

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.

We are generally happy with the draft Code, but would like to make the following specific points:

- There is a slight lack of clarity relating to the specific obligations of individual health professionals, such as GPs, in relation to sharing information about vulnerable adults who may be at risk. What sort of harm threshold for example is required to be reached before information is disclosed. Also, given the professional duty of confidentiality, should consent be sought and how should a doctor proceed in the face of a competent refusal of disclosure?
- In chapter 9, under the section 'does an individual have the right to refuse a medical examination', the primary obligation to seek consent should be emphasised at the outset, rather than being framed, as it is currently, under a general and negative 'right to refuse.' It would also be helpful to highlight the differently inflected obligations of treating and forensic doctors.
- It might be helpful to spell out more clearly whether or not some of the orders grant the authority forcibly to remove adults - including competent adults not able to act autonomously to promote their interests - to a place of safety, but that it clearly does not extend to the right to keep them there against their will. This is currently a little confusing and clarity over these vital issues is extremely important.
- There is some specific confusion in relation to chapter 10 and the disclosure of confidential information. It is not clear, for example, whether a competent refusal in relation to the disclosure of information should be respected - is getting consent from a competent adult an absolute requirement or is it merely best practice? Would a professional duty of confidentiality amount to a 'reasonable excuse' for failing to comply with a s.10 requirement to disclose information?
- In relation to the inspection of health care records, there is some confusion in relation to who can inspect medical records. Is it the case that the council officer can only inspect a health record if she or he is a health professional - if so, it might be helpful to spell this out a little more clearly.

There needs to be greater clarity about where the medical examination should take place. If it is to be carried out by the GP, then it may be at the GP premises, but that

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will not always be the case, for example, if a patient is moved outwith the practice boundary.

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