



SCOTTISH EXECUTIVE

Health Department
Human Resources Directorate

NHS :
HDL(2003)34

Dear Colleague

ADULTS WITH INCAPACITY (SCOTLAND) ACT 2000 (AWI) – PART 4 MANAGEMENT OF RESIDENT'S FINANCIAL AFFAIRS – CODES OF PRACTICE

Part 4 of the AWI Act concerns the management of a resident's financial affairs, in specified care services registered by the Care Commission, and in NHS and state hospitals (unregistered services), and comes into force on 1 October 2003. There are 2 Codes of Practice under Part 4 for:

- [Managers of Establishments](#) and
- [Supervisory Bodies](#) (the Care Commission and NHS Boards).

These are now ready. We have also prepared a [leaflet on Part 4](#). The documents which are enclosed with this letter will depend on your organisation's role and responsibilities under this Part. They need to be distributed further as described below.

Action

This HDL is being sent to the Care Commission, NHS Boards and Trusts, Medical Directors, Directors of Nursing, Directors of Finance and of Social Work in local authorities, and to Managers of specified care services, and requires further **distribution** to ensure that it reaches those people - primarily regulation and inspection staff involved with care services, staff in NHS Boards and Trusts with financial management duties, doctors and nursing staff, local authority staff with responsibility for mental health issues and care service placements, managers of registered care services and their staff, and others in these organisations - whose responsibilities fall within the financial management, monitoring and accountability roles which the provisions of this Part of the Act impact upon.

31st July 2003

Addresses

For action

Directors of Finance, NHS Boards
Medical Directors, NHS Trusts
Medical Directors, Private Hospitals
Directors of Nursing Group in
Primary Care and Acute Trusts
NHS Board Directors of Nursing
Chief Executive, The Care
Commission
Managers of Registered Care Services
Director of Finance, Local Authorities
Directors of Social Work, Local
Authorities

For information

Chief Executives, NHS Boards
Chief Executives, NHS Trusts
Chief Executive, State Hospital Board
for Scotland
NHS Education for Scotland
Independent Hospitals
Nursing Homes in Scotland
Chief Executives, Local Authorities
Directors of Housing, Local
Authorities
CoSLA
Association of Directors of Social
Work
The Mental Welfare Commission
The Office of the Public Guardian
The Scottish Law Commission
The Law Society for Scotland
The Scottish Social Services Council
The Royal College of Psychiatrists
(Scottish Division)
The Scottish General Practitioners
Committee of the BMA

Enquiries to:

Julie Crawford
Scottish Executive Health Department
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St Andrew's House
EDINBURGH EH1 3DG

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Fax: 0131-244 3528



Directors of Finance of NHS Boards are requested to arrange for a copy of this letter and **all enclosed items** to be distributed to appropriate staff involved in inspecting, authorising and supervising financial interventions required under this Part of the Act.

Medical Directors of NHS Trusts, and Medical Directors of Private Hospitals are requested to arrange for a copy of this letter and **all enclosed items** to be distributed to hospital consultants.

Directors of Nursing in NHS Boards and Trusts are requested to arrange for a copy of this letter and **all enclosed items** to be distributed to the member of nursing staff in charge of each hospital ward in their area.

The Care Commission is requested to arrange for a copy of this letter and **all enclosed items** to be distributed to those staff with responsibilities to inspect, register, authorise and supervise financial interventions required under this Part of the Act.

Managers of Care Services are requested to arrange for a copy of this letter and **all enclosed items** to be distributed to staff in their organisation(s) who may require to have responsibilities for the management of the financial affairs of residents under this Part of the Act.

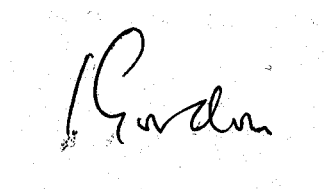
Directors of Finance and Directors of Social Work in local authorities are requested to arrange for a copy of this letter and **all enclosed items** to be distributed to staff who may have responsibilities under the Act.

Further supplies/information

Further copies of the Codes of Practice are available from Julie Crawford(see enquiry panel above). The Codes of Practice are also available on the AWI website at: www.scotland.gov.uk/justice/incapacity/.

Doctors, who may be requested to undertake an examination for the purposes of determining whether a resident is incapable of managing their financial affairs, are asked to note that pads of Adults with Incapacity (Scotland) Act 2000 Section 37 Certificates have been despatched to Medical Directors of NHS Trusts and Private Hospitals, Directors of Nursing, and to Managers of Care Services.

Yours sincerely



IAN GORDON

Director of Service Policy and Planning