

# West Lothian Adult Protection Committee

## Terms of Reference

### 1. Introduction

- 1.1. West Lothian Adult Protection Committee (APC) operates within the context of Scottish and UK legislation and national guidance relating to Adult Support and Protection. Section 42 of the Adult Support and Protection (Scotland) Act 2007 states that each council area must establish an Adult Protection Committee. In addition to the Adult Support and Protection (Scotland) Act 2007, other legislation such as the Mental Health (Care and Treatment) (Scotland) Act 2003 and Adults with Incapacity (Scotland) Act 2000 also play a central role in safeguarding adults at risk across our local authority area.
- 1.2. West Lothian Adult Protection Committee takes a leadership role in working with all involved agencies to ensure the continuous improvement of adult protection services in West Lothian. The Committee provides clear links with wider adult support services and reinforces and develops, through joint multi-agency practice, the integration of adult support and protection services across West Lothian.

### 2 Key Principles

- 2.1. West Lothian Adult Protection Committee will operate within the framework of the following principles: -
  - A **person-centred approach** in which the best interests of the individual are paramount underpinned by the principles of the Adult, Support and Protection (Scotland) Act 2007 including consideration of Advocacy to enable an adult to participate as fully as possible in the Adult Protection process;
  - **Joint working** based on mutual respect and a shared understanding of each member's roles and responsibilities, ensuring **co-operation** and **good communication** within and between agencies;
  - A **proactive approach** to all support and protection work.
  - A focus on **improved outcomes** for adults at risk, where **interventions** provide **benefit** and be the **least restrictive option** available to that adult.
  - **Participation and responsiveness** at a local level.

### 3. Functions

- 3.1. Section 42 of the Adult Support & Protection (Scotland) Act 2007 defines the functions of local Adult Protection Committees in each Local Authority area as follows: -
  - To keep under **review procedures and practices** of public bodies and office holders (i.e the Council, the Care Commission, the Health Board, the Chief Constable and any other public body or office holder as specified/required locally) relating to the safeguarding of adults at risk across West Lothian.

- To **give information or advice, or make proposals** to any public body and office holder on the exercise of functions relating to safeguarding adults at risk.
- To make, or assist in making, arrangements for **improving the skills and knowledge** of officers or employees of public bodies and office holders who have responsibilities relating to safeguarding adults at risk.
- Any other function relating to safeguarding adults at risk as may be specified by order of Scottish Ministers.
- In performing these functions, the APC must have regard to the desirability to **improving co-operation** between agencies for the purposes of safeguarding adults at risk across West Lothian.

#### 4. Responsibilities

4.1. Building on the legal functions, the roles and responsibilities of the West Lothian Adult Protection Committee are to: -

- To promote a **culture of joint working** amongst all organisations and individuals involved in adult support and protection work.
- To promote the value and importance of necessary and authorised **information sharing** among all public, private and voluntary organisations involved in adult support and protection work.
- **Evaluate practice performance** by data gathering, analysis, monitoring and reviewing; auditing aspects of support and protection activity, commissioning or engaging in occasional case reviews (particularly when there have been critical incidents) or commissioning research on particular aspects of protection work.
- To promote the **continuous improvement** of adult support and protection work through the development, publishing and dissemination of policies, procedures and protocols; the development of management information systems; development and implementation of inter-agency audit and quality assurance mechanisms; promotion of good practice, training and staff development.
- To ensure appropriate **mechanisms are in place to involve service users** in developing adult support and protection services.
- To **consider relevant reports** from a range of sources, including local agencies with involvement in adult support and protection.
- To develop, implement and regularly review a **communications strategy** for the local community that will raise awareness of the need to promote adults at risk of harm.
- To **share best practice and learning with other Adult Protection Committees** and to manage any cross-boundary issues e.g. ensuring information is transferred appropriately when adults at risk move between areas.
- **Work in collaboration** with West Lothian Child Protection Committee and Offender Management Committee, sharing information, communicating and

co-ordinating services for adults, children and family services, and criminal justice services.

