

## CONSULTATION QUESTIONS

This consultation questionnaire sets out the consultation questions from within the relevant sections of the revised Adult Support & Protection Code of Practice.

The revised Code of Practice is a larger and more comprehensive document than the original Code and we welcome your views on any of the changes made. In particular, we would appreciate your views on the following matters.

Please insert your response to the questions in the text boxes provided.

### Question 1: Chapter 3

This chapter of the Code sets out the principles of the Adult Support and Protection legislation and the definition of an adult at risk.

Does this chapter help in your understanding of the legislation and whom it applies to?

If not, what changes would you suggest?

Victim Support Scotland is the lead voluntary organisation in Scotland helping people affected by crime. We provide emotional support, practical help and essential information to victims, witnesses and others affected by crime in every Scottish local authority area, and in every Sheriff and High Court in the land. The service is free, confidential and is provided by volunteers.

Victim Support Scotland welcomes any legislative change that aims to increase levels of support and protection of vulnerable groups, as many of our service users belong to these groups, such as those affected by a disability, illness or mental or physical infirmity. Situations in which we are involved that would be specifically related to the Code include elder abuse, carer abuse, and domestic abuse, by which we take the UK Government's definition, as: *"any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or have been intimate partners or family members, regardless of gender or sexuality."*<sup>1</sup> It must be noted that vulnerable people are at greater risk of victimisation than the population as a whole, and victims of elder, carer or domestic abuse often have complex relationships with their abuser, which can act to prevent reporting to, or engaging with, the authorities.

**Our response to this consultation therefore specifically focuses on the aforementioned types of abuse, and when speaking of adults at risk of harm, we are referring only to possible service users of Victim Support Scotland, i.e. someone who has been affected by crime.**

We accept that we are one of *"a range of service providers in the*

<sup>1</sup> [www.cps.gov.uk/publications/prosecution/domestic/domv\\_guide\\_for\\_victims\\_and\\_witnesses\\_faqs.html#a01](http://www.cps.gov.uk/publications/prosecution/domestic/domv_guide_for_victims_and_witnesses_faqs.html#a01)

*independent and third sectors who will have a **direct service provision role in relation to adults who may be at risk of harm...**The above services and agencies may all become involved with adults whom they **identify as being at risk**, and may therefore have cause to **refer people to the council**, and may have a **direct part to play in protecting people from risk of harm**" (p.35, paragraphs 16 and 17). It is therefore important for us as a support agency to fully understand the definition of an adult at risk of harm, in order for us to identify the situations relevant for referral to the local council.*

Taking this into consideration, we are generally satisfied with the changes made to this chapter in relation to providing an understanding to those who will use the Code to identify adults at risk. We feel that the additions to the definitions (e.g. paragraph 11 which defines what is meant by 'unable' within the 'adult at risk' definition; and paragraph 12 which adds the need to respect that conditions and vulnerabilities change over time) help to increase awareness and understanding of what is required to identify an adult as 'at risk of harm'.

We are reassured that there is general awareness of the issues relating to identification of an adult at risk due to the addition of paragraphs 13-19, which specifically discuss adults who use alcohol or drugs, and young people in transition from youth to adulthood. We feel that, in relation to agencies dealing with adults who use alcohol or drugs, the additions here raise the level of understanding in this area and will act to lessen the possibility of the Code being used inappropriately.

Victim Support Scotland is particularly supportive of the addition of the section on 'young people in transition' (paragraphs 17-19, pages 27-28). The link between victimisation and offending in young people is well established; our 'Do You Know'<sup>2</sup> publication calls attention to research that states "*that if a young person is victimised through a violent crime, there is risk that the young person will go on to become an offender him/herself.*" Amongst others, Victim Support Scotland is used to provide support and guidance to young victims of crime, limiting the risk of offending behaviour..

We are therefore reassured that attention is being brought specifically to the need to "*ensure that young people considered at risk of harm are identified at the earliest possible stage and appropriate support and protection put in place during and after the transition to adult services*" (chapter 3, p.28, paragraph 19). Support in this context can relate to both services delivered by statutory and independent agencies; we feel it is crucial that local councils are trained on the availability of support agencies for both young people and adults at risk of harm generally. This is mentioned by the Code in paragraph 28 (p.30), in discussion of Adult Protection Committees: "Adult Protection Committees should ensure that local procedures include or reflect: ...good cross-agency training for investigating staff and those

<sup>2</sup> Victim Support Scotland (2009, p.14), 'Do you know how supporting victims of crime is helping Scotland?' [www.victimsupportsco.org.uk/lib/liDownload/575/Do%20You%20Know.pdf?CFID=11468578&CFTOKEN=17207802](http://www.victimsupportsco.org.uk/lib/liDownload/575/Do%20You%20Know.pdf?CFID=11468578&CFTOKEN=17207802)

delegated such powers.” It is at this point that those responsible for deciding whether an adult is at risk of harm should consider referral over to appropriate support agencies, including Victim Support Scotland in situations where the person has experienced crime.

## Question 2: Chapter 5

This chapter of the Code considers the principle of ensuring full regard is given to the wishes of the adult, and ensuring that the adult participates in decisions as fully as possible.

Does this chapter adequately covers the issues arising from ensuring as far as possible full participation by adults in decision making?

If not, what changes would you suggest?

VSS supports the Scottish Government’s commitment to ensuring that adults at risk of harm are given the opportunity to participate in the decision making process; we feel that processes should take into account the wishes of the affected adult, where possible avoiding the need for decisions to be made without their knowledge, understanding or consent.

