Work (1) advising that a consultation document had been received from the Scottish Executive regarding the implementation of Part 5 of the Act concerning medical treatment and research; (2) intimating that the legislation makes provision for the issue of a Certificate of Incapacity for a patient incapable of consenting to treatment; (3) informing that whilst the legislation was of greater significance to the Health Service, it had implications for local authorities in cases where they may be appointed to act as welfare guardians for people deemed to be incapable of consent, and (4) indicating that a response to the consultation (a copy of which was attached as an Appendix to the report) had been forwarded to the Scottish Executive, on behalf of the Council, to meet the timescale for comments.

Decided: that the comments set out in the Appendix to the report be endorsed and homologated as the Council's formal response to the Scottish Executive on the consultation regarding the implementation of Part 5 of the Adults with Incapacity (Scotland) Act 2000 concerning medical treatment and research.

SCOTTISH BEST PRACTICE STANDARDS FOR DEAF, HARD OF HEARING AND DEAFBLIND PEOPLE - CONSULTATION BY A TASK FORCE SECRETARIAT OF THE ROYAL NATIONAL INSTITUTE FOR THE DEAF

3. There was submitted a report (docketed) dated 10 July 2001 by the Director of Social Work (1) advising that a consultation document had been received from a Task Force Secretariat of the Royal National Institute for the Deaf regarding best practice standards for deaf, hard of hearing and deafblind people; (2) setting out in the Appendix to the report comments on the key issues highlighted in the document which had been submitted to the Task Force Secretariat to meet the timescale for comments.

Decided: that the comments set out the Appendix to the report be endorsed and homologated as the Council's formal response to the Task Force Secretariat of the Royal National Institute for the Deaf on its consultation regarding services for people with sensory impairments.

THE REPORT OF THE COMMITTEE ON SERIOUS VIOLENT AND SEXUAL OFFENDERS - CONSULTATION BY THE SCOTTISH EXECUTIVE

4. There was submitted a report (docketed) dated July 2001 by the Director of Social Work (1) advising of the publication of the Report by the MacLean Committee on Serious Violent and Sexual Offenders, the Committee having been established by the UK Government in March 1999 to consider experience in Scotland and elsewhere and to make proposals for the sentencing disposals for, and the future management and treatment of serious sexual and violent offenders who may present a continuing danger to the public, and, in particular, (a) to consider the current legislative framework; (b) to compare practice, diagnosis and treatment with that elsewhere; (c) to specify the services required by this group of offenders and the means of delivery, and (d) to consider the question of release/discharge into the community and service needs in the community for supervising those offenders; (2) intimating that the Scottish Executive had sought the Council's views on the recommendations of the MacLean Committee Report, and (3) setting out in the Appendix to the report comments on the recommendations.

Decided:

- (1) that the publication of the Report of the MacLean Committee on Serious Violent and Sexual Offenders be noted, and
- (2) that the comments set out in the Appendix to the report by the Director of Social work be endorsed as the Council's formal response to the Scottish Executive on the consultation on the recommendations by the MacLean Committee.

"REDUCING THE RISK - IMPROVING THE RESPONSE TO SEX OFFENDING" - THE REPORT OF THE EXPERT PANEL ON SEX OFFENDING - CONSULTATION BY THE SCOTTISH EXECUTIVE

5. There was submitted a report (docketed) dated 27 July 2001 by the Director of Social Work (1) advising of the publication of the Report of the Expert Panel on Sex Offending entitled "Reducing the Risk - Improving the Response to Sex Offending" which was primarily addressed to the Scottish Executive but also relevant to all agencies with a role in managing, supervising or otherwise dealing with sex offenders; (2) intimating that the Panel considered that communities should be at the centre of efforts to combat sex offending and that Criminal Justice agencies had a duty to deliver a safer environment for communities; (3) informing that the Report provided an agenda for the future protection of communities, identified a number of important measures which would strengthen the response to sex offending and provide a framework to deliver change, and contained recommendations in relation to (a) the community and personal safety and prevention; (b) risk assessment; (c) access to personal change programmes; (d) the monitoring of sex offenders; (e) housing provision for sex offenders, and (f) information management; (2) indicating that the Scottish Executive had sought the Council's views on the recommendations of the Panel, and (3) setting out in the Appendix to the report comments on the recommendations.

Decided:

- (1) that the publication of the Report of the Expert Panel on Sex Offending entitled "Reducing the Risk - Improving the Response to Sex Offending" be noted,
- (2) that the comments set out in the Appendix to the report by the Director of Social Work be endorsed as the Council's formal response to the Scottish Executive on the consultation on the recommendations of the Panel, and
- (3) that the Director of Social Work submit further reports on the implementation by the Scottish Executive of the recommendations of the Panel, together with details of relevant progress in the delivery of services provided by the Department's Children and Family and Criminal Justice Section.

"SOCIAL WORK SERVICES FOR PEOPLE WITH A SENSORY IMPAIRMENT" - REPORT BY THE SCOTTISH EXECUTIVE

6. There was submitted a report dated 26 July 2001 by the Director of Social Work (1) advising that, in terms of the Social Work (Scotland) Act 19678, there was a requirement on local authorities to maintain a register of people who were blind or partially sighted; (2) intimating that a report had been received from the Scottish Executive which identified a number of flaws in the current certification and registration process and outlined a number of recommendations to address the flaws; (3) indicating that a Multi-Agency Group had been established at a local level to progress the implementation of the recommendations, and (4) reiterating that, although local authorities were not required to maintain a register for people with dual sensory impairment, the Council, in association with Lanarkshire Health Board, had previously commissioned Deafblind Scotland to undertake a needs assessment of deafblind people in North Lanarkshire.

Decided:

- (1) that the Director of Social Work take appropriate action to ensure that the services provided for people with visual impairments in North Lanarkshire reflect the recommendations of the report by the Scottish Executive, and
- (2) that it be noted that the Director of Social Work would report to a future meeting of the Sub-Committee on the study by Deafblind Scotland.

"YOU CAN TAKE HIM HOME NOW" - REPORT BY THE CARERS NATIONAL ASSOCIATION AND CROSSROADS SCOTLAND

7. There was submitted a report dated July 2001 by the Director of Social Work summarising the main findings of a Report by the Carers National Association and Crossroads Scotland entitled "You Can Take Him Home Now" which had been compiled following a survey of carers' experiences of hospital discharge in Scotland.

Decided: that the terms of the report be noted.