- To submit a **biennial report** on the work of the West Lothian Adult Protection Committee to the Scottish Government once it has been approved by the Chief Officers' Group

## 5. Membership of the Adult Protection Committee

5.1. The membership of the Adult Protection Committee will be agreed, taking account of legislative requirements. Representation will come from the key agencies with direct responsibilities for, or interest in, matters of adult support and protection across West Lothian.

5.2. Member agencies will where possible ensure that their representation is at a senior management / executive level and that representatives are accorded sufficient delegated authority to make decisions on behalf of their agency in the course of the work of the Committee.

5.3. In the event of a member being unable to attend an Adult Protection Committee meeting a substitute may attend, providing that they have the authority of the member they are representing.

5.4. Core membership and representation on the Committee will be: -

- Detective Superintendent, Police Scotland – Chair
  - Chairs of subcommittees
  - Chief Social Work Officer, West Lothian Council
  - Senior Manager, Older People Services, West Lothian Council
  - Senior Manager, Adult Services, West Lothian Council
  - Head of Housing Services, West Lothian Council
  - Clinical Nurse Manager, Public Protection, NHS Lothian
  - General Manager, Mental Health & Addictions, West Lothian HSCP
  - DCI, Police Scotland
  - Local Senior Officer, Scottish Fire and Rescue Service
  - Chair of West Lothian Alcohol and Drug Partnership
  - Representative/s for Voluntary and Private Sector
  - Lead Officer, Adult Protection
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- Representation from carers / service user groups may be requested to attend the Adult Protection Committee on a needs basis
  - Other partner representatives may also be invited to attend a meeting of the Adult Protection Committee including: -
  - The Mental Welfare Commission for Scotland
  - The Office of the Public Guardian
  - The Crown Office and Procurator Fiscal's Service
  - Criminal Justice Services

- Scottish Prison Service
- Healthcare Improvement Scotland
- The Care Commission (where no nominated Committee member)
- A representative of any other public body or office holder as may be specified by Scottish Ministers

## **6. Members' Roles and Responsibilities**

### **6.1. Adult Protection Committee members will: -**

- Represent the commitment of their agency by promotion of the APC principles for the purposes of safeguarding adults at risk across West Lothian.
- Promote joint working, information sharing, co-operation and communication to deliver continuous improvement and ensure agreed standards of practice are met and maintained.
- Have the delegated authority to make strategic decisions on behalf of their agency in relation to adult support and protection work.
- Reflect agency accountability in inter-agency decision making.
- Facilitate communication between the APC and their organisation and other relevant agencies and groups.
- Fully participate in the business life of the Adult Protection Committee and its subgroups to ensure the APC functions are met.
- Ensure that decisions of the Adult Protection Committee and the implications of such decisions are communicated to, and understood by, staff / officers at all levels of their respective agency.
- Be aware of current issues concerning adult support and protection work and their relevance to the work / deliberations of the Adult Protection Committee and raise awareness of such issues in their service / agency.
- Arrange for an appropriately authorised substitute to attend meetings of the Adult Protection Committee when the representative is unable to attend.
- Contribute their skill, knowledge and expertise to the work of the APC

## **7. Quorum**

- 7.1. Meetings of the Adult Protection Committee will be quorate when 1/3 or more of the agency representatives are present, providing that all three statutory agencies are represented – NHS Lothian, West Lothian Council and Police Scotland.
- 7.2. Where quorum is not established the Adult Protection Committee may progress however no decision will be finalised without approval of unrepresented agencies.
- 7.3. Some decisions may need to be taken before the next scheduled meeting. In these circumstances' members of the Adult Protection Committee will be contacted for their views and a decision taken.

