

## 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?

We agree that the chapter enhances understanding of the legislation and to whom it applies. We welcome the additional section on drugs and alcohol and feel that it is extremely useful.

We are pleased to see that the Code of Practice acknowledges the potential for harm to be carried out in a wide range of settings, not just at home or in residential accommodation, but also within NHS establishments.

We make the following suggestions, which we feel would further enhance the document:

We feel it would be beneficial if a section on self-harm and attempt suicide, similar to that of 'Drugs and Alcohol' was also included, as the Police are often called to deal with this type of behaviour too. Often those who voice their intention to self-harm or attempt suicide have been using alcohol.

We are concerned about the growing disparity between pieces of legislation which stipulate the age of a child and feel that there is a very real danger of young people 'slipping through the net' due to these differences. The Adult Support and Protection legislation clearly states that an adult is someone over the age of 16 years, whereas the Children and Young People (Scotland) Bill is based on the UN Convention on the Rights of the Child that refers to a child as being under 18 years of age. This Bill also includes the following references to age

- A duty on the local authority to assess a care leaver's request for assistance up to and including the age of 25 years, and
- That all children and young people from birth to 18 years old have access to a named person.

Further to this, Child Protection procedures take priority for 16/17 year olds who have been trafficked.

We feel that the Scottish Government needs to clearly define the age of a child, so professionals are in no doubt of an individual's status when they reach 16 years of age.

We are also concerned about the use of 'multi-agency meeting' when referring to meetings attended by partners to discuss an adult protection case. Case conference is the language used in child protection and MAPPA when referring to meetings attended by partners. Corporacy of language between all strands of public protection would negate the potential for confusion.

The group welcome the inclusion of information on Self-Directed Support but feel it could be better placed within the document. Inserting the information next to risk and harm has the potential to give self-directed support an image that professionals are trying hard to avoid. As the ethos of self-directed support is empowerment, we feel that it would be better placed in Chapter 5, with a small acknowledgment of the potential for risk of harm to those who receive self-directed support added to Chapter 3.

We also feel that the chapter would be further enhanced with an explanation about consent, capacity to give consent and power of attorney.

### **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 cover the issues arising from ensuring as far as possible full participation by adults in decision making?

If not, what changes would you suggest?

We re-iterate the comments made in question 1 with regards to the use of language and that case conference should be used instead of multi-agency meeting.

We fully recognise the importance of the role of those providing advocacy but there is a concern that demand will outstrip availability.

### **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?

The new guidance is very positive and gives a good explanation of large scale inquiries which is clear and helpful, although the terms Large Scale Inquiries and Large Scale Investigations have both been used throughout the document. Again, this anomaly needs to be addressed.

There is mention made of social work services leading on investigations. Consideration may need to be given for the document to be updated to reflect the change to social work and health integration, which has already been implemented in a number of areas.

#### **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?

Due to different processes adopted for Adult Protection throughout the different local authority areas, any information on multi-agency approaches must be very generic. This chapter therefore, does not add anything of value to the document. A paragraph guiding people to their local inter-agency guidance would be of greater benefit.

#### **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.

We feel that the code does succeed in seeking to develop good practice as regards service user and carer involvement and have no further suggestions for further improvement.

#### **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.

We feel that the code does give enough guidance to inform Police Service of Scotland staff of their professional responsibilities under the act. This document, coupled with local inter-agency guidance and Police Service of Scotland policy will enable staff to carry out their professional responsibilities effectively.

#### **Any further comments**

Much time and effort is being spent nationally on ensuring there is an Adult Protection data collection system which is fit for purpose. Unless definitions are pre-determined and rigidly adhered to by all statutory bodies, the data

produced will remain inaccurate. We feel that the Scottish Government need to impress upon all statutory bodies, the importance of accurate data collection and, due to this, the need to use the pre-defined definitions.

There is also a requirement for a greater emphasis on data sharing between statutory bodies, particularly by NHS colleagues.

On the whole we are pleased with the overall document, but trust you will look favourably upon suggested changes.