

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?

Paras 8 and 13 Reference is made to attention being given to the adult's right to make choices – in both paragraphs it would be helpful to highlight the balancing of recognising the adult's rights with staff members/agencies' duties to adhere to the legislation, and the need to manage this.

Para 11 A definition of 'infirmity' would be helpful.

Para 17 Ends abruptly.

Para 24 Reference is made to the need for Adult Protection Committees (APCs) to 'review their procedures (in particular, procedures for risk assessment and management)' It is the understanding of the Committee that it is the responsibility of the respective services and agencies to ensure they have procedures and the role of the APC to have the procedures submitted to the Committee who will be responsible for ensuring they are appropriate, and taken together all the procedures are compatible and consistent.

Para 28 The last bullet point would be considered the responsibility of the local authority, rather than the APC.

Para 29 As referred to under Para 24 – the Committee has an overview of all procedures prepared by the services and agencies, and ensures consistent reference is made to guidance on the convening of multi agency meetings.

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?

It was thought that this section gives greater emphasis to the support needs of carers, rather than an adult at risk. The section would also benefit from the recognition that there will be at times be conflict between the needs of the adult and the carer and that it will be for those intervening to ensure both adults are included, but ultimately the safety and wellbeing of the adult is the purpose of intervention.

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?

Para 10 – 14 It was thought this section would benefit from highlighting the overlap of the work of the public bodies in responding to adult protection concerns in respect of individuals and the role of national bodies with inspection and registration responsibilities. That the distinction should be made clear between for example complaints the Care Inspectorate may receive and adult protection, and the possibility that adult protection could become a means of investigation of complaints on behalf of the registration and inspection body.

That as a result of this approach, issues of concern may be dealt with on an issue by issue basis as a matter of adult protection solely, and the opportunity is missed for the situation to be dealt with as a more systematic failure under registration or inspection powers.

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?

It was thought that this section was a useful addition to the Code.

It would be helpful to include reference to 'dissent' when there are differences between agencies on perhaps the identification of an adult as an 'adult at risk of harm', or where there may be differences of view at a case conference on actions to be agreed.

It would also be helpful to include reference to 'escalation' of concerns – either within agencies by staff members, or across agencies when it is thought necessary actions are not being taken.

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.

As stated in response to Q2, at times it appears that the carers receive greater attention within the Code than the adult thought to be at risk. It is recognised that to ensure the safety of an adult, an important focus will be on ensuring the needs of a carer are acknowledged. Given that to date statistics gathered indicate that the most frequent cause of harm will be a family member, it is important to also ensure inquiry and investigation keep the adult and their views at the centre of the process.

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.

The revised code offers further clarity, particularly in areas that had not previously been included.

Any further comments

Chapter 4

Para 6 include reference to the option of seeking a Warrant for Entry.

Para 9 First and second bullet points confusing – are they the same?

Para 11 Where there are delegated powers to NHS – should inclusion of staff able to carry out ‘council officer’ role be identifying particular staff groups, for example those registered with NMC

Para 13 That the adult’s consent is not required when there is a ‘duty to report’ should be included