From our experience, people who have been harmed, or are at risk of harm, need to be kept informed and participate in any decisions relating to changing their circumstances. Our research<sup>3</sup> has shown that in the aftermath of crime, victims prioritise ‘respect and recognition’ from statutory agencies (45%) and up-to-date case-specific information (24%). Information and respect are therefore very important aspects of participation by adults in decision making, as it is crucial that they understand the rationale behind decisions made in relation to their lives. The behaviours of people working with adults at risk must reflect the affected adult’s right to dignity and respect.

We are therefore encouraged by the steps taken by this chapter of the Code in ensuring participation in decision-making as much as is practicable. This includes routine invitations to multi-agency meetings and facilitating participation by stressing the need to consider referral to an independent advocacy service if inquiries under Section 4 of the Act are considered (through section 6 of the Act).

However, we feel at this stage referral to appropriate support agencies should also be considered alongside referral to advocacy services. Our User Feedback Survey has shown that nearly two-thirds of our service users believe that our support has contributed to a reduction of emotional/psychological issues, and many believed that our support helped them cope better with the consequences of the crime<sup>4</sup>.

<sup>3</sup> Victim Support Scotland (2012, p.24), ‘Justice from a Victim’s Perspective’.

<sup>4</sup> Victim Support Scotland (2009, p.21), ‘Do you know how supporting victims of crime is helping Scotland?’ [www.victimsupportsco.org.uk/lib/liDownload/575/Do%20You%20Know.pdf?CFID=11468578&CFTOKEN=17207802](http://www.victimsupportsco.org.uk/lib/liDownload/575/Do%20You%20Know.pdf?CFID=11468578&CFTOKEN=17207802)

We support the requirement to record and re-visit any decision not to refer a vulnerable adult to either advocacy or 'other 'appropriate' services'. As well as ensuring that support is kept as a priority for those providing a service to affected adults, this process will also ensure the availability of support services in cases where the full impact of crime and the need for support is not prevalent until later in the process. Our experience is that quite often service users may not feel they require support when first approached with the option of a referral to us; we ensure that our door is always open, and that support can be provided at any point, placing no time limit on the provision of our support. For example, it is a regular occurrence for victims of crime to be referred to us when a court case is approaching, although we have had no previous contact with them. This has already been picked up by the Code (chapter 3, paragraph 12) in the statement that, "*An individual's vulnerabilities, medical conditions and abilities can fluctuate and change over time.*" We believe this statement can be readily applied to a person's choice to be referred to a support agency, and would encourage as many opportunities as possible for the person to access these services.

In addition to this, it is specified in the Code that "***consideration should be given to practical and emotional support provided by social work, health, and independent providers***" (p.43, chapter 6, paragraph 7) when a decision is made that the affected adult is *not* at risk of harm. Again, the importance of referring individuals to appropriate support agencies such as VSS cannot be understated.

### Question 3: Chapter 6

This chapter includes new guidance on large scale inquiries. Does this provide sufficient clarity for this type of inquiry or are there additional matters you would wish considered?

No Comment

### Question 4: Chapter 11

This chapter is a new addition to the Code and considers a multi-agency approach. Does this provide sufficient clarity and support for your organisation in handling multi-agency assessments and practice?

Are there other matters that you consider should be included in this chapter?

As previously stated in the answers to question 2, VSS cannot overstate the importance of councils being aware of the independent service providers in their local areas, and that referral mechanisms are in place if an adult at risk of harm is identified as benefitting from a referral to VSS or any other appropriate support agency. Attention must also be brought to the complexity of the relationship between the affected adult and the abuser, as it is often the case that the abuser may be an intimate partner, family member or carer of the affected adult. It is therefore particularly important

that in cases where the vulnerable person has been affected by crime, that access is provided to support services such as Victim Support Scotland who are able to address the needs of this particular group.

We take an extract from chapter 11 (p.63, paragraph 4) to illustrate where this is relevant in the Code: *“The purpose of such meetings will be defined by local procedures, but should include the sharing of information relating to possible harm, the joint assessment of current and ongoing risk and the need to agree a plan for addressing risks and **providing services to support and protect the adult.**”*

It must be noted here that ‘services to support’ should not only refer to statutory services but also to those provided by independent organisations.

### **Question 5: Users and Carers**

The Code seeks to develop and articulate good practice as regards service user and carer involvement, particularly in chapters 5 and 16. Does it succeed in this? If not please suggest ways in which this area could be improved on.

VSS believes that the Code does generally articulate good practice as regards service user and carer involvement. Where we feel improvements could be made is in regards to ensuring referral mechanisms are in place to appropriate support services for both service users and carers. Although mention is made of *“improving the skills and knowledge for those with a responsibility for protections of adults at risk”* (chapter 16, p.103, paragraph 4), no specific reference is made to training in relation to knowledge of support agencies, and referral arrangements between the councils and these agencies. Victim Support Scotland calls for a requirement to be placed on councils to train their staff on the existence of local support agencies, and ensuring referral mechanisms to these agencies are in place, where appropriate.

Furthermore, Chapter 5 briefly mentions the Vulnerable Witnesses (Scotland) Act (2004) in relation to providing support to vulnerable witnesses to reduce any anxiety and pressure present when giving evidence. We feel that this paragraph should be expanded to include consideration of referral to VSS or another appropriate support agency if there is a possibility that this legislation will be used; it has been our experience that giving evidence at court can be a particularly stressful and upsetting experience and that support is required to help the witness cope with this experience. Issues of fear, anxiety and intimidation are as apparent in civil courts as they are in criminal courts, and this must be taken into consideration when thinking of support and protection for affected adults.

### **Question 6:**

Do you consider this revised Code of Practice will enable you to carry out your professional responsibilities effectively? Please feel free to comment on any areas of the Code which you consider could be improved in any way.

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No Comment

**Any further comments**

No Comment

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