Public Audit Committee
Overview of Mental Health Services

Supplementary Submission from Renfrewshire Council

I attended the above meeting of the committee and undertook to come back to you with information in relation to whether there is a legal requirement to provide a person with a copy of their community care assessment. The legislation does not specifically state that a community care assessment must be provided to a client. As you will be aware, Section 12A(1) of the Social Work (Scotland) Act 1968 provides that where it appears to a local authority that any person, for whom they are under a duty or have a power to provide or to secure the provision of community care services, may be in need of any such services, the authority shall make an assessment of the needs of that person for those services, and shall then decide whether the needs of the person being assessed call for the provision of any such services, and in so doing, account shall be taken, in so far as it is reasonable and practicable to do so, of the views of the person being assessed and of the views of the carer provided there is a wish or a capacity to express a view. From a purely practical point of view it may be difficult to consider someone’s views on an assessment if it is not shown to them, and in written form. There is no requirement for it to be in writing, although it invariably will be.

As regards guidance issued in relation to the assessment process, Section 5(1A) states that the Secretary of State may issue directions to local authorities as to the manner in which they shall carry out their functions, and that the local authority shall comply with any directions made. The Scottish Executive issued in 2004, "Guidance on Care Management in Community Care" (CCD8/2004). It does not specifically state it is issued under any specific statutory provision. However, it does state in its introductory page "Partnerships are expected to implement this guidance by April 2005, and in Appendix 1, para 7, it states, "Individuals should receive a copy of the assessment record unless there is good reason to the contrary", and in para 11 of the same Appendix, it states the result of the assessment process should be an individual care plan to meet agreed needs and that "the person shall receive a copy of the care plan". National Care Standards also provide that clients shall agree their personal plans (which presumably are based on the care needs assessment). Whilst there is therefore no primary legislative requirement to provide a person with a copy of their community care assessment, there can be no doubt it is assumed to be good care practice that a client will receive a copy of the community care assessment.