

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 A helpful chapter that is well written. In principle it is appreciated that taking into account the wishes of other significant people related to or supporting the adult at risk is a good thing, but there should be some guidance for situations where the nearest relative/carer is the perpetrator of the harm.- which in our experience is not uncommon.
In discussions locally it has emerged that there remains some difficulty for staff in understanding that being “unable to protect” does not necessarily equate to lacking in capacity and we think that this may be a barrier to agencies referring concerns about an adult who is possibly at risk. We wondered if this could be addressed in 11 (p26) as this paragraph gives a very helpful definition of what unable to protect may mean.

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 Again a helpful and useful chapter. Again the issue of a relative/carer being the source of harm to an adult at risk (which is very common experience in investigating adult protection issues) is not addressed

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 helpful to have a section on the management of large scale enquiries. However we feel that this section is not detailed enough in that it does not specify that there should be planning and oversight by a multi-agency group of senior managers. This is something that should have been learnt from the poor management of large scale inquiries both for child protection and adult protection and has been a criticism raised in numerous SCRs that looked at complex and large scale inquiries.

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 Yes it provides clarity and support. However, there is a concern regarding the consent of the individual to share information between agencies. This has already caused some difficulty and more guidance is required to ease the flow of information between those agencies involved. Is there potential to legislate to assist information sharing? Additionally in Chapter 11 paragraph 3 (p65) speaks about multi-agency meetings as being the best way to identify and manage risk. We feel that there are many different types of multi-agency meetings and that the code of practice should be clear that these specific meetings are Adult Protection Case Conferences and Reviews in order to distinguish them from many other meetings and to be very clear about their purpose.

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 Chapter 5 deals with the inclusion of the adult in the decision making process. This is seen as good practice, with the limitations set out in the response to Question 1. We also liked the additional clarity around the use of advocates and the requirement that reasons should be clearly recorded where advocacy is not deemed appropriate and the revised guidance also gives the definition and principles of independent advocacy which is useful.

Chapter 16 is seen as being useful as guidance to APC's regarding the inclusion of service users and carers. However, given the nature of some of the agenda items and the small communities in the outer islands, confidentiality is a major concern.

It is suggested that a Service User and Carer Sub-Group should be formed. It should be organised by Third Sector personnel and not by any of the statutory

agencies. There should be mechanisms in place for items from the Sub-Group to be discussed at APC 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 Overall this is helpful document that will assist us in our work

Any further comments

Comments The new draft Code should clarify some of the issues that have arisen since the Act came into force. We would want to make the following comments

- The forthcoming introduction of legislation about self-directed support is not mentioned. Protecting adults who are employing people to meet their care needs holds some potential for risk and harm and needs to be addressed in an updated code of practice
- Recently the Information Commissioner clarified, for the purposes of GIRFEC, that agencies can share initial concerns about the well being of a child before they reach the threshold of significant harm and child protection. Something similar for adults may also be helpful
- Whilst, again, useful as guidance more needs to be added with regard to issues of consent to information sharing, and to confidentiality with regard to service user and carer involvement in APC meetings.