



**Adult Support and Protection (Scotland) Act 2007**

**Adult Protection Committee Guidance**

**Analysis of Consultation Responses**

**October 2008**

## **Acknowledgements**

We would like to acknowledge and extend our thanks to the range of respondents who took time to consider the consultation document and submit their responses.

## **Executive summary**

The Adult Support and Protection (Scotland) Act 2007 (the Act) was passed by the Scottish Parliament in Spring 2007. Part 1 of the Act, which is scheduled to commence on 29 October 2008, introduces new measures to identify and protect adults at risk of harm. These measures include a legislative framework for the creation of local multi-agency Adult Protection Committees (APCs) across Scotland. The Act requires APCs and councils to have regard to any guidance issued by the Scottish Ministers about their functions under the Act.

On 20 May 2008 the Scottish Government issued a consultation on draft guidance for APCs. The guidance was developed with the help and advice of a number of existing APCs established early by some authorities in preparation for implementation of the Act.

Overall the response to the consultation was positive with respondents welcoming the introduction of APCs and the associated flexibility which will enable policies and procedures to be developed and agreed to reflect local needs. The main areas attracting comment were around APC formation and membership; the independent convener role; procedures and practices; training and awareness-raising; and information sharing systems, data collection and reporting.

## Distribution and responses

The consultation paper was distributed to more than 280 organisations as well as being made available on the Scottish Government website. The distribution list is set out in **Annex A**.

Fifty five responses were received from a wide range of respondents with key interests in adult protection. The views represented are much broader as a number of local authority responses advised that their response also included the views of partner organisations they work with.

<b>Respondent classification</b>	<b>Number of respondents</b>
Health boards	5
Local authorities	21
Voluntary organisations	8
Medical and nursing bodies	6
Legal and other bodies	5
Advocacy	1
Representative organisations	5
Statutory bodies	3
Miscellaneous	1
Total	55

The list of those who responded is contained in **Annex B** and the remainder of this paper reports on the findings of the consultation.

## APC formation and membership

Clarification was sought about the duty to establish an APC and whether the Act allows for an APC to cover more than one council area.

There was general support for councils being able to appoint other representatives who can bring particular expertise to the Committee and for participation from service users and the voluntary sector “...*voluntary sector organisations are now very significant providers of services. Their input will be crucial in making sure the work of APCs is effective.*” It was also recognised that too wide a representation could result in committees becoming unwieldy.

The Procurator Fiscal Service indicated the importance of receiving papers about and attending APC meetings for those agenda items covering criminal justice issues. They also offered to attend other relevant agenda items such as procurator fiscal/police investigations into, or proceedings involving, the harm or death of adults at risk.

Several endorsed the importance of public participation and consultation and the need for mechanisms for input from the general public as well as other groups.

## Independent convener

While some highlighted the need to ensure the convener role was not misconstrued as having to be independent of all of the representative bodies on the APC, others expressed a preference for complete independence to prevent any potential conflicts of interest.

Some respondents supported the involvement of partner organisations in the recruitment and appointment process. A small number of respondents also asked for a national job description, pay

scale and accountability structure for the convener post and for further guidance on their role and expected knowledge, skills and experience.

### **Procedures and practices including those affecting more than one APC area**

The emphasis on partnership working was commended.

There was general support for the development of local policies and procedures to reflect local needs. As one respondent noted, *“It is helpful to local authorities and their adult protection partners as they prepare for the setting up of the APC, without being unnecessarily prescriptive. It recognises the need for local responses to the configuration of the APC and the governance mechanisms required.”*

Several respondents also supported the need for procedures to be both multi-agency and multi-disciplinary and asked that recognition be given to the work that voluntary agencies do and the expertise they have. Others welcomed the recognition that local procedures should address the importance of effective communication and provide clear guidance in relation to advocacy, support services and representation for adults at risk.

