

# Draft guidance note: Supervising Officer (SO) role South Ayrshire health and social care partnership

## Section One. Introduction

- 1.1. Three audits of AWICC's , the SO role and records on care first have demonstrated that guidance is required to ensure that social work staff are clear about the role of SO and the statutory nature of interventions under AWI legislation and what is expected of social work staff when completing this role. For a fuller understanding of the wider impact of AWI legislation then please refer to the adults with incapacity procedures procedure and updated by South Ayrshire health and social care partnership in 2018. This is meant as a guidance note specifically relating to the role of the supervising officer (SO) alone.
- 1.2. The SO is one of the few statutory functions required to be completed by qualified social workers. The commitment within South Ayrshire is that for new orders SO visits will be completed for private and local authority welfare guardianships at 12 weeks by the MHO and subsequently yearly by the allocated social worker to the case. To supervise orders effectively more regular contact is needed with guardians and service users to ensure that the functions of the SO role below are carried out as detailed in the guidance below

## Section Two. Operational Guidance for Supervising Officers

- 2.1 This Guidance has been updated to reflect the new procedure commenced as at 1<sup>st</sup> Feb 2023 which outline how AWICCs and meetings should be conducted. The procedures in this template dictate how all work as an SO should be carried out. Namely the focus should be on the principles and powers agreed in the application for welfare guardianship. The focus of the work of the SO should be on applying the principles of AWI to each power granted under the order and ensuring that this power is still required by the guardian.
- 2.2 The process for completing the SO role is based on the agreement that the MHO who completed the application for welfare guardianship should always complete the first 12 week SO visit. This is recorded on care first on the **Supervision of welfare guardianship** forms in reports on the care first system. Subsequently this form will be used by the allocated social worker/ SO to complete SO visits yearly. The expectation is that the examination of each of the powers of the order completed on this form will be transferred to the yearly SO visit section in the adult with incapacity part of observations in the care first system. It is essential that these powers are examined in line with what is required in sections 3 to 6 of this guidance.
- 2.3 A new data analyst has been employed by the MHO team . This data analyst will keep a spreadsheet of all the welfare guardianships orders private and LA open to the HSCP. The data analyst will write to team leaders in all teams responsible for supervising guardianship orders following the first 12 week visit and outline in writing what their responsibility is to appoint a social worker as SO. In addition, the data analyst will remind the team leader and appointed SO a month before the yearly SO visit is due that an activity is required on care first for the team leader to inform the social worker that an SO visit is coming up.

The social worker will be expected to complete the visit on the **Supervision of welfare guardianship** form and complete the SO visit observations in line with the guidance below. The data analyst will remind the principle social worker six months prior to the ending of the welfare guardianship order that a review guardianship case conference may be required in line with the template provided 1<sup>st</sup> Feb 2023 and a decision made about the continued need/or not of the order. From 1<sup>st</sup> April 2024 all AWICCs will be chaired by the principle social workers for localities.

### Section Three. Records to be kept by Welfare Guardians

Section 65 of AWI legislation provides that a guardian shall keep records of the exercise of his or her powers. It would be good practice for a welfare guardian to keep on file

- 3.1 Therefore the SO should have a copy of the interlocutor containing the guardianship order. A written plan for implementing the order, based on the review of the adult's personal welfare which preceded the application. A note of all action taken relating to the powers sought in the original application.
- 3.2 The file the guardian keeps should include a record of any incidents affecting the person's welfare such as accidents causing physical injury. It should cover changes in family structure or relationships, the adult starting or stopping education, hospital admissions etc. Any correspondence with medical practitioners, care home managers or others concerning matters covered by the guardianship order.
- 3.3 A note of every meeting held formally to review the implementation of the order. A note of every meeting held with the adult or others involved in their decisions about his or her personal welfare. A note of issues discussed at supervision meetings. A note of any incidental expenses arising out of the order, along with receipts so that reimbursement can be claimed. A note to remind the guardian to apply in good time for the renewal of the order.

