

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

We welcomed the clarification on alcohol and substance misuse.

Paragraph 2 states that care providers are bound by the principles. I think it should be clear how care providers are bound by the principles. The assumption is that it is through the Act but in fact it is through the contract they have with the public bodies.

Paragraph 5 should also be amended where it speaks about an intervention being the option that is least restrictive. It should be made clear that it is *from the options available, the least restrictive to the adult's freedom* as written in Chapter 4 Paragraph 2.

Paragraph 6 It would be helpful to have clarification in the Code on what could constitute *less favourably*. An example would be useful. It would also be helpful to have a link to chapter 5 after the section on the *wishes of the adult*

Paragraph 7 states that if there conflicting drivers within the principles then *decision making should occur on a multi-agency basis*. Here will be some cases when it is not possible to make multi agency decisions. Also if the decision is multi disciplinary how would this be achieved. Is it by telephone or a planning meeting etc?

Paragraph 11 we welcome the definition of *unable*

Paragraph 15 It is helpful that the Code states clearly that an Inquiry should be made every time that a referral is received and that no assumptions

should be made based on previous referrals. This recognises that a person's situation can change

Paragraph 16 It would be beneficial if this paragraph was framed in a more positive way instead of *does not absolve authorities* it rather makes it even more necessary to consider other possible assistance.

It says that consideration *should* be given to support would it not be better to say *must*

Paragraph 17 the last sentence appears not to be complete.

Paragraph 20 It would be helpful to include a sentence on the fact that what constitutes harm will be different for each person.

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?

Paragraph 5 speaks about appropriate services – it would be helpful to have a definition and examples of these.

The guidance on recording and revisiting advocacy is welcomed. However, it would be clearer to discuss a *visit* rather than *intervene after making inquiries*. This would be consistent with chapter 8 paragraph 10.

Paragraph 8 - it might be helpful to add Scottish Independent Advocacy Alliance

Paragraph 9 should probably have a title Safeguarder

Paragraph 11 The code is again vague on the meetings, - *multi agency and other meetings*. It needs to be explicit for consistency

Paragraph 12 If an authority has an Independent Chair they would not necessarily have responsibility for all the responsibilities in this paragraph, they would fall to the Team Leader/Manager. The paragraph should rather say that responsibility should be taken to ensure that these actions happen.

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?

This chapter was not clear on what actions constitute an inquiry, both for large scale and ordinary. It talks about gathering information. But how much do you gather? Does it include visiting the person at risk or not? This is not mentioned in this chapter but is in chapter 4 paragraph 5 when talking about inquiries. If you visit you may be into an investigation before you know it and you may not have told the person their rights. If you visit should the rights be made clear anyway?

Paragraph 13 also blurs the inquiry and investigation by talking about the investigation being proportionate in a chapter on Inquires. It also mentions the public being kept informed – which part of the public? Does it mean an acknowledgement letter should be sent to a referrer?

Paragraph 15-17 There should be more clarity around where an *adult at risk declines to participate* – is this when they discuss the situation with the referrer or is it during 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?

This chapter is welcomed however the content should be explicit about what the meetings are. Paragraph 7 speaks of multi agency protection planning (and review) This could mean an initial case conference and then a review case conference. Or is it discussing a planning meeting/case discussion without the adult at risk present?

This chapter should also distinguish between the different types of meetings and give a further explanation of the possible structure of a case conference. Can there be a professionals section first etc

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.

These chapters are useful especially the section on the involvement of

service users in the committee.

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.

Chapter 1

Paragraph 4 Discusses safeguards. The first bullet point does not appear to be a safeguard.

Paragraph 15 – the last sentence should also include reference to establishing what further action may be required

Chapter 3 – there were two typing errors in paragraph 24 *emphasis* instead of *emphasises* and *individuals'* instead of *individual's*

Chapter 4

Paragraph 2 – This paragraph appears to be a little confusing In the last sentence would be clearer if *it is only permissible* was replaced by *the intervention is only permissible*. However, there is little discussion here or in chapter 1 to which it refers on what constitutes the options available.

Paragraph 5 The first bullet point appears to be inaccurate. Section 4 of the Act only talks about inquiries and not visits. Visits are section 7. Second bullet point should probably have *section 11-22* added.

Paragraph 14 For accuracy it should probably be mentioned that some of the public bodies referred to in Section 5 have been renamed.

Chapter 7 AP Investigation

It would be helpful in this chapter when it speaks about planning the investigation if it could be more explicit about how this is done – ie is a meeting between Team Leader/Council Officer sufficient or should it be a planning meeting/case discussion, inter agency as appropriate?

Guidance on large scale investigations would also be helpful.

Paragraph 5 again talks about visit in relation to *conducting inquires* but this chapter is on investigations – would it be better to say *gathering information*

Chapter 8

Guidance on the recording of the interview would also be helpful. – verbatim or not? Which parts should be verbatim?

Chapter 10

Paragraph 9 and 11 refers to Chapter 1 it should be Chapter 3

Any further comments

The revised Code of Practice is welcomed so that current good practice is included.

It would be helpful if there was consistency of language and language – especially around inquiries and meetings. Further clarity on the difference between inquires and investigations would also be helpful

Undue pressure is not defined until assessment orders are discussed but is mentioned in a number of places before. Would it be helpful to have a definition earlier? The same could be said about capacity.

It would also be useful if there were a few more practice examples