

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 are pleased to see a clearer definition added to the Code of Practice. However, more is needed in terms of being able to gain/access an assessment of capacity quickly. Practitioners noted that there is often difficulty in accessing necessary capacity assessments timeously via GP/Psychiatric services.

We welcomed the specific section on Young People in Transition as this can often be a difficult time.

Sections 23/24 - The Self Directed Support section is informative however given workers will have no control over who individuals employ to provide care there should be guidance added about how to take forward concerns should they arise.

Other proof reading issues

(Final sentence on p27 doesn't seem to end properly)

(Chapter 4 – Section 3 – second last bullet point – Council officers may not use force to facilitate, or during a visit. Is there a word missing here?

Section 9 – second bullet point is repeated

Section 13 and 15 have the same information However it should be noted that under sec 5(3) if the public body/Where a named public body)

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?

There may be some benefit to adding a section about the role of Welfare Guardians as in practice it appears there have been occasions when a welfare guardian has taken the decision that they do not want the adult present and have refused advocacy for the adult.

Within section 21 it has been suggested that wording should be added " Best practice would dictate that separate advocacy workers be appointed for adult and carer" as this would avoid conflict of interests.

The term multi-agency meetings is used but this is not felt to be useful in practice. It is important, for staff and service users, to be aware of the different types of meetings which range from IRD, Initial Case Conference, Review Case Conference, Core group meetings, and sometimes Network/practitioners meetings. It would make case based auditing and self evaluation very difficult if they were all merged into one term. It would be useful if the different types of meetings were laid out in Section 10 before moving on to the points made.

Other suggested amendments from local advocacy services:

Para 5

- Remove 'consider' the provision of appropriate services including independent advocacy services to the adult concerned. Substitute this for 'and to include'. Make it a duty to include independent advocacy.
- Amend the phrase "where advocacy is not deemed appropriate" to "If independent advocacy is declined by the adult, or not deemed as necessary, the reasons for this should be clearly recorded..."

Para 10

- The views of the Adult with Incapacity are often not sought during the ASP process. In order to protect their Equal Rights, make this explicit in the wording of the Code of Practice by amending the phrase "If the fullest possible participation of the adult at risk in their protection from harm is to be achieved, he or she needs to be included in all decision-making processes about their protection" to "...he or she needs to be included, whether deemed as lacking capacity or not, in all decision-making processes..."

Para 12

- The term "pre-meetings to fully explain the agenda" needs clarification. With who? The ASP Chairperson? Care Manager? Social Worker?
- After "...and options....advocacy or other representations", amend with the addition "Any pre-meetings to fully explain the agenda and options, including advocacy support or other representations, must be documented".

Para 15

- Make the addition - "However, the adult should still be informed in advance of the meeting and their views sought and fully documented".

Para 16

- Amend “In such circumstances...whether this is an advocate or other designated person” to – “In such circumstances...whether this is an advocate and/or other designated person”.

Para 21

- Remove “managing any conflict of interest”. Substitute this for “highlighting any conflict of interest”

Other notes:

(Section 16 should be split. The next section should start ‘In either case....’
Section 22 ‘their needs can be reassessed’ consider ‘their needs can be reviewed’?)

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?

It is felt that the ‘duty to co-operate with SWD’ should be reinforced in this section again.

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 section is welcomed as an addition. However in Section 4 and 5 it is felt that the language should be more prescriptive using ‘must’ instead of ‘should’ as this again would highlight the ‘duty to co-operate’.

Para 7 After “To record whether the adult at risk has not been invited or has chosen not to attend”, insert addition “and the reason why?”

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.

The importance of service user and carer involvement is stressed throughout the Code of Practice.

However there are other ‘stakeholders’ felt to missing in terms of the suggestions for the ASP Committees.

Chapter 16 Section 9

It is unclear why other ‘protecting people’ representatives are missing from this section – such as Violence Against Women and Alcohol and Drug

Partnerships, which are noted in the Child Protection guidance.

Para 10

- Add “local independent advocacy organisations”

Para 20

- Add to “Every possible means of facilitating participation (such as pre-meetings, supporters, advocacy support, interpreting services and the payment of travel expenses) should be considered”.

Para 22

- Amend “Committees may consider inviting Advocacy and Carer organisations....” to “Committees should consider inviting Advocacy and Carer organisations....”

(Section 24, top of page 108 – convenor is typed as convener)

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.

There are times when it is felt that the language could be more prescriptive. For example Chapter 8 Para 9

Make the addition to “...must consider all appropriate ways of assisting the person to participate, including advocacy support”.

Para 10

Change the word “might consider” to “should consider”.

Para 18

After “.....independent advocate”, insert “and this should be documented”.

Chapter 12

Para 7

Amend “Consideration must also be given to whether the adult should be referred to an independent advocacy organisation or provided with other services” to - “Pro-active consideration must also be given to whether the adult should be referred to an independent advocacy organisation or provided with other services, and this should be documented”.

Para 30

Amend “...this should be indicated to the court by the council” to – “...this should be documented and indicated to the court by the council”.

Chapter 14

Para 9

Amend “Where a Council is applying for an order it must consider whether the adult at risk should be referred to an independent advocacy organisation or provided with other services” to “Where a Council is applying for an order it must pro-actively consider whether the adult at risk should be referred to an independent advocacy organisation or provided with other services, and this should be documented”

Any further comments

Comments