

**NORTH LANARKSHIRE COUNCIL  
REPORT**

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: INVESTIGATION INTO THE CARE AND TREATMENT OF MR H	
From: DIRECTOR OF SOCIAL WORK			
Date: 5 DECEMBER 2006	Ref: EN		

**1. Purpose of Report / Introduction**

- 1.1. To advise Committee of the contents and recommendations of a Mental Welfare Commission Inquiry into the care and treatment of Mr H, which was published in June 2006. Mr H was not a resident of North Lanarkshire.

**2. Background**

- 2.1. The Mental Welfare Commission for Scotland is an independent organisation which works to safeguard the legal and more general human rights and welfare issues in relation to people with a mental illness, learning disability or other mental disorder; (this last term is defined by statute). They are also concerned with professional practice issues and any identified deficiencies in care and/or treatment, services from partner agencies, who have a "statutory duty, or a duty of care".
- 2.2. Mr H, is a man in his mid 70's with a long history of alcohol abuse reported back to 1985. He had repeated crises involving police, courts, Accident and Emergency visits, his GP, social workers and housing officials. Mr H had a well-documented history of poor physical health relating to his alcohol misuse including 2 periods of hospitalisation in the 1980's for detoxification.
- 2.3. Social work contact dates back from mid 1980s and appears to have been related to his offending often associated with alcohol misuse. Subsequent contacts in the 1990s were on a crisis basis and largely related to lack of money for food, utilities and housing difficulties. Mr H was placed on Guardianship in March 2004, showing severe malnourishment and neglect.

**3. Proposals / Considerations**

**3.1. Findings of MWC Enquiry:**

- Health and social care services did not pay enough attention to Mr H's mental function and capacity. Despite contact with his GP and Department of Medicine for the Elderly and the evident decline in his mental functioning, services did not act adequately to protect Mr H's welfare.
- Social Work and Housing Services responded to crisis however did not give enough thought to Mr H's capacity to make decisions.
- Overall there was poor co-ordination of the response to his problems across agencies.

### 3.2. Report Recommendation:

The Mental Welfare Commission made a number of recommendations for NHS Trusts, Local Authority Social Work and the Scottish Executive namely:

- Health and Social Work need to assess capacity in people with serious, long-term alcohol difficulties.
- The need for better assessment and care management and information sharing in respect of people with Alcohol Related Brain Damage (ARBD).
- All staff should be aware of the report and be provided with better training in ARBD.
- Health and Social Work should audit how they deal with people who repeatedly contact their services as consequence of alcohol dependence.
- Housing and Social work departments need to look at how they can work better together.
- Departments of Medicine for the Elderly need better procedures for assessing capacity and investigating impaired brain function in people with alcohol difficulties.
- The Scottish Executive should respond to the recommendations in the Report of the Expert Group on Alcohol Related Brain Damage, published in March 2004 and audit local Alcohol Action Plans to ensure they adequately address services for people effected by ARBD.

### 3.3. North Lanarkshire Council Position:

- North Lanarkshire Council's Mental Health Officer Services (MHO) has close working links with health and council staff. Clear procedures are in place for accessing a MHO to assist with assessment of capacity.
- A review of the Alcohol and Drug Action Teams (ADAT) and the Corporate Action Plan has resulted in the development of 2 integrated health and social work teams which will support the north and south areas of North Lanarkshire. The development of joint teams will improve the delivery of a seamless service to adults diagnosed with ARBD and help identify future service provision.
- The ADAT have identified joint training as a priority and this will be delivered locally from 16 November 2006.

## 4. Financial / Personnel / Legal / Policy Implication

- 4.1. Interim procedures are in place for the Adults with Incapacity (Scotland) Act 2000, which clearly lay out the procedure for assessing capacity, accessing health and MHO staff, and the process when considering guardianship.

## 5. Recommendation

- 5.1. Committee is asked to note the contents of the report

  
**Jim Dickie**  
 Director of Social Work  
 2 November 2006

For further information on this report please contact E Niblo, Senior Officer, Mental Health, Tel: 01698 332211