

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: **Does Chapter Help:** Yes – overall the additions contained within this chapter are very helpful. The new chapter on ‘*risk* of harm’ (as opposed to just ‘harm’) is welcome. Paragraph 7 is helpful in outlining the way forward when an adult refuses intervention as is the distinction between ‘unable’ and ‘unwilling’ to safeguard.

Paragraph 13 – re problematic alcohol and drug use will also prove valuable. The SDS input builds on the IRISS strengths based approach to positive risk management. Key messages underpin the values of self directed support. The section on young people in transition is very welcome – it is helpful to emphasise that ‘vulnerability’ is fluid and young people may be in need of support and protection only temporarily.

Changes: Paragraph 17 – young people in transition – paragraph has words missing at the end and therefore does not currently make sense.

Potentially the route by which a young person becomes vulnerable could determine the ‘lead’ in terms of APC or CPC.

Paragraph 24 – refers to assessment, planning and review arrangements involving children living in the household – wording requires further clarity as current working seems to propose children are involved in on going management of risk to the adult.

Paragraph 26 – refers to multi agency meetings to support and protect adults and any children living in the household – again, wording requires further clarity, particularly for circumstances in which the needs of each may be in conflict.

Paragraph 29) – should also agree individual/ agencies accountability in providing for these support needs.

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 **Does Chapter Help:** Yes – this chapter is now much fuller than the previous guidance. Clarification of the role of Advocacy will be helpful and the role of the APC in auditing the extent to which adults are enabled to participate as fully as possible is very welcome.

Changes: Potentially consider use of video conferencing to allow person to have their views heard but not be faced with attending large multi-agency group.

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 **Does Chapter Help:** Helpful to clarify at paragraph 16 re 'duty to inquire' – that responsibility is not removed, even when adult at risk declines to participate.

Guidance on when a Large Scale Inquiry should be held is helpful. As is the need to consider associated legislation (i.e. Forced Marriage)

Changes: Some complex issues not covered – such as the involvement of a number of different local authorities.

Further guidance on who should lead this type of investigation would be helpful.

At paragraph 13, how should the public be kept informed? This seems to infer a duty to advise the public of a LSI? It could be helpful to include guidance in relation to managing public concerns/media attention/community anxieties and could form part of a wider Communications Strategy as with Child Protection Committees.

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 **Does Chapter help:** Yes, as this Chapter is a new addition to the Guidance, it's inclusion on the role, function, skills and requirements of the multi-agency decision-making meeting (the Case Conference) are welcome.

Changes: The Guidance does not include any detail on timescales (i.e. for convening meetings, distributing minutes etc.) or for follow up on decisions made – is this because they are considered to be issues within the remit of the individual APCs?

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 **Does Chapter help:** Yes – outlining 3 different models is helpful.

Changes: There are issues regarding confidentiality, IT Security and data protection (i.e. sensitive papers being sent to personal – non secure – e-mail addresses in people's homes – subsequent storage issues etc.) for both Carer Representatives and Independent Convenors – which could perhaps just be highlighted as requiring some consideration from APCs.

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 **Helpful:** Yes – overall the revisions are extremely helpful

Changes: Chapter 7 - Is now entitled '*Adult Protection Investigations*' (this was only called '*Visits*' previously). As such it clarifies when an *inquiry* should become an '*investigation*', and the powers that Council Officers have in carrying out AP investigations, including visits to the adult's home or elsewhere.

Chapter 10 – it seems contradictory that Section 10 of the Act permits council officers to obtain and inspect health records but that health records

can only be read by a health professional. This is further confused by the content of paragraph 10 which states health practitioners may inform investigations by providing reports but that these types of records are not the ones referred to by Section 10 of the Act?

Chapter 14 –Banning and temporary banning orders. This includes new sections (61-63) helpfully outlining *other* legal routes to protecting an adult at risk of harm where a banning order is breached (NB Legal Service may wish to comment on this)

Chapter 16 – Adult Protection Committees – is considerably expanded. It now includes recommendations that LA's establish a COG group, stipulates that membership **MUST** include a representative from **Healthcare Improvement Scotland** (NEW - see p.104), makes suggestions on wider membership and representation, and sets out the APC's responsibilities in monitoring , reviewing and reporting (including useful guidance on the content of the Biennial Report). It also outlines the APC's responsibilities to provide training, and to develop a broader communication strategy to raise wider awareness of AS&P.

Paragraph 34 – examples of performance trends proposed here are very process led, there should be greater encouragement to evaluate outcomes for individuals.

Paragraph 37 – would it be better to use the same terminology as in child protection ie Significant Case Reviews, or is there a view that processes should be differently named to avoid confusion?

Paragraph 38 – note that it is the APC which approves the biennial report. What is the role of Chief Officers? Paragraph 5 makes reference to a Chief Officers Group but this is very vague.

Any further comments

Comments Overall – the proposed revisions to the Code of Conduct have been very positively received in North Ayrshire.

(Chapter 12 (sub section 1) – third line – should be 'from' rather than 'form'.)