## **8. Chair**

- 8.1. Section 43.6 of the Adult Support and Protection (Scotland) Act 2007 determines that the council is responsible for appointing a chair (or convenor) for the Committee who is not an officer or member of the council. The Chair of the Adult Protection Committee will be appointed by and accountable to the Chief Officers Group for a period of 2 years.
- 8.2. In accordance with the provisions of the Adult Support and Protection (Scotland) Act 2007, the Chair will not be a local authority elected member or officer.
- 8.3. A vice-chair will be appointed from one of three statutory agencies represented – NHS Lothian, West Lothian Council and Police Scotland, being a different agency from the Chair, and be accountable to the Chief Officers Group for a period of 2 years.
- 8.4. In the event of the Chairperson being absent from a meeting, the Vice-Chair should assume the responsibilities and function of the Chair.
- 8.5. The Chair of the Adult Protection Committee is responsible for: -
  - Ensuring meetings are conducted in a manner that reflects the contribution that all agencies have to make to Adult Protection.
  - Leading the work of the APC to effectively fulfil its functions.
  - Ensuring the development and delivery of West Lothian's APC Improvement Plan and Biennial report to Scottish Government
  - Ensuring promotion of joint working, information sharing, co-operation and communication to deliver continuous improvement.
  - Ensuring that the APC collaborates with other APCs and local Child Protection Committee and Offender Management Committee.
  - Reporting and being accountable to West Lothian Chief Officers' Group and reporting progress and issues regularly.
  - Maintaining links with Scottish Government and Adult Protection Committees through established national network meetings.
  - Keeping the Committee informed of national developments and ensuring best practice is promoted.
  - Providing leadership and guidance in relation to the need to carry out Significant Case Reviews.

## **9. Meetings of the Adult Protection Committee**

- 9.1. Meetings of the Adult Protection Committee will be convened at least quarterly, with a minimum of 4 meetings per year.
- 9.2. Agenda items for each meeting will be determined by emerging adult protection priorities, work in progress and national developments

- 9.3. Representatives shall submit items for the agenda to the Adult Protection Lead Officer at least 4 weeks prior to the forthcoming Adult Protection Committee meeting.
- 9.4. The agenda and associated papers will be circulated to members 1 week before the meeting date. Late papers will be presented at the meeting at the discretion of the Chair. Where possible, items of any other business should be made known to the Chair prior to the meeting.

## **10. Sub-Committees**

- 10.1. The Adult Protection Committee may establish sub-committees to progress specific areas of work. Membership of such sub-committees will be by agreement of the Adult Protection Committee. All sub-committees are accountable to the Adult Protection Committee and operate under the auspices of the Adult Protection Committee.

## **11. Confidentiality and Information Sharing**

- 11.1. All agendas, reports and other documents and proceedings of the Adult Protection Committee shall be treated as confidential, unless and until, they become public in the ordinary course of the Committee's business or are authorised to be communicated to, and are available for, publication by the press or other news media and in accordance with a formal decision of the Adult Protection Committee and approval by the Chair, following advice from West Lothian Council's Legal Services and the Chief Officers' Group.
- 11.2. All member agencies and their representatives will share information required for the purposes of performing the Committees functions in line with the code of practice and principles outlined in the Adult Support and Protection (Scotland) Act 2007 and Scottish Government 'Guidance for Adult Protection Committees' 2008.

## **12. Resolution or Conflict or Disputes**

- 12.1. Adult Protection Committee decisions will be reached by consensus, although individual members can have their dissent recorded. Where there is differing views on an opinion, the Chair will decide.
- 12.2. In the event of the work of the Adult Protection Committee being significantly impaired by failure to reach an agreement, it is the responsibility of the Chair to notify the Chief Officers Group as a matter of urgency, who will arbitrate on the matter.

## **13. Process of Amendment to the Constitution and Governance Framework**

- 13.1. The Terms of Reference will be reviewed every 3 years, or earlier if a significant change requires to be made.