However, some respondents questioned how agencies who worked across more than one APC area could operate efficiently with different procedures. Others highlighted the benefits of a centralised approach. They suggested that some nationally developed procedures and practices would provide benefits, not least a consistency of practice, especially for those providing services in more than one area. Other respondents suggested generic information sharing protocols or guidance, which would achieve a common response, would help in incidents which happen across authorities when adults move area or for those issues that have a cross-boundary aspect to them.

Some respondents held the view that case review is an essential part of the regulatory role of the APC, fundamental to making the essential links between strategy and operation, with a view to developing best practice going forward and more importantly in monitoring significant cases where a failure of service provision, process or procedures appears relevant. Support for learning from critical incidents also featured.

### **Training and awareness raising**

A number of respondents sought an overarching national approach to training that could be adapted to meet local needs. Some suggested that training should take account of the needs of voluntary and other non-statutory agencies that play a key role in adult protection. Others proposed additions and amendments to paragraph 21 of the guidance which sets out those elements that a local training strategy should address.

Recognising the relevance of their functions in the investigation and prosecution of crime, the Procurator Fiscal Service offered to play a role in any multi-agency guidance or training provided by an APC that concerns criminal justice matters.

A number of respondents acknowledged the need for those who use services to be aware of their rights and of the supports available to them. Some proposed the development of information leaflets as part of a national communications programme. Others suggested involving service users in the delivery and development of training programmes.

### **Adult Protection Units**

Viewpoints differed. Most respondents recognised the important role of the APU as the main link between strategic and operational activities. However others suggested the need for more flexibility to meet local needs and fit in with existing structures.

### **Information sharing, data collection and reporting**

A number of respondents agreed on the importance of promoting a culture of information sharing and the need for information sharing protocols. As one respondent put it *“The APC must continue to stress the key message that everyone bears a responsibility for the support and protection of adults at risk; and that timely and appropriate sharing of information is a key component of successful risk assessment and protection planning.”*

However several others questioned the appropriateness of APCs developing different information sharing protocols and the impact this may have on the number and complexity of checks and mechanisms being created. Others highlighted a potential for confusion regarding any incidents affecting more than one APC area if different protocols and procedures were adopted and applied.

There was strong support for the development of a national approach to data collection and reporting. A number of potential benefits were cited including:

- linking into single outcome agreements;
- promoting consistency of information to be collected;
- setting high level national data requirements;
- building in flexibility to address local data requirements and information sharing protocols;
- enabling meaningful comparison of data;
- getting the best value out of the data collection; and
- measurement of APC performance between areas.

The biennial report requirement attracted a number of suggestions for content:

- a need to measure outcomes;
- incorporate a comparison of pre- and post-Act activities in the first biennial report;
- include outcomes achieved for adults at risk of harm; qualitative comment on peoples' experiences; and an account of the involvement and participation of non-statutory bodies such as service users and carers and service providers;
- add-in any significant case reviews undertaken by the APC;
- report on the types of support provided to an adult including independent advocacy.

### **Annexes**

The purpose of Annex 1 was to cover provisions of the Act in more detail and this was well received. Annexes 2 and 3 provided examples of potential datasets for reporting on adult protection and a potential framework for audit and evaluation. These were incorporated for illustrative purposes only although a number of respondents did comment on them.

## Consultation distribution list

In addition to being distributed to the following organisations, the consultation paper was also available on the Scottish Government website.