### Section Four. Visits

- 4.1 The local Authority may arrange or contract with another body to carry out supervisory visits. The local Authority may for example ask another Authority to visit on its behalf when the guardian does not live in the same local government area as the adult. If appropriate, visits to the adult and the guardian may be combined, although consideration should be given to carrying out separate visits, for example where there appears to be conflict between the guardian and the adult. Visits should normally be made by appointment, but in certain circumstances, it may be appropriate for unannounced visits to be made.
- 4.2 Visits should be recorded so that it is clear that the purposes of supervision listed above are being fulfilled. Visits should be recorded on care first and using the supervision of welfare guardianship form and written comments should be made following each visit on the continuing suitability of the guardian and on whether the guardian's powers should be recalled. In particular relevant changes in the adult's circumstances should be recorded such as major increases or decreases in the adult's resources. An individual account of each of the powers granted and their use should be made in this form on care first and then transferred into the annual SO visit observation in care first each time an SO visit is made.
- 4.3 Clear records should be kept where the outcome of a visit is the conclusion that an action such as application to the sheriff is required and the records should be in a format that ensures subsequent monitoring that the action is carried out.

Records should also note if any issues arise about the provision of services to the adult, to enable appropriate action to be taken, in conjunction with the adult's care manager or key worker.

- 4.4 The Regulations require attorneys under the supervision of the local authority and non-local authority welfare guardians to provide certain reports and other information about the welfare of the adult that the local authority may request from time to time.

## **Section Five. Conclusion**

- 5.1 The principles must be observed by anyone exercising functions under the 2000 Act. It would be good practice for the local Authority to consult the adult regularly on the performance of his or her functions. The adults nearest relative, primary carer, named person or any other person whom the sheriff has directed to be consulted about the guardian's personal welfare should also be given a regular opportunity to give his or her views about how the Guardian is exercising his/her functions.
- 5.2 The information provided by guardians should be recorded in such a way that any action required by the local authority as a consequence is identified clearly and can be monitored. Local authority guidance on reporting might exempt guardians who live a distance from the adult from reporting accidents or incidents, of which they might not routinely be aware. In these circumstances, the authority would need to rely on reporting from others, such as agencies providing care to the adult.
- 5.3 The regulations on supervision do not extend to matters relating to reimbursement and remuneration of a guardian. The local authority should, however, make itself aware, through supervision, of circumstances in which a welfare guardian is receiving either reimbursement for reasonable outlays incurred in the exercise of their functions or, more usually remuneration for carrying out their functions.
- 5.4 The local authority has a responsibility to give a guardian information and advice on the exercise of welfare powers. This will usually happen in supervision meetings. However if a new issue emerges in between such contact, an individual welfare guardian should be able to contact his or her supervisor within the local authority for advice. The guardian should be given all available contact details in relation to this.
- 5.5 The MWC will have been notified of the welfare guardian's appointment by the OPG. The MWC can provide invaluable information and advice to anyone exercising welfare powers in relation to an adult whose capacity is due to mental disorder.

## **Section 6. Protections of Persons subject to Guardianship**

- 6.1 Should a situation arise where it is believed or is reported to the Supervising Officer that the service user is being subject to abuse, exploitation, undue influence or any matter where their welfare could be at risk, it is the responsibility of the Supervising Officer to report this to their Team Manager/Leader without delay and arrangements for a full investigation to be made.
- 6.2 Should an allegation/concern be related to financial matters, the Team Manager/Leader and Service Manager should decide whether to report the investigation outcome to the Office of the Public Guardian/Mental Welfare Commission on the service user's circumstances, giving details and outcomes of the investigation.

It should be noted that a Financial Guardianship Order alone does not require the allocation of an Authorised or Supervising Officer, however there must be a Key Worker/Case Worker allocated.

## **Section Seven. Conclusion**

- 7.1 The central function of the SO role is to ensure that the powers of a welfare Guardianship are being used effectively. The allocated SO must ensure regular contact with guardians and the adult subject to the order. It is not enough to visit once a year. There must be regular oversight of the order.
- 7.2. The Supervision of a welfare guardianship form must be used to complete each SO visit. This is located in care first. The record of the scrutiny of the powers, the guardian and the adult must be contained in the SO yearly visit observation in care first.
- 7.3 Regular briefings will be provided by senior practitioners MHOs in relation to the role of the SO in the supervision of welfare guardianship orders.