



**ANGUS HEALTH AND SOCIAL CARE**

**INTEGRATION JOINT BOARD – 13 DECEMBER 2023**

**INTERNAL AUDIT REPORT – ADULTS WITH INCAPACITY PROGRESS UPDATE**

**REPORT BY ALEXANDER BERRY, CHIEF FINANCE OFFICER**

**ABSTRACT**

Angus Council Internal Audit completed a review of Angus Council's procedures in place to ensure compliance with the Office of the Public Guardian (OPG) and the Mental Welfare Commission for Scotland (MWC) from August – October 2022. The overall level of assurance for the period covered by the audit testing was "No Assurance". The report was published in April 2023 and this paper is a follow up on progress made to date.

**1. RECOMMENDATION**

It is recommended that the Integration Joint Board:-

- (i) Acknowledges the progress made to date in addressing the recommendations highlighted in the Angus Council Internal Audit Report.

**2. BACKGROUND**

In the Adults with Incapacity (Scotland) Act 2000, welfare guardianship provides the means to protect adults who lack capacity to make particular decisions or take particular actions for themselves. The Act provides the opportunity for people to become welfare and/or financial guardians for adults with impaired capacity and sets out how decisions can be made for them.

The Act created a number of checks and balances to protect people who lack some or all capacity. The Mental Welfare Commission for Scotland (MWC) and the Office of Public Guardian (OPG), for financial matters, have a specific safeguarding and monitoring role in this Act.

Adults with Incapacity (AWI) cuts across a number of Angus Health and Social Care Partnership services including Older People, Disability Services and Mental Health. However, responsibility for guardianship and supervision within the Local Authority lies with the Chief Social Work Officer (also the Director of Children, Families and Justice).

In 2019 Internal Audit were asked to review interim procedures which had been put in place to record information on AWI within the Council, to ensure compliance with legal requirements set out in the Adults with Incapacity (Sc) Act 2000 Act. This was because internal service checks had found some inconsistencies with the information held in relation to AWI and an Improvement plan was developed. However, this was not completed due to a whistleblowing investigation and the audit was suspended.

The audit reviewed the arrangements in place against the following objectives:

- (i) Procedures are in place to ensure compliance with legal, OPG and MWC requirements.
- (ii) For new Guardianship orders the procedures are being followed.

- (iii) That the improvement plans that was in place to bring existing records up to date has been completed.

There were 2 recommendations to address the issues identified in the review:-

- (i) A full review of the Guardianship process should be undertaken.
- (ii) Key performance indicators to be finalised to monitor future compliance.

### 3. CURRENT POSITION

A Rapid Improvement Team was established in March 2023 to address the concerns in the report and to complete a full review of our Guardianship processes. An Improvement Action Plan was developed and after an initial series of events a group met monthly to review progress and sign off the recommendations as they were completed.

An updated set of Operational Instructions and guidance were approved by the Angus Health and Social Care Partnership Operational Instruction Approval Group on 6 September 2023.

A training programme was developed and has run from July – October 2023 for all relevant staff. An evaluation of this is being completed now.

A series of improvement actions were identified for ECLIPSE (Our information management system) and all guardianship processes are now live on this. Access to details held per Team will be available for Managers to monitor and mentoring systems are now in place.

An Audit has been undertaken to assess our new processes and the findings of this has identified that matters are progressing and improvements are evident.

Key Performance Indicators have been developed and approved.

### 4. PROPOSALS

It is proposed that the Integration Joint Board acknowledges the work that has been undertaken to address the concerns outlined in the Audit report and that there has been a full review of the Guardianship processes.

### 5. FINANCIAL IMPLICATIONS

There are no financial implications with this report.

### 6. RISK

<b>Risk Description</b>	There has been a no assurance internal audit report that requires to be addressed
<b>Risk Category</b>	<b><u>Reputational, Strategic, Operational, Financial, Quality of Care</u></b>
<b>Inherent Risk Level</b>	
<b>Mitigating Actions</b>	There has been a full review of the Guardianship Processes and KPIS developed
<b>Residual Risk Level</b>	
<b>Planned Risk Level</b>	
<b>Approval recommendation</b>	The current risk is low due to the work that has been undertaken to address the issues

### 7. OTHER IMPLICATIONS (IF APPLICABLE)

There are no other implications.

**8. EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment is not required.

**9. DIRECTIONS**

The Integration Joint Board requires a mechanism to action its strategic commissioning plans and this is provided for in Section 26 to 28 of the Public Bodies (Joint Working) (Scotland) Act 2014. This mechanism takes the form of binding directions from the Integration Joint Board to one or both of Angus Council and NHS Tayside.

<b>Direction Required to Angus Council, NHS Tayside or Both</b>	<b>Direction to:</b>	
	No Direction Required	X
	Angus Council	
	NHS Tayside	
	Angus Council and NHS Tayside	

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