NHS Greater Glasgow & Clyde Board

Board Meeting

Tuesday, 17 April 2007

Board Paper No. 07/15

Report of the Director of Mental Health Partnership

Adults with Incapacity (Scotland) Act 2000
Part 4 – Management of Residents’ Funds Supervisory Body/ Authorised Establishments Policy & Operational Procedures

Recommendation:

Approval is sought from NHS Greater Glasgow & Clyde for:

Implementation of the Policy and Operational Procedures for Supervisory Body and Authorised Establishments; Adults with Incapacity (Scotland) Act 2000 - Part 4 Management of Residents’ Funds.

The appointment of an NHS Greater Glasgow & Clyde Supervisory Body with duties as detailed in the above noted Policy and consisting of

- Anne Hawkins, Director of Mental Health Partnership, as Lead Executive Sponsor.
- Linda Watt, Medical Director, Mental Health Partnership as Senior Officer, Adult Mental Health, Learning Disabilities & Addictions
- Derek Barron, Nurse Director MHP as Senior Officer for RES & CHCP/CHP
- Ellen Hudson Head of Nursing, RAD, as Senior Officer for RAD Services
- Cathy MacGillivray, Head of Nursing, Acute Services (Clyde) as Senior Officer Clyde Division (Transitional) & Deputising Officer
- Chris Weir, MHP Legislation Governance Manager, as Project Manager & Deputising Officer.

Authority delegated to Anne Hawkins as Lead Executive for the Supervisory Body to approve and issue Notes of Authority to the Authorised Establishments identified as being NHS Hospitals in the meaning of the Act.

Authority delegated to the Supervisory Body to approve such monitoring and review arrangements as are required by the Act.

1 Introduction

The Adults with Incapacity (Scotland) Act 2000 sets out the framework for regulating the intervention in the affairs of an adult who has or who may have impaired capacity in a wide range of property, financial and welfare matters. Part 4 of the Act sets out interventions for Management of Residents Funds, and establishes that NHS Boards are
required to act as a Supervisory Body for NHS hospitals. The regulations that govern these activities are set out in the Code of Practice for Supervisory Bodies.

NHS Greater Glasgow & Clyde is a Supervisory Body for all establishments which meet the criteria as an NHS hospital within the Board’s area of operation.

Each NHS Hospital will be recognised as an Authorised Establishment and, following inspection of financial and clinical processes, will be issued with a Note of Authority confirming the named Authorised Manager, who will have overall accountability and responsibility for the management of residents’ funds in that Establishment. These Notes of Authority are issued by NHS Greater Glasgow & Clyde and require to be re-issued annually on the anniversary of 1st issue.

2. ROLE OF THE SUPERVISORY BODY

2.1 The Supervisory Body is responsible for monitoring and reviewing the manner in which the management of a patient’s affairs is being conducted by managers of an authorised health service hospital.

2.2 The Body will be supervising systems and arrangements that comply with the Act, and Part 4 of the Codes of Practice.

2.3 The Board is required to nominate a Lead Executive Sponsor who will authorise and ratify implementation processes and who, with a Lead Senior Officer, will take overall responsibility for the work of the Supervisory Body. The Senior Officer should have knowledge and understanding of residents’ care plans overseen by multidisciplinary teams. The Act stipulates that their responsibility is within monitoring and review of processes and individual applications to manage funds. It is important that these monitoring arrangements enable the Senior Officer to determine the extent to which the decisions under the Act flow from consideration of financial management in the context of total care.

2.4 Given the size and scope of the Board’s remit, the Lead Senior Officer will be supported by two additional Senior Officers who will cover specific service areas. These Senior Officers will be supported by named Deputising Officers who will step in to undertake the duties in periods of absence due to holidays/ill health.

2.5 The Board is also required to establish a suitable supervisory procedure through internal and external audit that provides for the scrutiny of both the care planning/review records and the financial records that provide the all-important context in which financial decisions are taken.

2.6 The actions of the Supervisory Body and Authorised Establishments will be governed by existing Standing Financial Procedures, NHS Greater Glasgow & Clyde’s Policy and Operational Procedures for Part 4 Adults with Incapacity (Scotland) Act 2000 and the relevant Codes of Practice issued as an adjunct to the Act.

2.7 The Supervisory Body will establish an Implementation Steering Group which will provide support to progress the implementation of procedures compliant with the Act.

Author – Mrs Chris Weir
Legislation Governance Manager – Mental Health Partnership