

To: SOCIAL WORK COMMITTEE		Subject: ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000
From: DIRECTOR OF ADMINISTRATION		
Date: 1 May 2002	Ref: JAF/IL	

1. Purpose of Report

- 1.1 The report advises the Committee of the implications for the Council, of the Adults with Incapacity (Scotland) Act 2000 and proposes that power be delegated to the Director of Social Work and Heads of Service within the Department of Social Work to carry out the functions and discharge the responsibilities of the Council under that Act.

2. Background

- 2.1 The Adults with Incapacity (Scotland) Act 2000 replaces significant portions of the Mental Health (Scotland) Act 1984 and provides that local authorities, in respect of adults with incapacity in terms of the Act, have a range of powers including the following

In terms of s.10 of the Act:

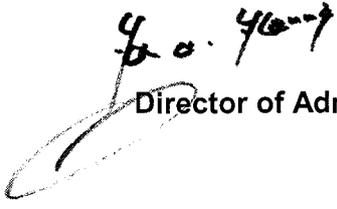
- The duty to supervise a guardian with functions relating to welfare powers
- The duty to consult the Public Guardian and the Mental Welfare Commission on matters in which they share a common interest
- To receive and investigate any complaints relating to the functions of welfare attorneys and guardians or persons authorised under intervention orders
- To investigate any circumstances made known to them in which the personal welfare of an adult seems to be at risk
- To provide advice and guidance to guardians, welfare attorneys or persons authorised under intervention orders in connection with the performance of functions in relation to personal welfare under the Act.

In terms of Part 6 of the Act, the duty to apply for an intervention order or a guardianship order where such an order is necessary for the protection of the property, financial affairs or personal welfare of the adult and no application has been made or is likely to be made.

- 2.2 The nature of those powers and the circumstances and timescales within which they require to be exercised, make it appropriate that power be delegated to the Director of Social Work and the Heads of Service within the Department of Social Work, after consultation with the Director of Administration, to exercise the powers and discharge the responsibilities of North Lanarkshire Council under and in terms of the Adults with Incapacity (Scotland) Act 2000. For the avoidance of doubt, the Director of Social Work is the Chief Social Work Officer of North Lanarkshire Council for the purposes of the Act and all references to the Chief Social Work Officer within the Act shall be deemed to be references to the Director of Social Work.

3. **Recommendation**

- 3.1 It is recommended that the Committee delegate to the Director of Social Work and the Heads of Service within the Department of Social Work, after consultation with the Director of Administration, authority to exercise the full powers and discharge the full responsibilities of the Council under and in terms of the Adults with Incapacity (Scotland) Act 2000.



G. A. Young

Director of Administration