



## **CABINET - 10TH DECEMBER 2014**

**SUBJECT: THE NATIONAL ASSISTANCE ACT 1948, AS AMENDED – REMOVAL OF PERSONS IN CARE - DESIGNATION OF PROPER OFFICER**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 To agree Proper Officer arrangements to provide expert support to the local authority in discharging its responsibilities under Section 47 of the National Assistance Act 1948, as amended.

### **2. SUMMARY**

- 2.1 When the Local Authority considers it necessary to use available powers to seek the removal of a person living in insanitary conditions through reasons of physical incapacity, infirmity or illness a Proper Officer is required to carry out a medical assessment and issue a certificate. The previously appointed Proper Officers are no longer in relevant posts and this Report seeks approval to appoint replacements.

### **3. LINKS TO STRATEGY**

- 3.1 The Council has a statutory responsibility for the health and social care of its residents.
- 3.2 The provision of expert support as noted in 1.1, also supports the Healthier and Safer themes of Caerphilly Delivers, the LSB single integrated plan.

### **4. THE REPORT**

- 4.1 The legislation provides a procedure aimed at serving the necessary care and attention for persons who are living in insanitary conditions through reasons of physical incapacity, infirmity or illness. These are people who are unable to devote proper care and attention to themselves and are not receiving care from others.
- 4.2 These circumstances occur rarely and usually come to the attention of the local authority through officers from Social Services or Environmental Health following up expressions of concern from neighbours or visitors.
- 4.3 In most cases these persons will accept offers of care and support. However, where the person does not voluntarily accept support, and it is deemed that the local authority should act in the interest of this person, or to prevent injury or nuisance to other persons, there is a procedure to require their removal to a suitable hospital or other place.

- 4.4 To determine whether such action is necessary, the legislation allows the local authority to appoint a Proper Officer. The Proper Officer appointed in March 2011, is no longer in the relevant post and it has therefore become necessary to appoint an interim replacement. Dr Liam Taylor MB, BCh, BAO, DCH, DGM, DRCOG, Dip Ther, MRCGP, Deputy Medical Director, Aneurin Bevan Health Board, Llanarth House, Bridge Street, Newbridge, has agreed to act in this capacity as Interim Proper Officer for the Council. Dr Sharan Ramakrishna, MD FRCP Edin., Consultant Physician and Geriatrician based at Ysbyty Ystrad Fawr Hospital, remains as an alternative Proper Officer in his absence.
- 4.5 When the Local Authority wishes to use the available powers, the Proper Officer is required to carry out an assessment and issue a certificate. A Magistrates Court may then order the removal of the person. Additionally, there is an accelerated process if deemed appropriate that requires an additional signature on the Certificate by a medical practitioner (usually the person's GP) and the removal can be ordered by a Justice of the Peace.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 The provision of expert support in such cases as described in 4.1 also supports a number of Equalities and Human Rights matters, potentially covering age related issues, mental and/or physical disability issues and the underlying dignity aspects of these agendas.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 The Proper Officer will require reimbursement for the assessment. However, the costs should be able to be covered by existing budgets due to the infrequency of this service requirement.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications.

## **8. CONSULTATION**

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **9. RECOMMENDATION**

- 9.1 It is recommended that Dr Liam Taylor be designated the Proper Officer in carrying out the Council's statutory responsibility under the National Assistance Act 1948 as amended, and that Dr Sharan Ramakrishna be designated alternative Proper Officer.

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 In order to comply with statutory requirements and to enable the Council to have expert medical support in issuing the certificate required by the legislation.

## **11. STATUTORY POWER**

- 11.1 The National Assistance Act 1948 and The National Assistance (Amendment) Act 1951. The discharge of duties under the above legislation is a Cabinet function.

Author: Ceri Edwards, Environmental Health Manager  
Consultees: Councillor D Poole, Cabinet Member for Community and Leisure Services  
Councillor R Woodyatt, Cabinet Member for Social Services  
Dave Street, Corporate Director Social Services  
Sandra Aspinall, Acting Deputy Chief Executive  
Jo Williams, Assistant Director, Adult Services  
Gail Williams, Interim Head of Legal Services & Monitoring Officer  
Rob Hartshorn, Head of Public Protection  
David A. Thomas, Senior Policy Officer (Equalities & Welsh Language)  
Mike Eedy, Finance Manager  
Sian Phillips, Human Resources Manager