ACPOS Advocates Library Apex Scotland Association of Directors of Social Work Association of Scottish Local Authority Health Improvement Officers British Association of Social Workers British Federation of Care Home Proprietors British Medical Association Scotland Care Commission Chief Executives, Local Authorities Chief Executives, NHS Boards Chief Executives, NHS Boards Operating Divisions Central Constabulary Citizens Advice Bureau Scotland Community Care Providers Scotland Community District Nursing Association Community Psychiatric Nurses Association Convention of Scottish Local Authorities Counselling and Psychotherapy in Scotland Crown Office Dumfries and Galloway Constabulary Directors of Housing Local Authorities Directors of Social Work, Local Authorities Disclosure Scotland Edinburgh Lothian and Borders Executive Group (ELBEG) Enable Scotland Equality and Human Rights Commission Fife Constabulary General Medical Council Scotland Grampian Police Heads of Children's Services, Local Authorities Health Professions Council Scotland Inclusion Scotland Law Society of Scotland Legal Services Agency Lord President and Lord Justice General Lothian and Borders Police High Court of Justiciary Medical and Dental Union of Scotland Medical Defence Union Medical Protection Society Mental Welfare Commission for Scotland	NHS Health Scotland NHS National Services Scotland NHS Quality Improvement Scotland Northern Constabulary Nursing and Midwifery Council Office of the Public Guardian Royal College of Anaesthetists Royal College of General Practitioners Royal College of Nursing and Midwifery Royal College of Nursing Scotland Royal College of Physicians of Edinburgh Royal College of Physicians and Surgeons of Glasgow Royal College of Psychiatrists (Scottish Division) Royal College of Speech Therapists SACRO SAMH Scottish Association of Care Home Owners Scottish Association of Health Councils Strathclyde Police Tayside Police Scottish Care Scottish Consortium for Learning Disability Scottish Council for Voluntary Organisations Scottish Council of Independent Care Scottish Federation of Housing Associations Scottish General Practitioners Committee Scottish Government Library Scottish Health Services Centre Scottish Independent Advocacy Alliance Scottish Information Commissioner Scottish Law Commission Scottish Legal Aid Board Scottish Parliament Information Centre Library Scottish Police College Scottish Police Federation Scottish Prison Service Scottish Social Services Council SENSE Sheriff Principals Sheriffs' Associations Social Work Inspection Agency State Hospital for Scotland STUC Unison Vulnerable Adults Alliance Scotland
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## Consultation respondent classification list

No organisations that responded to the consultation requested that their response was to be treated in confidence. However eight organisations did not indicate their preference in this respect, and it has not subsequently proved possible to confirm this. For this reason, these eight responses have, by default, been treated in confidence. This will account for any discrepancy between the following list and the table on page four of this analysis.

<p><b>Health boards</b> Dumfries and Galloway NHS Board NHS Ayrshire and Arran NHS Grampian NHS Lothian NHS Tayside</p> <p><b>Local authorities</b> Aberdeen City Council Aberdeenshire Council Argyll and Bute Council (including NHS Argyll and Bute Community Health Partnership) Comhairle nan Eilean Siar Dumfries and Galloway Adult Support and Protection Unit Dundee City Council Social Work Department East Renfrewshire Community Health Care Partnership Midlothian Council (including views of Midlothian Adult Protection Committee member organisations) North Lanarkshire Council Housing and Social Work Services (including views of Vulnerable Adults Protection Committee) Orkney Islands Council Renfrewshire Council (including views of Adult Protection Committee) Scottish Borders Adult Protection Committee Shetland Council (including views of local Vulnerable Adult Working Group) South Ayrshire Council West Lothian Adult Protection Committee</p> <p><b>Voluntary organisations</b> Age Concern Capability Scotland ELCAP ENABLE Scotland</p>	<p>Inclusion Scotland People First (Scotland) Scottish Council on Deafness Salvation Army</p> <p><b>Medical and nursing bodies</b> British Medical Association BUPA British Psychological Society National Schizophrenia Fellowship (Scotland) NHS National Services Scotland Royal College of Psychiatrists</p> <p><b>Legal and other bodies</b> Crown Office and Procurator Fiscal Service Grampian Police Scottish Police Federation The Law Society of Scotland</p> <p><b>Advocacy</b> Scottish Independent Advocacy Alliance</p> <p><b>Representative organisations</b> Association of Directors of Social Work (ADSW) Community Care Providers Scotland Edinburgh, Lothian and Borders Executive Group (ELBEG) United Kingdom Home Care Association Limited</p> <p><b>Statutory bodies</b> Care Commission Scottish Social Services Council Social Work Inspection Agency</p> <p><b>Miscellaneous</b> Christian Science</p>
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