

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?

Comments

Under Paragraph 28 (*Adult Protection Committees should ensure that local procedures include or reflect*)

Add....

“proactive engagement with local independent advocacy organisation(s)”

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?

Comments

Under Paragraph 21, final sentence (*“The advocate may also assist in managing any conflict of interest...*”).

Use of the word “managing” replaced with “the consideration and assessment of”

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?

Comments

Chapter 6, Paragraph 6.

3rd Sentence (*“Other professionals, such as the police, the Care Inspectorate ”* etc)

add

“local independent advocacy organisation(s),” after *“Care Inspectorate”*

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?

Comments

Under paragraph 7, penultimate point: (*“to record whether the adult at risk has not been invited”*)

add *“and the reasons for non-invitation”*

Furthermore add the following points:-

“That the adult at risk is, or remains, at risk in accordance with the definition of the three-point criteria under Section 3(1) ”

“A Confidentiality agreement is in place and is signed by all meeting participants before start of meeting.”

“If the adult at risk is in attendance, that proactive measures are taken to ensure that they are able to participate including choice of venue and appropriate support which may include independent advocacy (if required). If deemed necessary a separate pre-meeting with the chair to be arranged with the adult at risk to ensure, as much as possible, their understanding of the process”.

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.

Comments

In Chapter 16:-

Paragraph 10.

add (after "*in considering membership, it will be important to involve and engage with*" etc):-

"Independent Advocacy organisations"

Paragraph 34 add after "*Monitoring and evaluating local practice and quality*" etc....

another point (after "*agency meetings convened*"):-

"How many adults at risk attended their multi-agency meetings"

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.

Comments

In chapter 2, paragraph 3.....

"*a duty to consider the provision of advocacy or other services after a decision has been made to intervene*"

Comment:-

Should the right to advocacy not be considered as part of the deliberations about whether the adult is deemed to be at risk? Often the person is already known to, for example, independent advocacy organisations. In any event, the provision, where required, of independent advocacy should be seen as integral to the Adult Support and Protection process.

Any further comments

Comments

Chapter 8:-

Paragraph 10, final sentence – *“The use of independent advocacy or the presence of other support people during an interview are some options the planning process might consider”*

Suggest replacing *“might “* with *“should”*

Chapter 12

Paragraph 7 – *“Consideration must also be given to whether the adult should be referred to an independent advocacy organisation or provided with other services” etc etc.*

Add – *“ and the reason(s) that the service is used, or not used, documented”*

:- spelling mistakes on

Paragraph 1 - second sentence...*“This allows a council officer to take a person form a place being visited” etc etc. Replace *“form”* with *“from”**

Paragraph 13, final sentence *“powere of attorney”* should be *“power of attorney”*

Chapter 13 (Removal orders)

Paragraph 10 – *“Consideration must also be given to whether the adult should be referred to an independent advocacy”.*

add – *“ and the reason(s) used or not used documented”*

Paragraph 20. *(Under Section 15, the sheriff may grant a removal order, only if satisfied:”*

Comment :-

Should the following be added ?...

“That the granting of such an order is the least restrictive option”

Chapter 14 (Banning orders etc)

Paragraph 9 – *“Where a council is applying for an order it must consider whether the adult at risk should be referred to an independent advocacy organisation or provided with other services” etc etc.*

add – *“ and the reason(s) that the service is used or not used documented”*

Paragraph 20. (Section 20 of the Act provides that a sheriff may grant a banning order, only if they are satisfied that :”

Comment :-

Should the following be added ?...

“That the granting of such an order is the least restrictive option”